

MURANG'A COUNTY ASSEMBLY

THE HANSARD

Tuesday, 21st June 2016

The House met at 2:48p.m

(The Speaker Hon. Nduati Kariuki in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

VIOLATION OF THE STANDING ORDERS

The Speaker: Hon. members, there is one issue that I wish to communicate to you; it is not a very pleasant issue but it must be mentioned. If you look on the floor of this respected House, particularly on my left, you will find that the carpet is very dirty. The carpet of a House such as this should depict that it is a respectable place; it does not portray a good picture when the carpet of an Assembly is so dirty.

I am told that it is dirty because a hon. member gave himself leave to bring into the chambers people who are not members. Members should understand the standing orders and if they have forgotten, to remind themselves that non-members are not allowed into the chamber without the leave of the Speaker. Therefore, whoever brought in those non-members into the second chamber of the House went completely outside the standing orders. This should not be repeated and should this House find it fit, it can take action against such a member.

I also want to remind the hon. members that it is unrespectable to argue or to disobey the orders of the Serjeant- At- Arms on such matters. I hope that is clear and that hon. members will abide by the standing orders and that such action will not be repeated. Next.

VETTING OF JENNIFER WANJIRU KIMANI AS THE DIRECTOR, ALCOHOLIC DRINKS CONTROL DIRECTORATE

The Speaker: On June 14, 2016, the County Assembly received notification of appointment of Jennifer Nyambura Kimani as the Director, Alcoholic Drinks Control Directorate, from the County Secretary.

Pursuant to Section 4 (3) of the Murang'a County Alcoholics Drinks Act 2014, Section 62 of the County Governments Act 2012, Section 4 of the Public Appointments (Parliamentary Approval Act) 2011 and standing order no. 46, upon receipt of notification, the matter was

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referred to the Health Services committee, which shall conduct a hearing on the proposed appointment on Tuesday June 28, 2016 at 11.00 in the Assembly, and shall, unless otherwise provided in law, table its report in the Assembly within 14 days from June 15, 2016.

In an advert posted on daily newspapers on Saturday June 18, 2016, the applicant and members of the public were notified of the time and place for holding of the approval hearing. Next communication.

LACK OF GOOD PARLIAMENTARY ETHICS AND DISCIPLINE

The Speaker: Hon. members, you will recall that on Wednesday, April 27, 2016 in the afternoon sitting just- before we went for recess- a very serious event occurred in this Assembly; this is something we had never seen, at least, not during a formal sitting. Harsh and strong words have been expressed by members. This is normal when it is done within the limits allowed by standing orders and good parliamentary ethics and discipline.

However, although physical confrontation sometimes occurs nationally and internationally in Assemblies, I must say very few legislatures, if any, tolerate it. It is something out of the ordinary; something always frowned on and something which the perpetrators are ashamed of even if they don't say so; it is not something that one is very proud of.

On this afternoon, an hon. member was so incensed by what another hon. member had said; that anger took the better part of her and confronted another member with a bottle of water, pouring the content of the bottle or meaning to pour the content of the same to the adversary. You will recall that this was when the House was debating a motion by the committee of Rules and Procedures on previous behavior of the member for Gaturi ward.

To her credit, the member for Gaturi listened to the whole debate and resolutions against her calmly, with dignity and decorum and even without apologizing and showing remorse, she actually supported the motion. She, on the other hand, blamed her problem to linguistic misinterpretation. This had not, however, convinced the committee that had found her guilty; the committee had already made its decision and prescribed a punishment. All that the committee was asking for was the decision of the House, which eventually came.

As the Speaker, due to the sensitivity of the issue, I had hoped that the matter would end there and that all the members would do was to either support or oppose the motion and I appealed to members not to prolong the debate but make a quick decision. Once again,

emotions overcame a few members who apart from supporting the motion, went on to pour vitriol on the offending member.

The matter came to a crescendo when Hon. Machiri, in his contribution, uttered the following words, "If deterrent sentence is not made against this hon. member, there will be continuity in breaking of rule of law in this House. I will be volunteering myself to take her for induction, if permitted by her husband, for two weeks to learn Kikuyu."

These words may have been, and I believe they were said innocently, but again under a charged atmosphere, could be interpreted as a personal insult to hon. Wakuthii. These words were unnecessary and did not add value to the contribution hon. Machiri had made in the debate. To his credit, hon. Machiri on the order from the Speaker withdrew the utterance without an apology and added, "I am not here to be beaten by a woman because I am a man. My wife is a bit energetic."

At that point hon. Machiri was stopped by the Speaker as it was getting personal. It was at that point that hon. Wakuthii, out of anger, splashed water on hon. Machiri. It is quite easy to understand the provocation that hon. Wakuthii suffered; it is human, however, hon. Wakuthii is a leader and a degree of responsibility and restraint is expected of a leader, which is higher than that expected of a common man in the street.

No provocation is enough to allow an hon. member to act in the way to perform or threaten a physical confrontation against another member. If we allowed this kind of action, we shall see in this House fist fights, as we have seen in many other Assemblies. We have seen, with shame, these kinds of things happening in certain Assemblies, we are not going to accept to sink that low.

It is more regrettable that this was done by somebody who had already been found guilty of indiscipline. It was expected that this guilty finding and punishment meted out would have deterred and made one very careful about getting back to the same situation. Whereas, as stated earlier, I do not condone the utterances of hon. Machiri, two wrongs don't make a right.

I have looked at the incident and would have liked to deal with the matter within the confines of standing order no. 107 that gives the Speaker powers to punish errant members. However, I find that the standing orders are restrictive in that; for hon. Machiri, whatever words he used, he withdrew as ordered by the Speaker. The Speaker can only punish a person who either refuses to withdraw a remark he makes or is ordered out of the premises of the

Assembly and refuses to do so. The offence also does not come under the category of gross disorder as per the standing order no. 107.

As for hon. Wakuthii, the offence does not come in any category that is punishable by the Speaker as per standing order no. 107. In deciding on what to do about this incidence, I have found myself falling into the guidance of standing order no. 94 which prescribes the functions and powers of the committee of Powers and Privileges, which consists to investigate matters of indiscipline, unethical behaviour of any member through the initiative of the committee itself, any member or the Speaker.

This matter has been referred to the committee of the powers and privileges by the following; hon. Rosemary Wakuthii against hon. Joseph Machiri, two hon. Joseph Machiri against hon. Rosemary Wakuthii.

I have seen both applications and I have decided both of them merit for discussion for the reasons I have given. I am therefore convening the committee to look at this matter and report back.

The two cases will be dealt with as two different cases and the committee will decided as to how to divide itself so that the cases are heard.

I am however of the opinion that the hon. members concerned may want to search their hearts and see whether they think what they did was right and they are proud of it. Also to see whether this is something that they regret and they will not repeat.

I am prepared to give them opportunity to make a personal statement to this House on the matter before the committee is convened by request. If they request and wish to make a statement as to how they feel about their actions then I am prepared to give them a forum in this House to make personal statement as matter goes to the committee. Thank you hon. members.

Hon. members as you know it is with deep shock and sorrow that we learned of the demise of our colleague hon. Peter Kariuki Njogu nominated Member of the County Assembly who passed on Sunday morning.

The Assembly leadership and the family have arranged a special service to enable members pay their respect at the late Njogu's home this afternoon and the service starts at four o'clock. I would request that we all be there to pay our respect to our fallen hero.

I take this opportunity on behalf of all members and staff to pass our condolences to his brother and our colleague hon. Joseph Ndung'u Njogu and all the family. And we pray

that God gives them the strength to withstand the loss and keep his soul in eternal peace.
Thank you, next

PAPERS LAID

REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE ON FIRST HALF BUDGET IMPLEMENTATION FOR FINANCIAL YEAR 2015/2016 BY THE CONTROLLER OF BUDGET

Hon. Joseph Muchina: I beg to lay the following paper;-

That, the report on Budget and appropriations committee on first half budget implementation for financial year 2015/2016 by the Controller of Budget be laid on the table today, Tuesday 21st June 2016.

REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE ON FIRST QUARTER BUDGET IMPLEMENTATION FOR FINANCIAL YEAR 2015/2016 BY THE CONTROLLER OF BUDGET

Hon. Joseph Muchina: Once again Mr. Speaker, I wish to lay the following paper;

That; the report of Budget and appropriations committee on first quarter budget implementation for financial year 2015/2016 by the Controller of Budget be laid on the table today, Tuesday 21st June 2016.

NOTICE OF MOTION

ADOPTION OF REPORT OF COMMITTEE OF FINANCE AND ECONOMIC PLANNING, ON THE FIRST QUARTER FINANCIAL REPORT FOR THE FINANCIAL YEAR 2015/2016

Hon. Joseph Kimani: I thank you Mr. Speaker, I beg to give notice of the following motion;-

That; this Assembly adopts the report of the sectoral committee on Finance and Economic Planning, on the First Quarter financial report for the financial year 2015/2016, laid on the table of the Assembly today Tuesday June 21, 2016.

ADOPTION OF REPORT OF COMMITTEE OF FINANCE AND ECONOMIC
PLANNING, ON THE SECOND QUARTER FINANCIAL REPORT FOR THE
FINANCIAL YEAR 2015/2016

Hon. Joseph Kimani: I beg to give notice of the following motion;-

That; this Assembly adopts the report of the sectoral committee on Finance and Economic Planning, on the second quarter financial report for the financial year 2015/2016, laid on the table of the Assembly today Tuesday June 21, 2016.

MOTION OF ADJOURNMENT OF DEBATE

(Hon. Peter Kihungi rose on a point of order)

The Speaker: Point of order

Hon. Peter Kihungi: Thank you Mr. Speaker, pursuant to standing order 53(b), I hereby move a motion of adjournment of debate to eulogise Hon. Peter Kariuki Njogu.

I call hon. Njoroge to second the motion.

Hon. Joseph Njoroge: Mr. Speaker I stand to second the adjournment of debate because of demise of hon. Peter Kariuki Njogu.

(Question proposed)

(Question put and agreed to)

Hon. Peter Kihungi: thank you Mr. Speaker for accepting the motion, we have been left by a very senior member, a member I know we will feel the vacuum in this Assembly; we have been used to one another. Even as we are sitting here the members are feeling the absence because we know where he used to sit and he used to contribute.

Very few people have now come to agree and to see it clearly that we do not have hon. Peter Kariuki in this Assembly any more, therefore it is with a lot of pain and grief to realize that one of us will not be part of us again and we do not have an opportunity for having the member again.

It is for us Mr. Speaker to say that Kariuki was the best man and company of a member is felt whenever we lose the member. I feel the pain and I want to declare that I feel the vacuum that has been left in this Assembly by losing that member.

I thank you Mr. Speaker. If we as members we can feel it, I know how the family and the young children that he has left are feeling. We call upon them to just be comforted by God because it is only him who can be able to comfort them. Thank you.

Hon. Gachui Mungai: I want to register my condolences to the bereaved family especially the nuclear family members and one of our colleagues hon. Joseph Ndung'u Njogu.

We know it is a great loss both to the Assembly and the family and we want to say that during this trying moment we are going to stand with the family both emotionally and spiritually; we are going to be together in prayers.

It is a great loss to this Assembly because every member is trying to remember how hon. Kariuki Njogu was passionate of the people living with disabilities. Despite his body size he was very courageous when he wanted to articulate to the issues pertaining to people with disabilities which actually were his constituents.

Mr. Speaker without saying much, I know as an Assembly we are grieved but we have to stand firm during this trying moment.

Hon. Kago Njoroge: I also rise to echo the same words of giving condolences to the family, the fellow members and members living with disabilities for the loss of a hero hon. Kariuki.

We first met when we were launching Jubilee party at Kasarani gymnasium when he led a group of people living with disability in a dance where everybody was overwhelmed by his courage and the way he led his group.

Whoever was there was eager to know who is this very short man walking with a stick but dancing very well and had a very good voice. It is later when I met him here I remembered the guy who had led the disabled people in a dance.

Mr. Speaker hon. Kariuki has also been known for being a very good preacher in the streets of Nairobi before he joined politics and he could pull a lot of crowds to listen to him as he preached the word of God. This teaches us that disability is not inability and that every one of us has to learn something and work hard to glorify God who have given us all body parts and that we are healthy and strong.

We can also remember him contributing. It did not matter whether the Speaker was seeing him; he could even raise his voice when the Speaker failed to see him. When he was contributing, you could feel how strong he was when he was delivering his points.

We may not say much but we will feel the vacuum. I know even with the people living with disability, there is gap and the only person who can fill it is God. We pray for the family, for Hon. Ndung'u and to all of us, that God will give us strength and God will give us psyche to work harder and achieve what Kariuki was working for in this Assembly.

Hon. Duncan Njuguna: I rise to support the adjournment of debate to eulogize hon. Kariuki. I first met Kariuki about seven years ago in the streets of Nairobi, he was a good singer, composer and he was selling his music along the streets of Nairobi especially near OTC and River road.

When he was with us here, he truly represented his constituency, especially in legislating because he was a good debater in English and Swahili. I remember one time I asked him why he is eloquent in Swahili and yet we the people of this region have challenges with Swahili. He told me he was schooling in Mombasa and that is why he has fluent Kiswahili.

As an Assembly, we will miss him. He became part of us when he joined this Assembly. At the committee level and in the plenary he was a good debater. We all know how he participated in many motions especially those touching on matters to do with disability.

On behalf of the people of Gitugi, myself and my family, we condole with the family and tell them the words that were said by King David, that the child is gone but we will meet him, even to us as an Assembly, Kariuki is gone forever but we believe that we will meet him again in heaven. With those remarks I say, In God's hands may hon. Kariuki rest but in our hearts he will remain forever. Thank you Mr. Speaker.

Hon Rebecca Mwicigi: I stand to eulogize Kariuki, a man who did not want to be sympathized with, he did not have self-sympathy. I met him in the streets of Nairobi the time he was singing. One person threw a shilling to him; he stopped the music to tell the person to pick the shilling since that person seemed to have more problems than he had. It did not stop there; the people in Nairobi caught that man and told him to take his shilling.

Hon. Kariuki, I also met him when we appeared before the tribunal that was looking at the nomination papers, a person without any disability was nominated in the category of the disabled. Kariuki stood his ground and said, Hon Speaker, order this man to be brought here and allow me to break his leg so that he can qualify, otherwise this should be withdrawn, and for sure it was withdrawn.

Hon. Speaker, the only thing that this county can honor this hero is by putting facilities in new and old buildings to ensure people living with disability reach their destination. My condolences to his family and hon. Ndung'u.

Hon. Peter Mweri: I stand to give my condolences to the family of Kariuki; I had known hon. Kariuki even before we came to this Assembly, and he was passionate with whatever he thought right.

When we came to this Assembly, I learnt that he was articulate with issues regarding the people living with disabilities. When I was the chairman of the Budget committee, he could stop me along the corridors and ask me the issues relating to disability and this is a good show of the commitment to the issues of the people he represented.

As an Assembly, we have been left by a hero and even today when I saw his photograph at the reception, I could see him as if he is real. We condole with the family and his brother and pray that God will enable us to meet him in heaven.

As an Assembly, we need to give a lot of support to the family so that Njogu's legacy will remain. Thank you Mr. Speaker

Hon. John Gitau: I support the motion and state that it is with concern and sorrow that we are eulogizing on the demise of one of us. This speaks a lot to us who are alive. We are all candidates of death. As we do that we should always remember that the person who has left us is disabled and he had a child who was disabled; we should always remember that.

I have not only lost a colleague. He was a member of the Education committee that I the chair, on behalf of the committee regret that we have lost a very strong member. He was a serious businessman in Kamahuha. He was operating a hotel and a mobile shop business, on behalf of Kamahuha people, I pass my condolences.

As hon. members, let us hold hands and give him a decent sendoff. As an Assembly we should not forget that hon. Kariuki has left people who need our support now and in the future.

The Speaker: Hon. members, I will allow a few members but we will not talk many of us because we need time to go and pay our respects in the home of the deceased member, so I will only allow two or three members then we stop.

Hon. Florence Wangechi: Mr. Speaker, if there is anybody who has lost a friend and a brother in this Assembly, it is me.

I first met Kariuki when we had gone to get Integrity clearance and from that day we started a journey together and we came all the way. Many of the hon. members were unable to understand me and hon. Kariuki. Some came to me and asked the type of relationship I had with hon. Kariuki and I could tell them that I and hon. Kariuki have come from far.

I remember when petitions started, my name was petitioned against but, when I called upon hon. Kariuki, we went with him to KICC from the first day to the last day when our names were gazetted.

I was very fortunate because that Thursday hon. Kariuki was taken to hospital I was with him, it's very unfortunate because he told me that "I am going to die, even if they take me to hospital". I started asking him why, because I believe even in 2017 we are going to seek the seat again and we are going to secure it again.

I see that hon. Kariuki has been my eyes and I have been using him, wherever I was unable to go, I used to send him. I believe God will fill the gap and with all due respect I would like to pray the Disability Bill which we have been discussing in the committee and hon. Kariuki was very aggressive with, I would like to request the Assembly to hurry it so that we will remember hon. Kariuki through the Bill.

Hon Kariuki was crying about the special school, for his remembrance and legacy in this Assembly, I would request that we come up with this school , on behalf of persons with disability who we represent in this Assembly. Hon. Speaker I would like to register our condolences and may my good friend rest in peace. Without talking much, I would like to say that may the Lord rest his soul in peace. Thank you.

The Speaker: Thank you. Hon. Waithira, Please be brief.

Hon. Mary Waithira: I also stand to eulogize Hon Kariuki. I have known Hon Kariuki for a long time, bearing in mind we come from the same constituency. The hon member was so much committed; very enthusiastic and so much on the people with disabilities.

Hon. Kariuki was a fighter and was one of those who believed that disability was not inability but gifted in a special way. We all knew the hon. member who has fought so many battles, including going an extra mile to see that he puts a plate of food on the table for his family.

We know the hon. member lived a good life, even before we came to this Assembly. That's why he was saying disability was not inability. There are some many people who were normal, physically and even mentally and there are those that cannot see the life that the hon. member has lived.

We are eulogizing a member that we feel .In Maragua constituency or Maragua sub-county, in this Assembly we used to count ourselves as nine in number but now we are

counting minus one. In this Assembly we are also counting minus one but it's good to know that wherever the hon. member has gone, all of us will go one time.

And I can say and support hon. Florence that the hon. member was also gifted in a different way. Many of us do not tell that we are about to die but I want to say that the hon. member has told several of us that "I am about to go" and "I am leaving" and "All I am going to leave is what I have been able to reap". Many of us do not tell when we shall go but putting that into consideration we still have a lot of pain. That death has robbed us the hon. member.

Mr. Speaker, I want to echo some of the words being said, that the only respect we can give to this Hon. member is to make sure we leave a legacy, that care, commitment, inclusivity and development; not to forget service delivery to the people living with disability.

Let hon. member rest in peace. Thank you.

The Speaker: Lastly, David Muhoro.

Hon David Muhoro: I don't want to talk much because the debate is becoming more emotional. Let me on my own behalf and people of Kariara, the people I represent and echo my words to eulogize this man.

This is someone who has lived in our midst. We know the late hon. Kariuki was a very independent, minded person. It's a virtue most people do not have; those people are carried by currents. but he actually came up as a very strong independent minded person. He could be able to stand on principles of exactly what is right and what is wrong.

I remember you allowed some of the members to go to Israel but unfortunately hon. Kariuki was left behind at the airport. We didn't think hon. Kariuki could manage to come to Israel because of the distance logistics, but while we were there we met hon. Kariuki in an interior town. This was one of the events that challenged me.

He was very important in this House and in the community. We have really lost a gentleman. We have lost a leader and we have lost a giant in his own way. May the Lord rest his soul in eternal peace.

The Speaker: I know all would like to talk, but we have a commitment to meet the family in the next few minutes so I would beg we stop there but hon. members, this is the first time we have had a tragedy like this so you will excuse me if I go out of order. We change this eulogy for the purpose of record to become a motion for posterity.

(Question put and agreed to)

Joseph Muchina: Mr. Speaker, it's unfortunate we don't have a paper to lay today so I would request this agenda number five and number six be read tomorrow because there are some contentious issues. The report has not yet been agreed upon.

ADJOURNMENT

The House now adjourns until tomorrow 2:20pm

The House rose at 3:36p.m