

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Tuesday, 19th November 2024

The Assembly met at 10:16 a.m.

[The Deputy Speaker (Hon. Gachui Mungai) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

EULOGIZING HON. MARK WAINAINA, MCA.

The Deputy Speaker (Hon. Gachui Mungai): Hon. Members, I have a communication from the Chair on the sudden demise of the late Hon. Mark Gicheru Wainaina. As you are aware, I did notify Members of the Assembly and the entire Assembly fraternity of the untimely passing of nominated Member the Hon. Mark Gicheru Wainaina on Wednesday November 13, 2024 at the Karen Hospital in Nairobi. The late Member succumbed to a severe pulmonary disease that left him with multiple organ failure. It is with deep and great sorrow to notify you, that he passed on. While every effort from friends, colleagues and family was being made to raise funds and accord him further treatment, but the will of God took over, a reality we have to accept, though with profound sadness in our hearts.

Hon. Members, the late Hon. Wainaina made his political debut in 2022 when he was nominated by the UDA Party as a Member of the Murang'a County Assembly. Prior to that, he was a dedicated ICT expert at the UDA Party offices where his talent and skills in ICT were identified.

Further to this, the late Hon. Mark Wainaina will be remembered as a committed Chairperson of the Delegated County Legislation Committee. Under his leadership, the Delegated Committee managed to pass many Regulations for critical County Government Policies in line with the Governor's manifesto of the County. In his contribution to the House, the late Hon. Mark Wainaina was an avid debater and an active Member of the House Business and Rules Committee, and all the other Committees that he served.

Hon. Members, on behalf of all the Members and staff of the County Assembly, and indeed, on my own behalf allow me to once again convey our heartfelt condolences to the family, his friends and close associates for the loss of such a dedicated patriot and member of the County Assembly. In tribute and honor to our departed colleague the late Hon. Mark Gicheru Wainaina, nominated Member of the County Assembly, I request that we all stand to observe a minute of silence.

(Members rose up and observed a minute of silence)

The Deputy Speaker (Hon. Gachui Mungai): Members, you may be seated. In this regard, according to the Standing Orders, I will guide on the minutes every Member is going to make a comment and eulogize our departed hero. I will allocate a maximum of two minutes to Hon. Members to pay their tribute to our departed friend before we proceed with the business of the day. Yes Hon. Member for Kangari.

Hon. Moses Mirara: Thank you, Mr. Speaker, I take this opportunity to actually pass my condolences to these Hon. Members in this House who have been tirelessly involved with Hon. Mark Gicheru. I am privileged to have interacted with Mark Gicheru on Sunday 3rd November when we were at Naivasha. Actually, he was in very high spirits then but when we were in Rift Valley, that is Naivasha, with some Members, we observed that Hon. Mark was coughing and he said that it was not a very big matter for him and that he had gone to hospital the previous week before we went for CASA games and that he was taking medicine. Then, we took lunch together at a public beach at Karagita and Hon. Mark was---

(Two Hon. Members walked into the Chamber and never bowed before the Mace)

The Deputy Speaker (Hon. Gachui Mungai): Order! Order! The two Hon. Members, just go back and bow to the Mace. You bow to the Mace as an honor and not to honor the Chair, kindly. Yes, you do the honor to the House. You may continue.

Hon. Moses Mirara: Thank you Mr. Speaker, when we were there, I do not want to say that it was a predominance for his death but I must say that as we were having pleasantries with Hon. Mukora, Hon. Mark, and Hon. Chomba, yes were the four of us. We went and bought some

fish, eight of them, and we were very happy. As we were interacting, because I know how to eat fish with small bones, he cautioned Hon. Mukora---

The Deputy Speaker (Hon. Gachui Mungai): Hon. Member, your two minutes are over.

Hon. Moses Mirara: Let me finish---

The Deputy Speaker (Hon. Gachui Mungai): Next. Hon. Member, your two minutes are over. We agreed two minutes. Hon. Member, when the Chair is standing, you sit. Resume your sit. For the purposes of the Members who have just arrived, we are eulogizing Hon. Mark and we are commenting out of the Communication from the Chair. Let us eulogize, not necessarily what was there. The Deputy Whip.

Hon. Steve Muigai: My name is Steve Muigai, for the record, elected in Kakuzi/Mitumbiri ward, it is with a heavy heart that as a member of this House I accept the demise of my brother, Hon. Mark Gicheru Wainaina. Mr. Speaker, to every member of this House, it is a lesson that we need to learn that we are all mortal, that today we are seated in this House without one of our members, not because he is engaged in other duties, not because he has other members of his constituents to take care of, but because he is no more. It is with a very heavy heart, it is one of the things that we never and I never thought it will happen with me, as a member of this third Assembly. I have heard other members talk about what happened in the first Assembly, the second Assembly but because I was not related to those two Assemblies, mine is for the third Assembly, my heart is grieving, I have lost a friend whom I was not able to separate with honesty, Mark was very honest, if you were to go to Mark with an issue, he would deal with it with a lot of honesty and confidentiality.

Mr. Speaker, even though, I have a short moment to eulogize my brother, allow me to say that there was a time that I had a moment with him and this was the last time that I will always remember. We shared a moment in one of the offices in the Assembly and at length we discussed family maybe because as a big brother he looked upon me on how to run a family and one thing that I will remember he told me was by the end of this year he will have to start again on a family, I can assure this House that we have lost a committed family member, a leader and we are eulogizing someone who was so promising to have sat in the UDA party secretariat at the position he was holding and even being nominated as a member of this House. It tells you the kind of a leader that we have lost. Mr. Speaker, I eulogize the loss and to all the members I would like to tell you *poleni sana* (very sorry) and to the family *poleni* (sorry)

The Deputy Speaker (Hon. Gachui Mungai): Honourable members I want to remind you that you be strict on the two minutes so that you can give every other member a chance to say a word. Yes, honourable deputy majority.

Hon. Liz Mbugua: I pass my condolences to the House; indeed, it is a sad week, it has not been easy and I will really say let honourable Mark rest in peace. I think as members, it is lesson to learn, we have walked with Mark who is a good friend to us and this shows that may God help us County, our days and even in this service may we serve as if we do not have any other day to serve. I would love to say that with opportunity we will give mark a good sendoff. May Mark rest in peace.

Hon. Samson Mukora: I pass my condolences to this honourable House for the demise of one of the honourable member and friend. Since this happened I have not had a chance to speak about it but now I feel I have strength to say a word about my friend. I have never witnessed something like this in my family or friends but now I come here and I find a friend and a brother who we shared so much and unfortunately; he is the one who is gone. His memory will live with me forever. Some of the things that I know that I will never forget, behind the beautiful smile he had, he had a golden heart. To mention one incident, when nominated MCAs were given extra members, Mark volunteered to give me one of those people, my driver who drives me was given by honourable Mark despite all the friends and family that he had. So he was a friend and a true friend indeed. Rest in peace mark.

The Deputy Speaker (Hon. Gachui Mungai): This is very important because it is going to be on Hansard even a hundred years to come.

Hon Moses Muchiri: To be on record, I request that you give me one minute to read my condolence message that I shared on my social media account and the last minute I mention one or two words. It is with great shock that I learn about the untimely sudden passing on of Hon. Mark Wainaina a colleague and nominated MCA in Murang'a County Assembly who have gone to be with the lord. We have lost a great leader and a scholar at a most productive age. I thank the almighty God for the few years you were given to serve humanity under the sun. My almighty God comfort your family at this difficult moment and may he grant you eternal rest a perpetual light shine on you always.

I was privileged to serve with Hon. Mark at the Delegated County Legislation Committee before I was impeached, I was the chairperson and Hon. Mark was my vice-chairperson, we

served diligently for two years. What I chose to remember about Hon. Mark is that he was someone you could trust you could plan many things and he was such a person who could not betray you. Sometimes we could say we are not going for the Delegated Committee if we are not paid and that is what we could do. So, I have lost a friend and may God grant him eternal rest and may He continue guiding and protecting his family. Thank you.

The Deputy Speaker (Hon. Gachui Mungai): Thank you, Hon. Moses, for keeping your time exactly two minutes. Hon. Member for Ithanga Ward.

(Hon. Alex Ndunda on the Floor)

(Technical hitch)

The Deputy Speaker (Hon. Gachui Mungai): You can change the microphone if it is not working, change to the one you can even decide to come to the one in---the rear one is working. You can use that one.

Hon. Alex Ndunda: Thank you Mr. Speaker, let me take this opportunity to join my colleagues as I convey my message of condolence following the demise of one of us, Hon. Mark. I have few words to say about Hon. Mark. He will be remembered as somebody who was a friend to many. He was also hardworking and he had a vision with the few remarks, may his soul rest in eternal peace.

The Deputy Speaker (Hon. Gachui Mungai): Honorbale member for Gaichanjiru Ward.

Hon. John Kamau: Thank you Mr. Speaker, a good friend of one Hon. Mark. We referred to him as chairman because he used to lead our gang. What I can only say is till we meet again. As people we need to learn as we interact with others let us be friendly and let us always know that our lives are in the hands of the Almighty. At one time you are just like a small insect that is in the hands of someone it can be folded and you are gone.

Life is short he lived his life to the fullest and I think we should enjoy life when we are alive because things happen that are beyond us. Hon. Mark a good friend he has left and we are coming to terms and it is a sad reality that a good friend; I met him that morning we were to go together at Narumoru he told me he is unwell I told him to go to Hospital, that was the end.

We are without any other words but to say thanks to the Almighty for those few days that we shared. May his soul rest in peace and may their family be strong though the Almighty who strengthens us. Thank you

The Deputy Speaker (Hon. Gachui Mungai): Thank you Honorbale member for Gaichanjiru Ward, for the purposes of record that gang was a merrying gang. They used to call him chairman when you were doing your merry. Yes Hon. Sharleen.

Hon. Sharleen Wambui: Thank you Mr. Speaker, allow me to join my fellow colleagues Honorable members of this great Assembly in conveying my messages of condolence to the Hon. Mark Gicheru.

Honorbale Mark was a member of the great Committee of the Youth and I eulogize as a chairperson because he was among members who championed for the great policies and Bills that affected the young people of Murang'a and so we have lost a noble man an incredible man and a man who fought for the young people of this County Assembly and the County at large. Hon. Mark was in the forefront in championing of establishment of Murang'a Youth Service that I have seen so many people or so many young people in this great County get jobs.

Also, before he passed on, our last engagement was in Naivasha as every other honorable member is saying when we had gone to talk about Murang'a Sports Bill. In that meeting he was actually among the first members to attend the meeting, very much present and that shows that Hon. Mark would have done anything to champion for the rights of young people in this great county.

I join my fellow colleagues to say that may his soul rest in eternal peace. We have learnt from our fellow colleague that it is good to live life to the fullest because life is fickle. As the members of his gang as they call it has said, he was their chairman in so many things, he was noble. Having other people follow you as your colleague is something very important.

It is good as leaders in this great Assembly to learn from the life of the departed Hon. Mark that we should live well with people. I would say a word that my father says and I will say it in French "*anduo nio indo.*" *Watu ndio kila kitu* (people are everything). we can learn from Hon. Mark it is very important to live well with people. Thank you, Mr. Speaker, and may the soul of Hon. Mark rest in eternal peace. Amen

The Deputy Speaker (Hon. Gachui Mungai): Thank you Honorbale member Sharleen, Honorable member for Makuyu Ward

Hon. Thomas Muteti: Thank you Hon. Speaker. Allow me to pass my condolences together of those people that I represent, the good people of Makuyu to our departed brother Hon. Mark Wainaina. I would say that may the prince of peace the one who gives peace that surpasses human understanding give us peace. And as we also remember the good things and the positive things that we have seen from our departed colleague.

He had put to me several challenges for example the smartness, Hon. Speaker, Hon. Mark would always challenge me in terms of smartness. When I also went there, I think on the day we were going for the fundraising I was amazed to hear the age that he was 42 years old. Hon. Speaker maybe if I was may be to be asked I would think maybe he was around 25. So that's also a challenge to us, maybe that when you have a good heart even God will give you a good body that make you look younger.

When you look at the empty chair there our hearts get a lot of emptiness but we pray that God will continue to comfort us even we give our brother a decent burial. Thank you Hon. Speaker.

The Deputy Speaker (Hon. Gachui Mungai): Yes Hon. Member for Mugumo-ini.

Hon. Alex Wanyoike: Thank you Hon. Speaker for giving me this opportunity to eulogize my great friend Hon. Mark. I only have a few things to say about Mark, one it is very painful to say goodbye to someone and especially when you are not very certain of where he's going yet it is so sweet to say goodbye when you so certain of the destination. Hon. Mark was a great friend, I remember him as a selfless leader. When we met the first time during the elections in the old chamber for the Committee on Delegated and Legislation, I was vying for the chairmanship but I was late, I was time barred, he was vying for the Vice-Chair. But when I came, I didn't imagine that he told me, now that you wanted the Chairmanship, let me step down for you to take up the Vice-chair. Then I told him proceed, because mine was the Chairman and it is already gone and that was it.

This gentleman, he was a friend, he was kind and now he has gone, that he has gone, I heard one of us here say that by the end of this year he had promised to restart again a good family I pray that, that eternal family, that has no pain, has no diseases, has no poverty is all joy may be started in heaven. May he rest in peace.

The Deputy Speaker (Hon. Gachui Mungai): Thank you Member for Mugumo-ini. You have spent your two minutes correctly. Hon. Member for Kahumbu.

Hon. Chefman Njoroge: Thank you very much Mr. Speaker. I am here to bring my condolences to my brothers and sisters in this Hon. House, the third Assembly and also from my people who I represent Kahumbu ward regarding one of our great leaders from the Murang'a County as a Nominated MCA.

May I take this opportunity Mr. Speaker just to memorize and remember the good memories of my brother that is Hon. Mark Wainaina. The moment that I am seated because we were always looking at each other, the good memories I can remember about him first in this House is that he was a good debate. When it came about the issue of debating, he was really strict, he went to the real core, information issues directly.

And again also, as some of Members have mentioned his dress code was very unique. I don't think there is a time whereby you have seen Hon. Mark without a good suit. Most of us who normally sometimes wear suits just for the sake of suits but with Hon. Mark actually it was the best kind of a guy whom I knew wearing, his dress code was very unique.

Mr. Speaker, also allow me, since Hon. Mark was a friend in sports, we were in one team that is Arsenal, the great team in England with others fellows. Now whenever it was coming to the issue of Arsenal games, we used to chat and ask him today are we going to win or we are going to lose. Unfortunately, we were a small club of three of us, me and Hon. Manucho who is a Manchester United fan so whenever there was football game we used to chat and enjoy ourselves and I used to call him Mark bias or sometimes he would call me Kabunda. So, when we were chatting, kabunda I know how the game today how it is. So, in the sports arena, yes, he was a good football fun and we used to share about the same. Finally, the issue of the Committee I know ----

The Deputy Speaker (Hon. Gachui Mungai): As you wind up.

Hon. Chefman Njoroge: On the side of the Committees, he was a very friendly I was happy that at least we shared with him one Committee of ICT which was the new Committee in this House and he was the best and he assisted us and the Chairman is a witness for that and also in the Committee of Water he was fighting for the water. So Mr. Chair let our brother rest in peace until we meet again. Thank you.

The Deputy Speaker (Hon. Gachui Mungai): Thank you Hon. Member. Hon. Member for Ichagaki.

Hon. Hillary Muigai: Thank you Hon. Chair. Hon. Chair I want to pass my message of condolences to this House, to the friends and family because one of us is gone. Maybe those who

are wondering why in our group we were calling Hon. Mark our Chairman it is because of the welfare. In any way that an opportunity would come for us to travel he was the person responsible of taking care of our group and arranging everything including the shelter. Hon. Chair, good memories will remain in our hearts about our Chairman Hon. Mark and I believe the best thing that we should know is that there are no bad memories about our friend. And as we live it is a lesson to all of us that one day because we are going to leave this world you should be good examples and you should remain in the best memories of those who you leave back. May his soul rest in peace. Thank you Chair.

The Deputy Speaker (Hon. Gachui Mungai): Thank you Hon. Member for Ichagaki, Hon. Member for Gatanga.

Hon. John Ngugi: Thank you, Mr. Speaker for affording me this opportunity. I stand here bereaved by the loss of my friend Hon. Mark, but also in acknowledgement that Mark has gone to join the men and women of old who passed on many years ago and who left a mark in this world.

Mark was an ardent supporter of the UDA party; he was also an honourable member of this House. Mark was also a father to two beautiful girls, so he has left a seed in this world. So, Mark is not lost as Gatheo wa Njeri would sing *ati wakua ni wora* (when you die you are lost) Mark is not lost because he has left two beautiful kids here with us. Let me just say that Mark was a friend and I know so many people have alluded here to their relationship that they had had with Mark and everybody in this House has a story to tell about it.

On Friday I had back and forth with him because he did not make to go to Naivasha and there was a plan that we had. We could not settle on that plan. So, we kept on calling each other back and forth and I did not know that that was the last time I would speak to him. So, to my brother I say rest in power. I know there is no pain in death or in the grave but I know we are the people that are left behind, us we grieving because we have lost him prematurely but we know that it is the Lord who gave and it is also the Lord who has taken, His name be praised. Amen. Thanks.

The Deputy Speaker (Hon. Gachui Mungai): Thank you, Hon. Member for Gatanga, you have used your exactly two minutes, yes Hon. Vice-Chair delegated if I am not wrong. Yes go ahead.

Serjeant- At-Arms you should communicate to the office, because of the failure of the mics. Okay, go ahead.

Hon. Priscilla Mwangi: Thank you, Mr. Speaker. I want to remember our brother Mark, he was very close to us in the Delegated Committee, he was a hard worker and a friend and a person who always made sure that he has brought us together in unity. So, we have lost a friend and a good person. Mark was friendly with everybody. I met in the tiktok somebody who was talking ill of Mark and I wondered where did he gets such false information because Mark was a friendly person, down to earth. You approach him, you call him he was always down to earth. So, we have lost a friend. You know, sometimes God has a way of showing us signs because everybody here has interacted with Mark and so we have lost a friend. All I would want as a servant of God is to remind us remind ourselves the words of Ecclesiastes the book after Proverbs. It says; “Remember your creator in the days of your youth before the evil days’ approaches. When you read verse six it says; remember the Lord your God before the golden bowl breaks before the silver cord is broken and before the picture is broken in the middle. All that means are words that talk about death.” When you read there, the whole of it it continues to say “Before the days come when people are afraid of heights and mourners go to the streets. “And you can read that word in *mhubiri* 12 and it talks about this day that we are talking about where Mark is today. That you have been given days to remember the Lord your creator, you have been given life so that you can celebrate but do not forget that we are sojourners, we are strangers in this world and one day you will be required to stand before your creator. So, even as you work, even as you do everything let us remember that there is a day, that even if our friends love us so much like we love Mark today, we will not be able to help you. It is only God. You and your creator will be answerable before Him. Today if we are told to donate money, to donate our organs for Mark we are going to do it, all of us. Nobody will be left, but imagine we are not able to do anything for Mark at this time. So, my call to you my brothers my sisters, as Jesus told those women who were crying over Jesus, the angel told them do not cry over Jesus. He is gone. Cry over your children, cry over your wives, cry over your husbands. So today I want us to remind ourselves that our friend is gone. Our brother is gone and we can do nothing about it but we can do something about ourselves in remembering the Lord our God in the days of our youth when we have this strength, when we have this day, let us have a relationship with our creator. God bless you.

Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Gachui Mungai): Thank you, Hon. Priscilla. I have donated two minutes so Hon. Priscilla has spent four minutes through the decision of the Chair, through Standing Order 1. Of course, the contribution part and the preaching part. Hon. Hannah, remember you have two minutes, you are not a preacher.

Hon. Hanna Wairimu: Thank you, Mr. Speaker. I take this opportunity to send my condolences to all honourable members and the family of Hon. Mark Wainaina for his sudden demise. First and foremost is to thank our Almighty God, for the days He granted Mark to be with us on this earth because Mark could have died when his mother was delivering in hospital but in nowadays, we are celebrating his life for the days he has been with us. Remembering he has a family, he has left two daughters behind, let us take the opportunity to thank the Almighty God for that. I do remember that death always leaves a scar for the one we love but his memories will always linger in our mind. May I take this opportunity to sing a chorus that says, "*in the sweet by and by, we shall meet on that beautiful shore, in the sweet by and by, we shall meet on that beautiful shore.*"

(Hon Hanna Wairimu sang)

Hon. Hanna Wairimu: Rest in Peace Mark.

The Deputy Speaker (Hon. Gachui Mungai): Thank you, Hon. Hanna, for your contribution. The host member of the County Assembly Member, Member for Wangu ward.

Hon. Mama Kangata: Thank you so much, Mr. Speaker. As I stand here, I know you all know that Mark comes from my Ward, Wangu Ward. Mark was a friend and he was also a relative, maybe most of you do not know that but he is. Hon. Mukora, it is true, Mark was my relative. I stand here to eulogise Mark, he was a friend and the only thing I can say is that it is well with my soul. He was my member in the Water Committee, I am the Chair. On the day that he got ill, Mark had written to me a text message and told me that it was his birthday. I told him, "Come over to Naro Moru we celebrate". I did not know he was sick but he did not text me back, so I thought I could see him later but, in the evening, we were told that Mark has fallen ill. It was on Thursday, on Friday I called the parents because I could not reach the hospital and they told me so, as we stand here, I want to thank each one of you, who came by to the hospital to see Mark. We were all there with the parents, all there with the family and I can say you really supported us and your

thoughts and everything that you supported to Marks family was in order. As I represent Wangu fraternity, I want to thank you all and remember the burial is on Saturday, so God willing, we meet there. We will be having a candle lighting tomorrow and a memorial service tomorrow at Membley ACK., so thank you very much. As I sit down, I would like to say that in Greek we say, "*mwiri no ta hama*" and it is true. For us, we did not know Mark would go very soon, Mark you have gone too soon. It is well. Thank you very much.

The Deputy Speaker (Hon. Gachui Mungai): Honourable member... the last member, maybe, to pay tribute to Mark, if I am not wrong, almost every member has done so. Pay your tribute, honourable member for Muthithi.

Hon. Boniface Mbau: Thank you, Hon. Speaker, for giving me this opportunity to give my condolences to this honourable members for the demise of our good friend, that is, Hon. Mark. I know Hon. Mark as a very good friend to many and also me. Every time that I happened to pass through Thika Road I had to give him a call but we cannot reverse the will of God so what we need to do, is to accept what God has done. Rest in peace, Hon. Mark.

The Deputy Speaker (Hon. Gachui Mungai): Thank you, honourable members, I think we are through with the tributes and I just want to remind members we have a condolence book at the reception and we agreed to engage the official photographer for the Assembly. As the members are signing the condolence book, photos will be taken so that we can upload the photos in our website as a way of paying tribute.

Next order.

PAPER

REPORT OF WATER AND IRRIGATION COMMITTEE ON A STUDY VISIT TO NYERI WATER AND SANITATION COMPANY LTD.

The Deputy Speaker (Hon. Gachui Mungai): Chairperson, Water, you have Business. Go ahead. You are Tabling... You have delegated? Go ahead. Is it not a Paper? The other one is not working? Why can you not use this one? Is this one working? Use this one...

Hon. Chefman Njoroge: Thank you, Hon. Speaker. On behalf of the Chair, may I take this opportunity, Mr. Speaker, to do the honour. Mr. Speaker, I beg to lay the following Paper on the Table of the Assembly today Tuesday, November 19, 2024;-

The Report of the sectoral Committee on Water and Irrigation on a study visit to Nyeri Water and Sanitation Company Ltd. Thank you, Mr. Speaker sir.

The Deputy Speaker (Hon. Gachui Mungai): Thanks Hon. Chefman.

NOTICE OF MOTION

ADOPTION OF REPORT OF WATER AND IRRIGATION COMMITTEE ON A STUDY VISIT TO NYERI WATER AND SANITATION COMPANY LTD.

Hon. Chefman Njoroge: Thank you Hon. Speaker. I beg to give the following notice of Motion; -

That, this Assembly adopts a Report of the sectoral Committee on Water and Irrigation on a study visit to Nyeri Water and Sanitation Company, laid on the Table of the Assembly on Tuesday November 19, 2024.

Thank you, Mr. Speaker.

MOTION

ADOPTION OF REPORT OF DELEGATED COUNTY LEGISLATION COMMITTEE ON A WORKSHOP ON LINKING DEVOLUTION WITH EFFECTIVE LEGISLATION AT COUNTY LEVEL

Hon. Wanyoike Alex: Thank you Mr. Speaker for giving me this opportunity to move this Motion a report on linking devolution with effective legislation at County level. Standing in for the vice chair Hon. Pricilla. I beg that, this Assembly adopts a Report of the Delegated County Legislation Committee on linking devolution with effective legislation at County Level, laid on the Table of the Assembly on November 12, 2024.

Hon. Speaker, the Report highlights the concept of devolution, the devolution process and role of National Government in support of devolution, linking devolution process and legislation at county level, with an overview of its constitutional underpinnings and execution of its implementation.

The highlights of the concept include:

- a. The Constitution and other statutes relating to devolution provide the legal framework for the operations of the county governments. The law elaborates on the functions that have been assigned to each level of government. Article 186 States that the functions and powers of the national government and the county governments, respectively, are as set out in the Fourth Schedule.

- b. The Transition Authority has transferred to the counties most of the functions stipulated in schedule four of the Constitution pursuant to Section 7 of the Transition-to Devolved Government Act which requires it to facilitate the analysis and the phased transfer of the functions provided under the Fourth Schedule to the Constitution to the national and county governments.
- c. The County governments have been established and they have created the necessary structures and systems for their operations. The two arms of government i.e. County Assembly and County Executive in place. County Public Service Boards and County Assembly Service Boards were also established. Devolved power is exercised through these institutions.

Hon. Speaker, County governments are required to provide legal support for the operations of the transferred functions. Section 24 of the Transition to Devolved Government Act states that one criterion to be considered while deciding whether to transfer a function to the counties, is the existence of legislation relating to the function applied for.

Hon. Speaker, this is important because one reason for intervention by the National Government in counties is inability to perform functions.

Hon. Speaker, Article 185 of the Constitution gives power to a County Assembly to make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the County government under the Fourth Schedule. County Assemblies therefore have an obligation to ensure that there is a legal framework for all functions assigned to their respective County governments. Hon. Speaker, effective legislation is ordinarily a process that involves development of a Policy that analyses all aspects of the subject matter and proceeds to propose interventions. The interventions may be administrative or legislative. These will be eventually reduced into policies, laws and statutory instruments. Where the intervention needed is legislative, it may be initiated by the executive, members of the County Assembly (MCA) or even private citizens through petitions.

Hon. Speaker, it's worth noting that, the constitutional and legislative requirements of public participation in both the policy and legislative development must be adhered to. Delegated legislation is important for complex issues (where all the permutations cannot be set out in the original statute) or where the law will be implemented at a later date, or is not flexible.

Hon. Speaker, it's important to note that, Section 116 of the County Governments Act makes obligatory for counties to observe the following principles when delivering services; equity, efficiency, accessibility, non-discrimination, transparency, accountability, sharing of data and information, and subsidiarity. These should be considered in the process of legislation. Proposed legislation may also incorporate other ideals e.g. affirmative action and/or fostering, social, economic and political development.

Hon. Speaker, the Committee compiled the Report based on the following terms of reference;

1. The workshop provided for an avenue for participants to share and learn in executing the wide mandate of the Committee;
2. The workshop brought the participants up to speed with matters relating to Delegated County Legislation and challenges impeding implementation of the same, and how to manage different challenges;
3. The Committee learnt on how to manage the challenges of Delegated County Legislation in the face of devolution.
4. Lastly, to develop technical capacity for Members of the Committee in the execution of their mandate as regards to delegated County legislation.

From the meeting Hon. Speaker, the Committee came up with the following observations;-

1. The Constitution gives the County Delegated Legislation Committee similar powers and privileges to the National Parliament Delegated Committee;
2. There is need to regularly engage the Senate Committee on how to effectively execute delegated legislation.
3. There is need for continued co-operation between the Committee and the relevant County Executive departments as they develop delegated instruments.
4. The structure of the Constitution of Kenya 2010, shows that County Assemblies, despite being the legislative units CAN donate that power to the County Executive.
5. The manner, procedure and criteria for considering statutory instruments is detailed in the Statutory Instruments Act, 2013 and the County Assembly Standing Orders.

Finally, Hon. Speaker the Committee came up with the following recommendations;

1. That, the County Assembly should continuously engage with the Senate Committee on delegated legislations and have the Statutory Instruments Act 2013, reviewed to reflect

- the role of County Assemblies in the scrutiny of the by-laws and other statutory instruments;
2. That, the Committee should ensure continued co-operation with the relevant County Executive Members in order to ensure that all pending regulations are submitted for Committee's scrutiny.
 3. That, in order to demystify delegated legislations, the County Government should encourage public participation at the drafting stage of all statutory instruments.

I now call upon Hon. Hanna Kamau to second the Motion.

Hon. Hanna Wairimu: Mr. Speaker, I stand to second the Motion.

(Question proposed)

The Deputy Speaker (Hon. Gachui Mungai): Yes, Hon. Member Vice Chair Delegated Committee

Hon. Priscilla Mwangi: Thank you Mr. Speaker, I thank Hon. Alex for standing in the gap. I was to get late a bit. I rise to support this Motion concerning devolution that it should be linked to legislation in the County. We all know about devolution. Today we are MCAs because of devolution. There before there used to be a centralized government that used to be in National Assembly but today we are enjoying the fruits of devolution. And so, I support that Motion.

The Deputy Speaker (Hon. Gachui Mungai): Thank you Hon. Member nominated. If there is no other debater, silence means you have consented. Mover to respond.

Hon. Alex Wanyoike: Thank you Hon. Speaker for giving me another opportunity to respond to this Motion. I must say that as you have put it silence means consent and there is no consent devoid of understanding. I now believe that Hon. Members in this House understand the role played by the Committee on Delegated Legislation and you realize that linking the roles played by County Assemblies with devolved governments that is linking now the County Assemblies and National Government, this is the way to go.

Many are the legislations that are taking place within the County. Right from which are sponsored by the executive, sponsored by private members here. But you realize if they are not checked, scrutinized, authored by the committee on Delegated Legislation some of them may stand short of important ingredients that they require to stand as law.

As I stand here, with this Report I am begging that this House adopt this Motion on linking devolution with effective legislation on county level on this day and we proceed with this beautiful work done by this County. Thank you, Hon. Speaker.

The Deputy Speaker (Hon. Gachui Mungai): Hon. Member for Mugumo-ini have really represented your Committee well.

(Question put and agreed to)

ADJOURNMENT

The Deputy Speaker (Hon. Gachui Mungai): Thank you Hon. Members, there being no other business, now this House stands adjourned until today Tuesday, November 19 2024 at 2:30 p.m.

Thank you.

The Assembly rose at 11:22 a.m.