

Kitui County Assembly

THE HANSARD

First County Assembly – First Session

Thursday, 24th July 2013

The County Assembly met at 9:45am

[The Deputy Speaker (Hon.George Ndotto) in the Chair]

PRAYERS

(Honourable Mwalili walks into the house in a religious[Taqiyah] cap)

The Speaker: Honourable Mwalili! Out of the house; you are improperly dressed.

(Laughter as Honourable Mwalili exits the house)

The Speaker: Next Order.

County Assembly Clerk [Mr Mutambuki]: Administration of Oath.

The Speaker: Next Order. Communication from the Chair.

County Assembly Clerk: Next Order.

The Speaker: County Assembly Clerk: Messages.

The Speaker: Petitions.

County Assembly Clerk: Papers.

The Speaker: Next Order!

County Assembly Clerk: Notices of Motion.

The Speaker: Is there any notice of Motion?

Next Order.

County Assembly Clerk: Statements.

The Speaker: Next Order.

County Assembly Clerk: Motions.

The Speaker: Has the notice for this Motion been given by Honourable Wambua?

Hon. Wambua: Yes Mr Speaker Sir.

The Speaker: You have given notice of the Motion?

County Assembly Clerk: Yes Mr Speaker it was done yesterday.

County Assembly Debates

The Speaker: Or we can allocate some time for it; some time for debate on the Motion?

County Assembly Clerk: In the afternoon Mr Speaker.

The Speaker: Okay, in the afternoon.

Well, Honourable Members, I'm given to understand that there is an issue you were discussing yesterday about the seminar; you were giving your views on the seminar and probably suggesting the way forward. I don't know whether you closed that debate or it is still open. Are there people who have not given their views before we close the debate?

I as the Speaker had given permission for that debate to come to the house because there was no business yesterday afternoon, and as the Speaker I have the discretion to allow you to ventilate on any issue any time in the house; whether it is on the Order Paper or not. I can allow you debate on issues which I think you need to ventilate on, so the matter was before the house properly although it was not on the Order Paper. It was before the house properly.

I don't know whether there are people who want to say something about it or you closed the debate. Did you? I had asked you to talk about the seminar because it's important, not in a *Kamukunji* but formally because I want it formally done. If you have any suggestions you want to put forward, we'll take it up as the management to implement some of the proposals or suggestions that you may have on the seminar for the future. Anybody who did not get time yesterday to say what you wanted to say and you want to say something now?

It seems as if...

Mr Mwendwa.

Hon. Mwendwa: Thank you Mr Speaker Sir.

I want to join my colleagues who yesterday praised the training which we had at JICA; it was very important, we learnt many things especially the Standing Orders and it really helped us. What I wanted to comment is that if it is possible Mr Speaker, you can organise for a mock rehearsal just to do practically here what we learnt during that training. Because as you know, we had very little time; we didn't have enough time because even the trainers trained us and we had no time to do some practicals. So if it is possible, my request is that you organise just here we do some mock rehearsal so that those who were not in that training, because I know there were some who were absent, they can also learn it here practically.

Thank you Mr Speaker.

The Speaker: That's some good idea. You have learnt it through theories, maybe we can arrange for practical demonstration of what we learnt at JICA. Anybody else with something he wants to say?

Mr Mbiti.

Hon. Mbiti: Thank you Mr Speaker and the house at large Mr Speaker.

Mine is to say a word of thanks to the organisers of the seminar we had on 15th and 16th Mr Speaker. It was a very well organised seminar Mr Speaker in terms of finance, in terms of facilitators, in terms of attendance of the members Mr Speaker. Mr Speaker I've been attending a lot of seminars Mr Speaker, and the way this one was managed, it was the most beautiful one Mr Speaker. Mr Speaker I also want to thank those who had the opportunity to go ahead and prepare the document for us, Mr Speaker you know that not all of us have the... these things we are calling the... are they laptops or tablets Mr Speaker to get records of what was happening.

Mr Speaker I want to thank them because they went ahead and prepared something to put in our files so that we can be referring to them in future Mr Speaker. It is a very good idea that we can have such a seminar Mr Speaker. I want also to thank those who took the opportunity to go ahead and search for the Mr Werungas' and Mr Aruwomois' because much as I saw Mr Speaker or I heard, they're the best in all those who we have had in the past Mr Speaker.

So Mr Speaker I want to say that it was a good plan and I wish this honourable house will be having such programmes in future Mr Speaker. So Mr Speaker although not everybody was around to attend that seminar, I think some of the members were not available but I want to say that the programme was very nice and very well organised Mr Speaker Sir.

Thank you.

The Speaker: Very well. Anybody else who wants to say something?
Mheshimiwa wa Mwingi Central.

Hon. Mwangangi: Thank you Mr Speaker.

I have two issues I wanted clarification. One; there was an advert on Monday in *The Standard* newspaper talking of a seminar of all MCAs to Mombasa as Sai Rick, so we wanted communication on that. Also, yesterday when we had a meeting with the Governor, we had agreed on appointment of a five-man team. We had agreed of appointment of a five-man team to fine-tune drafts on proposals for implementation. So...

(Leader of Minority Hon Hussein Mwandia rises on a Point of Order)

The Speaker: Yes Honourable Hussein.

Hon. Hussein: the Honourable Member for Mwingi Central is mixing issues Mr Speaker. And if you allow me, I can declare him Out of Order.

County Assembly Debates

The Speaker: Order! Order! Order Honourable Hussein. What is your Point of Order? You didn't raise any Point of Order. What is your Point of Order?

Hon. Hussein: My Point of Order is this Mr Speaker. We had...

The Speaker: Is the Honourable Member in order... and then you continue from there.

Hon. Hussein: I think he's Out of Order...

The Speaker: Is the Honourable Member in order... and then you continue from there.

Hon. Hussein: Yeah. Mr Speaker, my question is; is the Honourable Member in order to mix issues, because the issue of *Kamukunji* which we had yesterday should not be discussed in this house Mr Speaker.

Thank you.

The Speaker: You are right. Honourable Member, we are discussing the seminar and not the *Kamukunji* yesterday. So, you are Out of Order! Avoid that one. Continue...

Hon. Mwangangi: Thank you Mr Speaker. I think I'm through.

The Speaker: You are through?

Hon. Mwangangi: Yes Mr Speaker.

The Speaker: Okay.

(Laughter)

The Speaker: Honourable Ngava.

Hon. Ngava: Thank you Mr Speaker first and foremost for giving me this opportunity for the first time. I don't know Mr Speaker whether...

(Laughter)

Hon. Ngava: I don't know whether I've been too short to be seen by your chair, but thank you.

Mr Speaker, concerning this last week's workshop, I congratulate you and your office. Mr Speaker what I noted Mr Speaker is that most of the members were not in due to unavoidable circumstances. And in that case Mr Speaker, I'll urge your Chair to maybe have another one in this town.

Thank you.

The Speaker: [Chuckles] This is your first time to contribute, is it?

(Laughter)

The Speaker: Congratulations because I give everybody an opportunity. [Chuckles] Make sure you say something, because your voters

County Assembly Debates

are watching you. They are watching you, make sure you contribute when there is something in the house.

Anybody else?

(There being no other member willing to contribute on the training, The Speaker proceeds with the business of the house for the day)

The Speaker: Right. It has been brought to my notice that there was an issue which was raised yesterday and I wanted to give some kind of guidance. About the role of the County Assembly Business Committee; I'm told that issue was raised yesterday to the extent that the House Business Committee was blamed for not bringing business to the house and bringing some small little things which are not real business of the house. And it was blamed for not doing that. If you allow me, I want to read the following:

1. County Assembly Business Committee – There shall be a select committee to be designated 'The County Assembly Business Committee' consisting of (membership).
2. The County Assembly Business Committee shall be appointed within seven days on assembly of a new County assembly.
3. In nominating the members to the County Assembly Business Committee, each County Assembly party can include its whip in to the membership.
4. In the absence of the Speaker, the Deputy speaker shall attend and chair. The Deputy Speaker shall attend – he doesn't have to be a member, but the Deputy Speaker shall attend and chair the meeting.
5. The County Assembly Business Committee shall; and I want you to pay attention to this because I want to say something about it. The County Assembly Business committee shall:
 - a) Prepare and if necessary from time to time adjust the County Assembly calendar with the approval of the County Assembly.
 - b) Monitor and oversee the implementation of the County Assembly business and programmes.
 - c) Implement the Standing Orders respecting the scheduling or programming of the business of the County Assembly and the functioning of the committees of the County Assembly.

- d) Determine the order in which report of committees shall be debated in the County Assembly
- e) May take decision and issue directives and guidelines to prioritise or postpone any business of the County Assembly, acting with the concurrence of the Leader of the Majority party or the Leader of the Minority party as the case may be.
- f) Consider such matters as may from time to time come to the assembly.

I am told the House Business Committee was yesterday accused of not bringing business to the house. We spent time with the people at JICA and they told you clearly how the business of the house is supposed to be generated. The sole business of the House Business Committee is purely to allocate time for the business before the house. The House Business Committees Honourable Members does not generate business for the house. *Kazi yao ni kusema hii ndio itakuja kwanza, hii ndio itakuja ifuate*; purely to allocate time for the business before the house. We were told by the people who were teaching us there that there are three sources of business for the house.

(Applause as Honourable Mbula walks into the house)

The Speaker: Why are you clapping, is it unusual for her to come to the house? And I think this is Ngwele...

(Laughter)

The Speaker: Why are you amused when Mbula comes, or she has been absent for quite a while.

Hon. Ngwele: We have been missing her.

The Speaker: [Chuckles] You have been missing her?

Okay Honourable Mbula, Ngwele welcomes you back to the house.

Hon. Mbula: Thank you very much...

The Speaker: Now, we were told the source of business in the house. Can anybody remember what we were told, ladies and gentlemen? What are the sources of business for the house? One... if you want to give an answer put up your hand. Please let us help each other. What is the first source, or one of the sources of business in the house? Yes Bwana Wambua.

Hon. Wambua: Committees of this house Mr Speaker.

County Assembly Debates

The Speaker: Committees of the house; they are the ones who are supposed to generate the business of the assembly. Two...

Yes...

Hon. Ngoima: Appeals from the public...

The Speaker: Sorry?

Hon. Ngoima: Petitions Mr Speaker.

The Speaker: Yes, petitions. Not appeals. Petitions from the outsiders; they can petition this house and that becomes business of the house. Three...

Hon. Mwendwa: Motions from the executive.

The Speaker: The executive; Motions, proposed legislation, mainly proposed Bills and legislation from the executive. Four...

Mutemi.

Hon. Mutemi: Members Mr Speaker.

The Speaker: Members! You are the main source of business in this house; you! Honourable Members, you are the source. You can solicit for petitions from your people, you can put Motions on behalf of your people, you can put Bills on behalf of the County Assembly – you can put anything to be debated here: Motions, Petitions or Bills. You and the committees are the main source, because the executive can decide they are not going to bother. They can continue going to visit *Silanga*, they can continue doing whatever they want to do, but that will let you dry out. Therefore, you are the main source of business for the house, and therefore if there was a feeling yesterday that the House Business Committee has not brought business here, I wanted to clear the air, that it is not the responsibility of the House Business Committee. It has no role; House Business Committee cannot bring a Motion, cannot bring a Bill, cannot bring a petition; it cannot bring anything to this house. It can only allocate time for debate by the house. Honourable Members, is that clear.

(Members unanimously agree)

The Speaker: So I think yesterday it was not fair to blame the House Business Committee because sometimes it has nothing to allocate; absolutely nothing to allocate, because there is no business. So in its own wisdom, it has to find something for the house to do in the meantime before you start bringing the business. It has to find something to keep you busy, to find something for you to keep on debating rather than telling you “today we are not meeting because there is no business” we can’t do that. The House Business Committee or the Speaker for that matter, when we find ourselves in a situation where we have nothing to bring to the house, we’ve got to invent. The Speaker and the House Business Committee have

to invent issues which can legally be discussed in the house although they may not have originated from the right quarters where they are supposed to originate.

I wanted to clarify that issue because the debate on that issue was misleading. I remember I chaired the House Business Committee briefly yesterday... was it yesterday or when? Monday, and we had difficulty to determine what we are going to discuss this week; we had to slot these things here and there, one, one here and there because there is no business.

Yes Ngwele.

Hon. Ngwele: Thank you very much Mr Speaker Sir.

I would just like to put some record straight because perhaps the briefing that you received on the debate yesterday may not have disclosed fully the sentiments that were expressed by those of us who raised issue with the business that we were discussing yesterday. Specifically, the complaint was that we are aware that there are Motions that have been filed; a good number of Motions, I remember for example that the Honourable Kilonzo had filed a very good number of Motions...

The Speaker: Sorry?

Hon. Ngwele: The Honourable Kilonzo had filed a number of Motions for debate, which the Chair in your wisdom thought at that point we were not ready to debate, and although the Motions were not withdrawn officially, they were just deferred for future debate. Our complaint was that the House Business Committee could actually have considered putting some of those Motions on the Order Paper because we understand some of those Motions are quite critical; we have a Motion on sand harvesting which is a big issue in this county, we have a Motion on charcoal burning, which is quite a big issue. So some of those Motions could have actually found their way into the Order Paper...

(Honourable Mbiti seeks to raise a Point of Order)

The Speaker: What is your Point of Order.

Hon. Mbiti: Thank you Mr Speaker for correcting me. Mr Speaker Sir, is the Honourable member for Ngomeni in order to mislead the house that he is the mover of the Motion on sand harvesting and we know the owner of the Motion, and he's not complaining. Is he in order to complain about the Motion Mr Speaker?

The Speaker: I think Honourable Ngwele is not purporting to be the mover of the Motion; he is saying that there are Motions. Perhaps if I got him right, he's saying there are Motions which have been brought into the house, instead of the house having no business, there are Motions which were ready to be debated. Is that what you are saying?

Hon. Ngwele: Yeah, Mr Speaker. Just like I had said that there is selective briefing, you've just noticed that there is selective listening, because ...

(Laughter)

Hon. Ngwele: I didn't say that I was the mover of those Motions. Thank you Mr Speaker for correcting that position.

So, we were just giving the opinion that really, some of those Motions, because they are quite urgent, they can be put on the Order Paper...

The Speaker: May I correct you because the movers of those Motions are not ready, and we do not bring the Motion here unless the mover says "bring this motion because I want to move". The Motion you are referring to was being moved by the member for Athi; Honourable Wambua, and I think he's working on certain details. He's not ready to move the Motion. I think we better find out certain things. In fact he just fell short of withdrawing the Motion because... I have no idea what he wants to do with the Motion; there are things he doesn't like, there are things he thinks are not there. He's not ready. I'm I right Mr Wambua?

Hon. Kilonzo: *Asante Bwana Spika. Majina yangu kamili ni Peter Kilonzo na wala sio Wambua.*

The Speaker: Kilonzo! Kilonzo! Sorry!

Hon. Kilonzo: *Asante. Mijadala ambayo iko mbele ya bunge hili la kaunti Bwana spika, tulikuwa tumeahirisha kwa sababu tulikuwa tunajiandaa na wala sio kwa sababu hatuko tayari. Mimi nimeshangaa, na unajua si haki kama nitakuja kuanza maswali ya kwa nini haijaletwa kwa ajili hiyo ni heshima ya Katibu wa bunge kuweka mijadala ile inakuja. Ninajua kuna mijadala miwili ambayo imepita mijadala ile tulikuwa tumeweka, na ni ya muhimu. Kwa hivyo Bwana Spika, kwa heshima zote, mimi niko tayari, na wabunge hawa wako tayari, na wala Mheshimiwa Ngwele si ati alikuwa analalamika, lakini anajua hiyo mijadala, na kila mbunge hapa anajua hiyo mijadala ni ya umuhimu mkubwa. Kwa hivyo Bwana Spika, nikiongezea vile Mheshimiwa Ngwele alikuwa akisema kwamba sisi jana hatukuonelea haja ya kuendelea na mjadala wa masomo ambayo tulikuwa tumefunzwa, wala tulikuwa tunaona heshima ya kwenda na kuweka yale masomo tulikuwa tumesoma kwa manufaa yake, na ilikuwa hasa kwa mijadala. Kwa hivyo Bwana Spika, niko tayari kwa wakati wowote, na kuanzia jana nimemuona Katibu wa bunge na tumeongea na tumesema inakuja Jumanne ijayo kwa sababu kulikuwa na marekebisho ambayo yalikuwa yameongezewa. Kwa hivyo Bwana Spika, ni hali, si eti kwa sababu siko tayari.*

Asante.

The Speaker: Aright. I want to put myself... to correct myself. I was given to understand, Honourable Kilonzo: 1. You did not want your Motion to talk about something. What was it? Sand.

Just a minute! So you wanted to redraft the Motion and you wanted your Motion to be debated without inclusion of sand. I don't know, that is what I was told. Secondly I was told there are certain details you are still gathering to enrich your Motion, and I'm saying also... and the last time I talked about the Motions I was told yours was not ready. But if you are ready, and you have discussed with the Clerk, we can even discuss it on Thursday if you are ready, instead of Wednesday. We can discuss it any time, because Honourable Members I'm looking for business, sometimes I have no business. Look! Today we are discussing the Motion for Honourable Wambua. What shall we debate tomorrow?

(Members bring to the attention of the Speaker that there will be a swearing-in ceremony for the nominated MCAs the following day)

The Speaker: If we had no swearing-in, what would we debate?

I'm telling you I'm having nightmares sometimes trying to find out what we are going to discuss. You people are just talking about we having no business; we only have business; we have only the Motion by Honourable Kilonzo and Honourable Wambua and just that's about it, nothing else. And we are meeting four times a week! Can you tell me what we shall be debating? I want you to understand that sometimes I have to find a reason of you sitting there formally. For reasons best known to you and me, and nobody else. For reasons known to you and me and nobody else, we have to find some work to be able to sit here formally.

But if *Bwana* Kilonzo you are ready, I'll be very happy to slot it in any time. *Lakini nataka munielewe*; sometimes I have no business, and sometimes I have to find why you should come and sit here. *Tumeelewana?* It is not easy; it's painful, but I have to do it. I'm sorry I have to do it; it's not easy... *Nipatieni* Motions, *nileteeni* petitions, *nileteeni kazi ili* House Business Committee *iallocate* time, *tuwache hii maneno ya kutafuta kutafuta tutafanya nini – Kesho tutafanya nini? Kesho tutafanya nini?* But the fact remains that unless you do that, the House Business Committee cannot do anything about it. So it should not be blamed. *Tumekubaliana?*

Bwana Kauthi?

Hon. Kauthi: Thank you Mr Speaker.

I think now that we are now advanced in understanding the roles and duties and business of this house, I would like to understand; there are two committees or departments – Environment, Energy and Mining and

County Assembly Debates

there is Natural Resources, these are two different committees. In my understanding, Environment, Energy and Mining, leaving Natural Resources and Tourism, I think these two departments will have some conflict of duties. Because as I understand, when you talk of environment, it is a general term which can mostly include the natural resources. When we talk of energy and mining, I think this one can be a little bit of an advanced technology.

So in my view I think it is better to be Environment with Natural Resources so that their duties will not conflict. Because in Environment, we had a meeting and we could not understand the duties. When we talk of the natural resources, we deal with charcoal and sand. So I'd like to understand, this environment without natural resources, how are we going to perform the duties in two departmental committees?

Thank you.

The Speaker: Well, it is the responsibility of the Governor to constitute the government of Kitui County. And the Governor has constituted the departments or the Ministries as the way we have seen them. The only thing we can do is to see how best we can adjust to his structure of the government, because we have no role to play in the restructuring of the government. That is the responsibility of the Governor. We have to form committees in conformity with the departments the Governor has constituted, but we have that dilemma; some of the departments are giving us headaches in doing our committee work.

And therefore the best thing we can do is to write to the Governor, bring to his attention that we are having this headache. If he can maybe sort it out for us or advise us how to go about it (which goes where) he will be able to tell us. Therefore I'm asking the Clerk to immediately write to the Governor, tell him the difficulties we have and ask for his advice; which way we should do it because it is his responsibility to constitute the government, it is not our responsibility.

(Speaker consults with the County Assembly Clerk)

The Speaker: I am told in fact we have already written and we have got a reply. I'll bring the matter to the attention of the Liaison Committee, which is its duty to deal with that. And then as soon as the Liaison Committee make a decision on the basis of our reply from the Governor, I'll communicate the decision to the house. Is that okay?

(Members unanimously reply to the affirmative)

Is that okay *Bwana* Kauthi?

Hon. Kauthi: Yes Mr Speaker Sir.

The Speaker: Yes the matter will be brought to the Liaison Committee to be discussed and determined.

Bwana Munuve.

Hon. Munuve: Thank you Mr Speaker.

I just want to add more information on the same, because it is not only affecting the two committees; we also have Culture and it seems Gender is lying there. What I may urge the Honourable Members is; let them liaise with their ministries which were created by the Governor – actually they have more information. You'll be able to know where the charcoal is lying and you'll also be able to know what entails the environment, because the environment is the surroundings, so it will almost cover everything. But before the committee proceeds with its activities, you'll need also to liaise with the Ministries.

The Speaker: Honourable Munuve you are not right.

(Laughter)

The Speaker: I'm afraid Honourable Munuve it is for the house|assembly to liaise with the Ministry, bring the matter to the Liaison Committee, a decision is made and communicated. The individual committees cannot be dealing with individual ministries on policy issues. You can only deal with them when you are asking them "why did you 'eat' money?" "Why didn't you spend money properly?" But on policy issues like that one; *lazima ipitie kwa* proper channel, *ipitie kwa* Liaison Committee *halafu iletwe kwa* house.

Nafikiri [chuckles] hiyo ndio njia... I'm sorry.

(Honourable Mbiti rises on a Point of Information)

The Speaker: I thought this was a small matter? Yes...

Hon. Mbiti: Thank you Mr Speaker, it's just to add on what you have said or what you have said. Mr Speaker I want to explain to the Member for Kanziku and Member for Tseikuru that the matter they are discussing is already before the Liaison Committee and we are discussing them. So it is better they report their issues to that committee and then it is seen. So that is the information they should have; they know the matter is being handled. We are not going to shout here and there and we are handling things inside the committee rooms.

Thank you Mr Speaker.

The Speaker: Now, Honourable Members, I think we have said what I wanted said. But I want to plead with you to generate business; what

County Assembly Debates

I am doing, I'm not supposed to be doing it right now – what we are doing right now. But I have to do it, just give me the business; Motions, petitions, Bills as you wait for the executive to start giving us some work.

Now I think we can stop there and we stand to adjourn the house.

The house stands adjourned until this afternoon at 2:30pm.

The County Assembly rose at 10:30am.