

# MURANG'A COUNTY ASSEMBLY

## THE HANSARD

Thursday, 23<sup>rd</sup> July 2015

The House met at 2.54 p.m.

*(Deputy Speaker Hon. Gachui Mungai in the Chair)*

### PRAYERS

#### COMMUNICATION FROM CHAIR

**Hon. Deputy Speaker:** Hon. members I would want to communicate that immediately after the Assembly we shall be having a Kamukunji and we invite all the members present and those that will be coming later. Next order

### STATEMENTS

#### TRANSFER OF MR. PAUL N. KAMAU (SENIOR ASSISTANT CHIEF PUBLIC HEALTH OFFICER)

**Hon. Anderson Muchemi:** Thank you Mr. Speaker, I want to respond to statement that was requested by Hon. Charles Kirigwi and I hope each and every member has the report on his or her file.

Hon. Kirigwi sought to know the reason why Paul N. Kamau was transferred and deployed to another county. If members go to page three on the report they will see the problem statement and on page five that is where the response is. Mr. Speaker if I may remind the members the request by Hon. Kirigwi number was;

1. Is the chairman aware that Mr. Paul N. Kamau, 57 years, who has been serving as the County Public Health Officer from the year 2010 to date, has received transfer letter signed by the County Director of Health, posting him to Kigumo sub-county as the sub-county Public Health Officer?
2. Why did his posting letter dated May 12, 2015, Ref: MRG/48/VOL.III/196, indicate that he would be stationed at Kigumo sub-county as a sub-county Public Health Officer, yet his current designation is that of Senior Assistant Chief Public Health Officer?
3. Is he aware that Mr. Paul Kamau rose through the ranks on merit from a Senior Public Health Officer (SPHO), to an Assistant Chief Public Health Officer (ACPHO), to be the Senior Assistant Chief Public Health Officer (SACPHO) and currently serving in the capacity of a County Public Health Officer?
4. Why would the County Director of Health demote a 57 year old Senior Assistant Chief Public Health officer who has diligently worked and risen through the ranks to his current position, and is almost attaining the age of retirement?
5. Is the County Director aware that Mr. Paul Kamau holds a Master's degree and he is job group N, yet he is expected to serve in a lower Job group L in the capacity of his junior officers at the sub-county level?
6. Can investigations be carried out to establish if the transfer of Mr. Paul Kamau in good faith, as he has indicated that there has been a deliberate intent to frustrate him to vacate his position as the County Public Health Officer?
7. Why Mr. Paul Kamau, being a member of the posting committee, was not involved in the deliberations of postings of his junior officers at the sub-counties (the Senior Public Health Officers/SPHO's)
8. Is he aware that Mr. John Mwaniki who is in job group L, the officer replacing Mr. Paul Kamau as the County Public Health Officer, is in a lower job group than him?

9. Is he aware that his junior officers (Senior Public Health Officers) have been by passing Mr. Paul Kamau, and directly report to the Director of Health apart from monthly reports, which is against the reporting protocol?

Page three was just methodology and the response is in page four. We had correspondences and they are attached. Because the response is very long I will just take you through very fast. If you go to 4.1 on page five you will see what the health for CEC reported to us together with county health officers reasons why Mr. Kamau was deployed or transferred.

Number one, Mr. Paul Kamau had been underperforming as the County Public Health Officer by failing to be a team player. Members if you go to page six you will see a vote of no confidence on Mr. Kamau by other health officers from the county and in agreement they voted that he should go and be removed from that post.

Number two Mr. Speaker there were grievances to the office, brought to the office of the County Executive Member and the Director of Health by the sub- county Public Health Officers in March 2014, and they discussed and Mr. Kamau promised to change.

And three, that it is not the number of papers that one has that gauges performance but the ability to perform in a leadership position. That there are other officers who have Masters degrees and currently working at the sub- county level, including doctors and they were performing well.

Four, that transferring Mr. Kamau to the sub- county does not lower his job group as he still continues in his job group 'N' and there are other officers at the sub-county level for instance doctors who are in Job group Q and R so that was not a valid excuse.

Number five, there was no deliberate intent to frustrate Mr. Kamau and he had a lot of encouragement to perform to no avail and that is why he continued to work in the office of the County Public Health Officer even after a vote of no confidence by his colleagues more than one year ago.

Number six, the transfer was in good faith and before he was transferred, the Director of Health called him and during the conversation, he requested to be posted to Kigumo instead of Kangema where the posting committee felt he would perform better as it is not his village but he argued that he would be most comfortable at Kigumo his home area.

Number seven, he has been involved throughout during the posting of sub- county Public Health Officers and the postings are not one man's decision.

And number eight, an officer can be given a leadership position, irrespective of the job group as long as they perform well in that position. With that regard, Mr. Mwaniki has shown leadership qualities when he has been deputizing Mr. Kamau.

Nine and the last one, in the meeting held in April 2014, by all sub-county Public Health Officers, they requested to report directly to the Director as they were not getting support from Mr. Kamau, a decision that was agreed in Mr. Kamau's presence, thank you Mr. Speaker Sir.

**Hon. Deputy Speaker:** Member for Kinyona.

**Hon. Charles Kirigwi:** Mr. Speaker, I am amazed by the shallow response that I got from the committee of Governance which I respect alot. This response is very shallow and not comprehensive. If you look at it you will find that it is a copy and paste job, they just got feed from CEC health and relied on it so much; they did not even care calling the person who is accused.

If you look at their observation, observation number one is that Mr. Kamau is underperforming and I perused the report and did not see how they measured that underperformance. As a committee, they would have gone an extra mile to attach a report

from County Public Service Board saying that these were his targets and if you compare the set targets and his performance he is underperforming.

So, Mr. Speaker, I wish with your guidance that I do not accept this report. One it is based on malice, maybe the accused had been forced to be transferred to that sub-county that he is complaining about, maybe he was intimidated. It needs to be very clear in the report that the accused was not or has not been ever intimidated. Maybe this report by the sub-county Health Officers, they have fabricated it and they can campaign against one person. We have seen when people are against you they can campaign against you and they can even form caucus to reject you from your place of work.

If you look at the observation number two, that Mr. Kamau expressed willingly to be transferred. I would expect to see what the committee did to confirm that. I do not know whether it would have been prudent to invite the accused person so that they get the version from the other party.

Like observation number three, infact this report is just laughable, the report says that there will be some restoration of sanity. Does it mean that...I do not know... there is need to have proven the sanity that was lost under his leadership and now that he is not there, we need to see the sanity they have restored.

Observation number five, the committee in its report outrightly doubted the capability of the constitutional institutions like the Transition Authority, Mr. Kamau was seconded to this county by Transition Authority, this is a constitutional office. When you say that he seems not to clearly understand his job description, I do not think the committee or the county executive has the competence of doubting the competence of institutions that had seconded this able person from the ministry headquarters to our very good county.

*(Hon. Gachui Mungai left the Chair)*

*(Hon. Bernard Kariuki in the Chair)*

So I reject the report as tabled and I urge the committee to do what it is supposed to do. The other day we were advised by The Speaker here that once we get such shallow feedback from the executive we care to inform this House accordingly. I urge that the committee goes back on the drawing board and investigates further for this very need and concerned member from this county of ours.

Mr. Speaker I am not convinced and I reject the report until due diligence has been performed and proper interrogation of both parties, thank you.

**First Chair:** Chair of Public service will you respond to those grievances raised by the questioner.

**Hon. Anderson Muchemi:** Thank you Mr. Speaker, if you go to our report we have attached evidence and we found no need to invite Mr. Kamau because there was enough evidence from the CEC, from the County Health Officer and from his colleagues who are sub-county Health Officers and if you go to page eight you will see Mr. Kamau was accused of many things that he was not doing. Unanimously all sub- county health officers voted a motion of no confidence against Mr. Kamau.

However, if you go to page nine the County Public Health Officer herself tries to reconcile them because it is like the County Health Officer felt she still needed Mr. Kamau because he was seconded by the Transition Authority, however, Mr. Kamau did not change. According to what we have, even the minutes from the CEC. I wish the Hon. member has read accusations from the sub- counties health officers, the ones that he was manning.

Mr. Speaker we heard that Mr. Kamau would even smoke in the meeting; he could come to the meeting while drunk. If he was the team leader, he automatically failed the whole of that team.

The reason why the committee felt, we have the minutes from the County Health Officer, the minutes from the sub-county Health Officers, we felt that Mr. Kamau and to remind the members that Mr. Kamau himself was a member of the posting committee and he felt it is good that he be transferred to Kigumo. He was not demoted from his job group. He was being paid the same amount of money as he was getting when he was County Health Officer. He just changed environment from a leader to working station. So he is enjoying the fruits of office of his employment and it is only that he is not manning anybody and he is being managed by somebody else. The reason is because he was irresponsible, he was drunkard and he was smoking during the meetings.

*(Laughter)*

Thank you Mr. Speaker.

**First Chair:** What is the point of order Member for Kigumo?

**Hon. Caroline Njoroge:** is it in order Mr. Speaker for the Hon. chair who is representing the committee to say that Mr. Kamau was irresponsible whereas in the report they did not give him a fair hearing. That is not in order Mr. Speaker and we cannot allow that.

**First Chair:** Chair would you respond to that point of order

**Hon. Anderson Waweru:** Mr. Speaker, I regret because an Hon. member who is my best friend has not read page nine. We were not in the meeting, it is in the minutes that he was discussed and he was present. In page nine point number three, the sub-county Health Officers accused Mr. Kamau of smoking in public while he is supposed to spearhead the campaign against smoking and drinking with junior officers during working hours. Thank you.

**First Chair:** Member for Kinyona are you satisfied?

**Hon. Charles Kirigwi:** Mr. Speaker it has come very clearly from the chair that they did not apply the rule of natural justice. We need to be heard, even if I am accused as a murderer and I am taken to the court for the judge to rule that I be condemned as accused.

I think it was very shallow for the committee, for the reputation of this House, I think we should not accept the report as it is because the rule of natural justice has not been observed, all these we are hearing of smoking and drinking they can be mere allegations and if they are not allegations let there be evidence.

I think it will be very unfair if we condemn Mr. Kamau unheard. If we accept this report as it is it will be the most unfortunate thing to this member of the society because we have condemned him unheard. It does not mean that as a member of County Assembly for Kinyona and I earn my payslip as it is and then I am reduced to a chief and I am told that my salary will be there, I think I am not interested with money I am interested with the service to this county.

It will be very unfair if the chairman says his package remains as it is, but he will not be, he has been demoted in a way. In fact it is torture to this worker who is doing very well in service to the county. I rest my case and I reject the response.

**First Chair:** I am going to rule that.....

*(Hon. John Kiarie rose on point of information)*

What is the point of information.

**Hon. John Kiarie:** Mr. Speaker just allow me to inform this House, before you make your conclusion that after going through this report, I would like to say that they have done a good job but Mr. Speaker this House has been entrusted to be an arbitrator and to be a unifying factor for all the workers of this county and on all the issues that come to this House.

If this matter was dispensed without this person being heard, we might be sending a very wrong signal to the rest of workforce in this county. Someone out there believes that if his or her matter is brought in this hon. House, this House will do everything possible to make sure that justice on all sides is taken care of.

Let's protect the dignity of this institution, let all the workers on Murang'a county have full confidence in this institution, that any time their issue is brought before this House, it shall be addressed to the very last point with all the fairness. They have actually done a good job but we should go an extra mile so that we retain the confidence of all the workers, thank you.

**First Chair:** That was not a point of information it was debate but the chair did allow given the wisdom of the member for Kakuzi. Hon. members, I am going to rule as follows; Whenever a statement is sought, it is sought so that the chair of the relevant committee would have an answer from the respective County Executive Committee member or if very low the Chief Officer responsible.

From the report that is here with me, it is very evident that the committee did not meet or if they met the CEC responsible for public service or the CEC responsible for Health, they have not indicated in this report on what the answers to the questions were. And to this extent whether Mr. Kamau was guilty to be sacked or not. The CEC for Health sat in the team that sacked him, so it was only fair for the committee to go through that route to ask the CEC why this person was sacked because the buck stops with the minister.

Therefore, this report is shallow and it is not full report because the answers are not emanating from the CEC. I order that the committee do a thorough work and report within 14 days. So that the questioner of this statement may be fully satisfied, thank you. Next order

#### GIATHANINI ECDE CENTRE

**Hon. John Gitau:** Before I respond, I wish to welcome Karingu primary school to this Assembly under their able teacher Esther Murage and also commend the Hon. member for Wangu for playing a role for this school to come here. Pupils I welcome you to this Assembly and next time you come, we will have enough space for you where you can have a full view of the Assembly.

Mr. Speaker in response to this question asked by Hon. Nyakio who is the member for Ithanga. The question was whether the chairperson is aware that Giathanini is among the prioritized ECDE centre to be renovated and equipped with building materials and chairs.

Number two, whether the chairperson is also aware the ECDE centre is in a pathetic condition and is included in the County Integrated Development Plan. And (c), when will it be renovated and the last one is when the reading materials and other requirements will be delivered.

Mr. Speaker on May 4, 2015, and as it is required by the standing orders, a letter was written to County Executive on technical training requesting for the response which was never delivered. Consequently the committee wrote a second letter on July 10, 2015, requesting for a detailed response. This was forwarded to the Clerk on July 14, 2015

In a committee meeting held today that is July 23, 2015, members discussed the response and after deliberating on its content they approved the response.

Mr. Speaker it is my pleasure to present the said response to Hon. Munywoki as follows;

According to the response we got, the answer to question number one is; the above centre is not captured as a priority renovation project according to the CIDP 2013 up to 2017. ECDE centres in Ithanga ward earmarked for renovation as per education sector ward projects 2013-2017 are captured as Mwanja Mbogo, Kaguku, Mianyani, Mugumo, Thungururu, Ngereria, Kahatia, St. Teresa and Ithanga.

However, this office has established that Giathanini is a feeder ECDE centre whose pupils join St. Teresa primary school which stands a kilometre away. Further, it has established that St. Teresa primary school does not have an ECDE centre within its compound.

Yes the department is aware that Giathanini ECDE centre has a permanent classroom which is in dilapidated state; a leaking roof, requires a door and windows and general renovation. Giathanini is captured at St. Teresa in the CIDP 2013/2014.

Giathanini ECDE centre will be renovated in the year 2015/2016. Giathanini ECDE centre has already received materials for number work, English reading, Kiswahili reading, furniture and other requirements will be provided once it is renovated in the current 205/2016 financial year.

Mr. Speaker, I would also like to tell the member that in the budget for 2015/2016 which has passed today in default, we already have the Ward Development Fund and one of the areas we want this fund to be utilized is in establishment of those structures like the ECDE centres. We trust that the MCA's will be able to utilise these monies wisely to give education to children of Ithanga. I rest my case.

**First Chair:** Hon. Esther are you satisfied?

**Hon. Esther Nyakio:** I am very much satisfied but I would like to inform the members that there is no difference between St. Teresa and Giathanini ECDE centre because they are in the same premises within the same town so you can either call it St. Teresa or Giathanini, thank you Mr. Speaker

**Hon. John Gitau:** The different starts with the name, so with a different name two things cannot be called with one name

**Hon. Esther Nyakio:** Noted, I thank you Mr. Speaker.

## MOTIONS

### FIGHT AGAINST SECOND GENERATION ALCOHOLIC DRINKS

**Hon. Joseph Njoroge:** Mr. Speaker, I beg to give the following notice of motion;-

Aware that alcoholism has become a big disease causing pain and agony to many families within the county and at the same time hampering development, further aware that as per the baseline survey conducted by the National Authority on the Campaign Against Alcohol and Drug Abuse (NACADA) and the University of Nairobi shows that at least 75% of the alcohol users in Murang'a county consume illegal brews, cognizant of the fact that H. E The President of Kenya directed a ban on all the second generation alcoholic drinks and further directed Members of Parliament (MPs), especially in Central Kenya, to lead in the war against destruction of the illicit brews due to the increased cases of alcoholism in Central Kenya and the fact that this is said to be degenerating into a national crises; this Assembly urges:-

1. The County Executive Member (CEC) in charge of Health to liaise with the County Commissioner to implement the present directive to its logical conclusion.
2. The CEC for Health to cancel all licenses of the outlets selling second generation alcoholic drinks within Murang'a County.
3. First track the implementation of the Alcoholic Drinks Control Act, 2014.
4. Submit a work plan on the implementation of Alcoholic Drinks Control Act.

Mr. Speaker, it is good to add that—

*(Hon. Charles Kirigwi rose on a point of order)*

**First Chair:** What is the point of order the member for Kinyona?

**Hon. Charles Kirigwi:** Is it in order for the Hon. member for Mbiri to introduce new motions or amendments on the floor because I cannot see number four on my order paper?

**First Chair:** Hon. member for Mbiri, you have added number four which the Chair does not also have.

**Hon. Joseph Njoroge:** Mr. Speaker, probably, his file does not have number four but it is there in the motion.

**First Chair:** Order! That number four is null and void because the Chair does not have it. It is not going to be debated because Members should have had an opportunity to propose amendments to that motion. Number four does not therefore exist, Hon. mover

**Hon. Joseph Njoroge:** But---

**First Chair:** Proceed and move up to number three.

**Hon. Joseph Njoroge:** It is okay, Mr. Speaker, but there is the one which is above number three, which is to submit a work plan on the implementation of the Alcoholic Drinks Control Act, it is there.

**First Chair:** Hon. member for Mbiri, can you resume your seat! The Chair cannot contradict itself; the Chair has prayers up to number three and those are the prayers you are going to move in the motion because that is the question that the Chair is going to propose. Therefore, you can use prayer number four to request for support.

**Hon. Joseph Njoroge:** Okay, thank you Mr. Speaker, as you have advised, although it is somewhere in my file---

*(Laughter)*

**First Chair:** Order! Order, Member! Can you resume your seat! As I have candidly told you Hon. member for Mbiri, the Chair cannot contradict itself, I order you to apologise and withdraw.

**Hon. Joseph Njoroge:** Thank you Mr. Speaker, I apologise and withdraw what I have said about number four but I would wish

*(Laughter)*

**First Chair:** Order! The Hon. member for Mbiri, you know the consequences of the route you are following. I have asked you to withdraw and apologise to the Chair; the Chair cannot contradict itself, do exactly as ordered and then move on.

**Hon. Joseph Njoroge:** Thank you Mr. Speaker, I apologise and withdraw for the mistake I have made by contradicting myself. I will now urge the Hon. chair for the Youth, Culture and Social Services committee to second the motion.

**Hon. Caroline Njoroge:** Thank you Mr. Speaker, as the mover has requested, I second today's motion which is not late, this is something that we all know to be our responsibility. As members who represent the people of Murang'a, we should ensure that we have a healthy county.

As you are aware, we passed a law in this House that should be implemented. The Hon. member for Mbiri has come up with something that is very important because we need to support our President so that the war against this bad liquor that is being sold to our youth does not die off because we want to have a healthy county.

Mr. Speaker, I also second by adding that we need to work hand in hand with the Members of Parliament (MPs), the County Commissioner and the administration in our respective places to ensure that we fight this menace. I am glad that, as we sit in this House today, we are aware that implementation of the Alcohol law that we passed in this Assembly is almost taking off.

Part of the things that the member for Mbiri has recommended in this motion focuses on the fast-tracking of the implementation which we hope is going to happen. He has also said that we should ban the second liquor alcoholic drinks and that is a good recommendation that we can add to the law because we know that we did not include it in section nine of our Act. We should have added that the bars that sell such alcoholic drinks should be banned. We can, however, still add that as an amendment.

Mr. Speaker, I second because I am aware that all of us are in support of what the President said, we have to continue supporting him since he is our Head of State. This is a good idea that I support and I hope that the member for Mbiri, being one of the stakeholders or business owners, is going to leave that business and operate better enterprises. He told me that he is going to lead in the war against bad alcohol in our county. I second, thank you Mr. Speaker.

*(Question proposed)*

**First Chair:** Member for Kinyona.

**Hon. Charles Kirigwi:** Thank you Mr. Speaker, I do not know whether to support or oppose. Let me oppose the motion because, by the look of it, it is in vain. There are resolutions that the mover wants this House to adopt, one, I do not think this Assembly has the competence to move a motion or a resolution to effectively execute presidential directives, I think that is well beyond us. I think we are going in the wrong direction when we are adopting resolutions such as that the CEC works with the County Commissioner to implement a presidential direction.

Two, if you look at the resolutions that the mover wants us to adopt, you will realise that they are very well captured in our Act. We have a superior Act called the Murang'a Alcoholic Drinks Control Act that is very clear. I would have expected the mover of the motion to come to the floor of this House asking us to censure the CEC for not implementing the Act as is provided. If you look at the hierarchy of businesses and compare motions with Acts, a motion is inferior to an Act.

Therefore, I request my very good friend, the mover, whom I respect so much, that, despite the intentions being good, it would have been better if this motion had been brought one or two months ago when the President had not made the declaration. He would have assisted the members, then, as compared to now. It is a good motion but the timing is late. I request him to withdraw it and consider bringing another motion to censor the CEC member if there are grounds that she is not implementing the presidential directive by closing the unlicensed outlets and if she is not implementing the Murang'a Alcoholic Drinks Control Act. I oppose, thank you, Mr. Speaker.

**Hon. Anderson Muchemi:** Thank you Mr. Speaker, I stand to oppose this motion and reiterate what the Hon. member for Kinyona has said. This motion has been overtaken by events. If you, for instance look at prayer number one; that the CEC Member for Health to liaise with the County Commissioner to implement the present directive to its logical conclusion; we have already done it. Even if the CEC has not done, the MCAs have liaised with the County Commissioner to implement the presidential directive.

With regard to number two, there is no bar or any other outlet in Murang'a county that has a license as we debate this motion. All the licenses were cancelled through a circular



by the Chief Officer, Mr. Mbai. With regards to number three, the Hon. member for Kinyona has said that the Murang'a Alcoholic Drinks Control Act is superior to the motion, please indulge your wisdom and advise the member to withdraw the motion, thank you Mr. Speaker.

**Hon. James Kagoni:** Thank you Mr. Speaker, I stand to support this motion and bring to the attention of the members that you have already ruled that we are dealing with the three prayers that the mover has moved. Prayer number three is requesting the CEC to fast-track the implementation of the Alcoholic Drinks Control Act, 2014. I belong to the committee that is the custodian of this Act, therefore, I can authoritatively advise the members that we are still at the initial stages of implementing this law.

Mr. Speaker, what is a motion? A motion is a prayer and the prayers that we are debating right now are a little bit urgent. A Bill is not a law or a motion in absence of the ordinary motion as the one we have. Much as we legislate and enact Bills and Acts in this House, it does not mean that we should not be having motions requesting for urgent attention to certain areas. For example, I can authoritatively mention that prayer number one is not mentioned anywhere in our Act. The mover is asking that we connect the presidential directive that is there because when it comes to such kind of issues, the county governments are supposed to relate with the national governments.

Mr. Speaker, the issue that we are talking about is among the 14 functions that are devolved, therefore, even when the presidential directive was forwarded to the MPs, it was an extraordinary assignment that was given to them because as per the Constitution, it is a devolved function. These prayers, as I said earlier, are a little bit urgent. He is for instance asking that the CEC for Health cancels all licenses of all the outlets selling second generation alcoholic drinks within Murang'a county. We just formed the boards that are supposed to do so and the CEC is the one who is heading this department. If there is any urgency that is required to be attended to, I do not see why this House should be limited to make any prayer on such a matter.

We recently had the issue to do with cholera, we even had to adjourn to discuss that matter much as we knew that there are regulations and matters that we have already passed in this House that mention on how we are supposed to carry ourselves on hygiene and health. Still, that did not bar us from discussing something that was very urgent and needed to be attended to by this House. Currently, the CEC is not implementing the presidential directive. What is wrong in requesting her to partner with the County Commissioner and extend that presidential directive because we have already confirmed that it is bearing fruits? What is the problem with asking the CEC to see whether she can be in a position to cancel the licenses, even if temporarily, as we continue with the implementation of the Act?

The mover has done something very wise because he has covered the other request in number three. He has shown that he is also recognising that there is an Act and he is asking that we fast track that. I solely support this motion and the prayers therein; I feel that this is something that we should, as a House, resolve so that we give the CEC the mandate and the energy to do so as fast as she can, even as we observe prayer number three which is actually a long term resolution of implementing the Bill, thank you.

**Hon. Isaac Kamote:** Thank you Mr. Speaker, I want to first welcome the pupils of Karingu primary school that is in Wangu ward led by Mrs. Murage who is their head teacher. I want them to feel welcome and assure them that they will find us in a better place with a better public gallery the next time they visit us for them to enjoy whatever will be going on in the House.

I support this motion and congratulate the mover. As the seconder of the motion indicated, the mover is a business man in this industry and he has now seen the light by coming up with this motion because as we are aware, our young men in Murang'a county had

been dying in tens of numbers daily. As we debated in an earlier motion sometimes back, the President directive is good because Murang'a county had become a testing and dumping ground of the illicit beers. Therefore, the mover of the motion has really thought of how to control the selling of the illicit beers here in Murang'a. I hope that he has already closed his bars; he is a very good friend of mine and I know that he understands that I am not attacking him. I support the motion, thank you.

**Hon. Samuel Wandia:** Mr. Speaker, I represent Muthithi and I rise to support this motion because if you read the first prayer, you will note that it is requesting the CEC member in charge of Health to liaise with the County Commissioner to implement the presidential directive to its logical conclusion. Logical conclusion does not mean today; it means that it is a process. The process of terminating the drinking of illicit beers is currently ongoing and the mover of this motion wants the process to go on.

On my way to Murang'a this morning, I was called by one of my constituents who told me that some people have been drinking at a certain shopping centre around 4 and 5 a.m. and they then proceed to their homes at 6 a.m. to sleep.

Mr. Speaker, does that mean that the drinking of the illicit beers has been terminated in Murang'a county? It has not. The prayer of the mover is therefore very genuine. Perhaps he has also noted the same in Mbiri, the ward he represents. That is why he is praying that the CEC for Health should continue and always work hand in hand with the County Commissioner in ensuring that the drinking of illicit beer is completely eradicated from this county. The menace is still continuing even in my own home because I still find people sleeping along the roads; thus the fight is not over just yet.

It is the duty of the CEC member to cancel all licenses and it goes without saying that if at all the members of this County Assembly have resolved to terminate the drinking of the illicit beers, those outlets and bars selling second generation beers should be closed down. We should try to look for ways and means of reviving them in an orderly manner. The mover is therefore right.

The other prayer is the third one that is on the fast-tracking of the implementation of the Alcoholic Drinks Control Act, 2014. People tend to forget; Wandia forgets; you also forget. Who does not, at times, forget? Sometimes, even the law enforcement officers forget that they are supposed to enforce the law. The only way out is to keep on reminding them that following and enforcing the law is important so that benefits that go with it can be realised in this County.

If I want to talk about the member for Kinyona, sorry let me not talk about him because I am not supposed to do so for now, he should however realise that the fight against alcoholism is a continuous process for this county, just as is the process of implementing the cited law. We do not have to consult any other person to control the drinking of beer in Murang'a county because it is our responsibility as members of this County Assembly, the County Commissioner and any other law enforcement officer to do so.

People should also be trained; training is an effective tool to control anything. What am I saying? There is nothing wrong as the MCAs going for a short training to ensure that the urge to fight the illicit beers is passed to all our constituents. The enforcement officers should also undergo comprehensive training, until we achieve the goal, thank you very much.

**Hon. Florence Nyambura:** Thank you Mr. Speaker, I stand to support the motion on the grounds that as I was watching news yesterday via QTV, I saw the Vicar in charge and the congregation of the Anglican Church of Kenya (ACK) in Weithaga, where the missionary arrived first, moving out of the church and going to a place where illicit brew was hidden. When coming to work, I am sometimes saddened when I meet some people completely drunk as early as 7 a.m.

Mr. Speaker, the illicit beers have not been completely destroyed in some areas. I listen to the morning and evening news broadcasts, either through the radio or the television. I recently heard the people of Kariua complaining that the illicit brews have not been done away with there. As the Hon. member moves this motion, we should tell the CEC to mandate health officers who are on the ground to support this fight. There are health officers in various areas that can assist the CEC Member for Health to implement the same. Even if the County Commissioner has given out orders to the chiefs and their assistants, they, perhaps, fear their people. In fact, some of them are bar owners. If I, for example, have a shop, I cannot tell another person to close his or her shop.

I therefore support the motion, let us invite the public to be giving information. We should go ahead to open suggestion boxes in our respective wards for people to be putting their suggestions so that even the MCAs can partner with their chiefs or the administration to do as suggested. This is an exercise that everybody should embrace. The CEC should implement the first prayer because we are going to lose our people. Beer is still being sold during late nights and early in the mornings. We should not say that this motion is passed by events because the implementation is ongoing. I thank the mover for closing his businesses, let him try to open other businesses, thank you Mr. Speaker.

**Hon. Joseph Ndung'u:** Ahsante sana Mheshimiwa Spika, nimesimama kuunga mkono mjadala huu kwa sababu kulingana na vile ilivyo, huenda ikawa wauzaji wengine wa pombe haramu walificha pombe haramu, aidha kwa nyumba zao au hata kwa mashamba. Hivyo basi, mimi naonelea ni vyema kuendeleza uamuzi ambao Rais wetu alifanya ili kama kuna ile ilikuwa imefichwa, tuwe na wakati mwema wa kuwa tunaingia mara kwa mara kwa biashara za pombe, ili tufikie yoyote ile imefichwa. Naunga mkono na nasema tuendele kupigana na pombe haramu Murang'a

**Hon. Mary Waithira:** I want to support the motion by saying that the item that has been quoted by the mover gives a lot than we have done. Looking at the first plea, we are talking of the logical conclusion, meaning that we have already done it but we have not concluded. If we look outside at what is happening we know there is a given percentage that we have already been able to stop, but this does not mean that the second generation liquor has been eliminated, we still have some elements hidden and we can witness by seeing drunk people along the way who tell us that they know where they are accessing the second generation alcohol.

When we put a logical conclusion plea, we can still see the need to urge the County Executive Member to make sure he closely liaises with the County Commissioner who will move down to the chiefs and assistant chiefs to ensure we monitor and we are done with this. There is a challenge in plea number two as we talk of the cancellation of the licenses from the outlet. I want to Support one Hon. member who said that a circular was issued. I tend to think that the mover is referring to the outlet where the second generation beer is being manufactured, and the challenge is some of these illicit drinks are not coming from Murang'a county. They are coming from counties as far as Nakuru, I see a challenge where we can eliminate the outlets within Murang'a but we still need inter-county relations to ensure the Executive Officer liaises with places where the liquor is coming from to influence cancellation. This is something that all of us Kenyans are reading from the same script because we want to do away with the second generation

For plea number three, we are talking of fast-tracking the implementation; it is true that we have a Bill which is superior to a motion; the mover is requesting that we support to ensure that the Act is implemented. Drinking is a habit, it is like a disease and the moment you are diagnosed and get the medicine, it does not mean you will heal immediately after taking the medicine, it takes some time.

We will have to take some time to make sure that we follow up those who sell second generation beer, to the extent of heavy penalties, as stipulated in the Act. This will help us; our people sometimes have to be forced to the extent of having fines so that at least we clear with this such that tomorrow we will have our people of Murang'a county healthy and responsible in their homes. In this way, we will be improving the social economic standards since everyone will be able to work and take something home. This will improve us economically better than we were before clearing the second generation drinks, looking at the wording.

I request the Hon. members to support this so that we will be seen to be following what is happening and continue with the words of the President. We are not just saying and forgetting, we will continue with the same. If we stop doing it and relax because the four days are gone, we will find that our people are getting back to the drinks. It has come to the attention of some of us that these Wines and Spirits shops are opening and Closing. Even in the places we had gone for the first four days, members of the public and the leaders seem to have forgotten. We need to pass this motion and show the CEC that we are on her heels to make sure the Act is implemented. I support the spirit of the motion so that we can move with speed and save our people.

**Hon. Catherine Mugo:** I will oppose the first prayer of the motion and support the third prayer. My reason for opposing the first prayer that the County Executive Member in charge of Health liaises with the County Commissioner to implement the presidential directive to its logical conclusion.

As it were, the mover of the motion has very good intentions but as a County Assembly we are vested with the duty of legislating. Do we really have the mandate to ask the CEC Health to liaise with the County Commissioner to implement the President's directive to its logical conclusion? From my point of view, I would say that we do not have that mandate. A presidential directive is at it is, presidential directive. It is final. Therefore as a County Assembly, with all the respect that I have for this House, we cannot purport to give other directives to the CEC Health, and I do not think anyone of us here has been asked by the President to hold brief. To me, that particular prayer one, I oppose it, but I support prayer number two for the cancellation of all the outlets that we have in Murang'a and the mover has specified this. I would also support the third prayer, the fast-tracking of the implementation of the Alcoholic Drinks Control Act 2014.

We all know the problems we have been having with this Act, as it is today; the Act has not come to force. It was to come into force after few days after gazettelement; it is yet to be gazetted. Asking that it be fast-tracked so that these things can come and we are able to implement the Act, that is good prayer that I totally support. We have the mandate to ask the CEC to fast track so that together with the stipulated regulations, we are able to see how we can help the people particularly those who are suffering from illicit brews withdrawal syndrome. I support prayer two and three because the laws we make in this House should not be futile. I urge members not to support prayer number one, thank you

**Hon John Kiarie:** I support this motion. The letter of this

*(Hon. Charles Kirigwi rose on a point of order)*

**Hon Charles Kirigwi:** Mr. Speaker, I request your guidance on this. I find it out of order when a motion is brought here and it is split that you partly support a and x and then you leave z, speaker after speaker is saying that they support some and reject others. We need your guidance

**First Chair:** Hon. member for Kinyona, you did not raise the order on the member for Kakuzi because he said that he actually supports, that is not a valid point of order if it was on him'

**Hon John Kiarie:** Mr. Speaker, thank you for protecting me, I was saying that I support this motion, although the letters and the technical part of the motion may have delayed, the spirit of the motion is alive.

I was looking at the dictionary meaning, when the move, who is very intelligent, asked liaise with. When we ask the CEC Health to liaise with the County Commissioner, he was actually very technical, he did not command, he did not give any instructions, he just said to liaise. Mr. Speaker, allow me to say that to liaise means to speak to people in other organizations in order to work or exchange information with them.

It will be in order for the executive and the Assembly to Liaise with the county Commissioner, to liaise with the churches, with the farmers and any organization in the fight against alcohol. I support the three requests made by the mover, this great intelligent man. Mr. Speaker, every Sunday we all go to church and for Hon Nyakio who goes on Saturday, every Sunday it is preached that we make our ways straight because Jesus Christ is coming. We in Murang'a must follow that trend. We must speak, every day and every time about the fight against alcohol in this country and county. Until the day Jesus comes we shall continue preaching the word of God, and until the day the second generation beer is totally eradicated, even the second generation.

To women they do not know which beer is good and which beer is bad. We must support the President; we must support the good people of this country and county. If it is possible, every week this House should have something to discuss concerning alcohol so that we keep the fire burning since this war will be won through concerted effort.

Mr. Speaker, if this House was to oppose this motion, our people out there will not understand, we might be taken negatively because people will just say that the Murang'a County Assembly opposed the fight against alcohol. It is important we support the spirit of this motion as we continue with this fight. Until the day we will have no one in Murang'a county going for rehabilitation due to alcohol and drugs, like we now have in the field, but it is now so early and we must keep the fire burning. Any motion that comes to the House and it is aimed at discussing alcoholism problem need to be supported. I support this motion, thank you

**Hon. Cecilia Gitu:** I stand to support the motion and state that change is resisted. Anytime you introduce change, there will be resistance. I am glad to say that this motion comes from somebody who has been earning money from this trade and now he is ready to stop the business. I think we cannot ignore such a sacrifice and throw away a motion that is wholesome. As the Hon. member for Kakuzi has said, the Bible says that tell me the story as many times as possible. I know that illicit brews are still on, in our place with Hon. Dishon, people are still getting drunk, not in the bars, the seller have discovered ways of avoiding law enforcers. They have hidden illicit brews in places where MCA or the government cannot see.

The battle is not over, it was not meant to last for four days, it is continuous process so in point number one where we are asking the CEC to liaise with the County Commissioner, this should be continuous until we finish the illicit brews. I was telling some members the other day, I have been talking about illicit brews in funerals and public places, one of the drunkards passing through my area threw a bottle into my compound telling me even if Wa Gitu says we will not drink we must drink. You see, these things are still ongoing, we have to save our generation to come. We have to fight illicit brews from all angles.

We are not saying that is not being done but the process is difficult because to change a generation that is used to drinking is difficult. Witnessing what is happening, those who have been benefiting from illicit brews like the CEO Keroche had the audacity to come on national TV to defend some brands, honestly corruption fights back. People have enriched themselves by killing a whole generation and we continue supporting this. I think it is the end of dishonesty to come and tell us that there are some brands better than others. If we are talking of second generation brews let them all go, that is my take. If we allow some, it means those brews will come back. We have to be honest.

The Kikuyu proverb says that we have to squeeze the thorn for the pus to come out totally, if we do not do it now when the President has created an opportunity, then ladies and gentlemen we are not doing much.

Our efforts should be holistic such that when we stop the brews we should also fight to save the affected. I like the efforts of the Murang'a county government; they are trying to save those who have already been addicted. They are bringing in alternative ways of life. It is not something we can finish today; we have to talk to our men. That is why I am saying that we need to have a holistic approach, a wholesome way of dealing with the drinks and the problems thereafter. It is important to seriously take this motion

**First Chair:** Hon. members before I call the mover to respond, I want to clarify an issue that was raised by the member for Kinyona and the member for Kangari that the motion is superceded by the Act. I invite them to standing order 48 (3) on admissibility of motion. A motion is not admissible if it is one which infringes, or the debate on which is likely to infringe, any of these standing orders; this motion is not doing so. If it is contrary to the Constitution or an Act of Parliament or of the Assembly, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament or Assembly, this motion is not;

- a) is too long; this motion is short if you ask Hon. Mary, she has been a teacher
- b) is framed in terms which are inconsistent with the dignity of the Assembly;- the motion is not violating that
- c) contains or implies allegations which the Speaker is not satisfied that the mover can substantiate; or calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the Assembly,

So the motion is admissible, the mover is in order, but for purpose of record, Hon. mover it is important you respond to prayer number one, because as Hon. Catherine said, presidential directive is an end to itself, you need to further respond on that. For the record again, the members have said that this motion has serious consequences on your business, the Hansard is recording, it is important you clear those allegations for the record. Respond.

**Hon. Joseph Njoroge:** I would like to appreciate the people who have supported this motion and Mr. Speaker according to the presidential decree given to the parliamentarians; it is good for this House to know that the parliamentarians only came to the constituencies for four days. When the president was giving out the directive, he knew that if a constituency ends all he illicit brews everything will be in order.

On point number one, where the CEC Health is liaising with the County Commissioner, it is good to know that when these two people liaise, the County Commissioner has all the administrators in the County and it is his or her duty to tell the administrators to do certain things within their jurisdictions. I included number one because all of us were to go to the field and fetch those people who were selling the illicit brews.

In my ward, if you go to the extreme end near Hon. Kabaka's area, we were told about illicit brews two days earlier, we liaised with the people of Maragua and we went to the area called *Gichagi gia Ikamba* to stop the people who were selling the brews. On the Gikandu

side where we boarder with Hon. Kamote some people are selling illicit brews there. If we fail to liaise with Hon. for Kambiti all will be in vain and that is why the President said that all the MPs need to go to the field.

If we come to the county, it is good to know that we are the people in the grass roots. We are mandated to do the necessary work for every decree given by the President, County Commissioner or anybody else who is in power. This is a continuous process, if we did not continue doing it after parliamentarians came. The way we are speaking today would be different. If you go to Ihura stadium, you will get our brothers and sisters and fathers distorted by illicit brews, they need to be taken care of. If the illicit brews continue in this county, we could not have any youth getting any position.

I am happy for the people who have supported this motion, if you go to Mukuyu, a place we call Labour offices, in the past you could not see people searching for jobs but nowadays you get a lot of people sitting there to get jobs.

I do not know why some people are saying that I am among beer sellers. It is good to tell this House that there is no license under the name of Joseph Njoroge as a beer seller. I have many businesses but where I go to rest after work does not mean that is my premises, thank you very much and may God bless.

*(Question put and agreed to)*

#### **ADJOURNMENT**

Hon. members, the House is adjourned until Tuesday next week, thank you.

*The House rose at 4:26p.m.*