

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Wednesday 31st May 2017

The House Met at 2:43 p.m.

(Temporary Speaker Hon. Beth Nguni in the chair)

PRAYERS

STATEMENTS

APPROVED ASSEMBLY BUSINESS FOR THE WEEK COMMENCING JUNE 6 TO JUNE 8
2017

Hon. Duncan Njuguna: Madam Speaker, pursuant to standing order 46 (2) (a), on the approved business, that will come before the Assembly in the week commencing Tuesday June 6 to Thursday June 8, 2017. The scheduled business of next week Tuesday morning, we have item number one, notice of motion Hon. Jesse Mburu Gitau, MCA - Nginda ward.

Item number two, statements request from member for Muthithi to the Chairperson, Public Works, Roads and Transport committee,

Tuesday afternoon item number one is chairperson Agriculture, Livestock and Fisheries committee, to lay a paper on a visit to Brade Gate Farm. Item number two the same afternoon is, notice of motion chairperson Agriculture, Livestock and Fisheries Committee to give a notice of motion on a visit to Brade Gate Farm.

On Wednesday June 7th, we have a motion by Honourable Jesse Mburu Gitau, MCA – Nginda and on Thursday for the week ending June 8th the first item is motion Chairperson Agriculture, Livestock and Fisheries Committee, will move a motion on the visit to Brade Gate farm. Item number two is statements by Chairperson House Business and Rules Committee on the approved business that will come before the Assembly in the week commencing Tuesday June 13 to Thursday June 15, 2017. Thank you Madam Speaker.

MOTION

ADOPTION OF REPORT OF THE LIAISON COMMITTEE ON COMMITTEES' HALF
YEAR PROGRESS FOR FY 2016/2017

Hon. Duncan Njuguna: On behalf of the chair liaison and with his permission. I beg to move the following motion;

That, the report of the Liaison committee on Committees Half Year Progress for FY 2016/2017, laid on the table of the Assembly on Tuesday May 30, 2017 be adopted by this house.

The report of the liaison committee on committees half year progress for FY 2016/2017 that is from July to December 2016. It is in the members files, each and every committee presented to the liaison committee reports and the same was done at Mombasa and each and every chair submitted the reports and elaborated the items listed in the report. We have all the committees represented especially the sectorial committees.

Since it is very long, I will concentrate on the recommendations of the report, although there are observations from every committee report. But there are the general recommendations for the same. It concerns what has been transacted in the first half year of 2016/2017.

The report as I have said, it's well tabulated with the challenges, observations and terms of reference and the overview progress of the committee, each and every statement, even Bills emanating from the committees.

With that I am going straight to the overall recommendations of the committee which is on page 50 of the report. I will request each and every chair of the sectoral committee to refer to the file because when contributing, can check what the report has picked is what they deliberated on and if there is something to add they can add when contributing.

We have six recommendations; number one is all the sectoral committees should jointly work with their respective county executive departments in generation of Bills which would enable in legislating of all the devolved functions in the county. This would further help in creating guiding principles in undertaking various development activities in the county.

Madam Speaker, if you can note for the last four and a half years we have been here, and if you check the schedule 4 of the Constitution Part Two, you will find that we have done very little because we are supposed to have done over 100 Bills emanating from that Schedule.

The said Bills should not come from the committee or from the members; they are supposed to be submitted by the Executive since they are the devolved functions from the National Government. You will find that very few of them have been submitted to this House. They have only concentrated on the Appropriation Bill because of the budget. Others for the devolved functions that are very important have not been submitted. I am sure that the others from committees concerned, especially the sectoral committees on agriculture, youth, and others, were submitted after they requested for them. The situation is very pathetic and we need to have more Bills.

Madam Speaker, as you are aware, the House is well structured; we have the Majority Leader who represents the government in this House and it is from him and through him that we can reach the Executive.

Recommendation number two is that the committees should issue timely and comprehensive responses to statements. If you check on the statement I have read on the House Business and Rules Committee Order Paper for next week, you will find that the same response was in the Order paper two or three weeks ago but no response has been forthcoming.

Madam Speaker, if the secretariat or the staff of this Assembly is to do a tracking on the requests and responses of the statements, you will find that they have maybe responded on 40% of those statements.

I remember I requested for a statement on milk and the response I got was that I am a third party in the government; I do not know what I will be called after 8th August if I can be called a third-party in the government I am in, I will not even be called a party member after 8th. I will be nobody in this county. If the House cannot do it, I do not know who can force or compel the Executive to respond because the chairs of the various committees cannot respond on something they do not have.

Madam Speaker, recommendation number three is that the Office of the Clerk in the County Assembly should fast-track the publishing of the various Bills which were approved by the Hon. Speaker of the County Assembly. This will help in subjecting them into various stages of transforming them into Acts of the County Assembly. I do not know which ones are pending but fast-tracking adopted Bills will make the Executive implement the same as per the recommendations.

Madam Speaker, recommendation number four is that the sectoral committee should generate numerous motions as proposals to the County Executive Departments to undertake

various development projects as guided by the devolved functions. I remember that we prepared the County Integrated Development Plan (CIDP) when we joined this Assembly, which is supposed to be guiding document in preparing the Annual Development Plan (ADP), the County Fiscal Strategy Paper (CFSP) and the budget itself. We did that as it should be but when it came to implementing the same, we are sorry that we repeat the same projects.

For example, we were out for public participation for the 2017/2018 budget, some of the responses from the public were that we call them each and every year to tell them that we gave various projects to be carried out by the County Government yet they have not done anything on the ground and we want them to repeat the same.

To our surprise, it was in very few sub-counties where the public turned up in good numbers, but were not even 50. In other sub-counties, they did not turn up because they are tired since the projects they have been giving the County Government to carry out are not done, yet we are ending the first term under devolution.

Madam Speaker, you sit in various committees of this Assembly and even if we generate motions, policies which we are not even supposed to do; they are supposed to be done by the Executive, no one carries out what the Assembly has resolved and passed. Therefore, we are in a very pathetic condition and we hope that they will be in a position to do that next term.

The fifth recommendation is that all the committees in the Assembly should ensure that their activities to be undertaken are outlined in their work plans generated at the commencement of each and every Financial Year. I cannot blame the Hon. Members or any of the committees because our work is disorganised by the Executive. For example---

Temporary Speaker (Hon. Beth Ngugi): Order! Hon. Members, Hon. Duncan, resume your seat. Hon. Gitu, share with us what is so amusing that you laughed so loudly in session.

(Hon. Cecilia Gitu spoke off record)

Temporary Speaker (Hon. Beth Ngugi): Hon. Duncan, proceed.

Hon. Duncan Njuguna: Thank you Madam Speaker, as you are aware, she was in Jubilee yesterday---

Temporary Speaker (Hon. Beth Ngugi): Order! Hon. Duncan

Hon. Duncan Njuguna: Thank you Madam Speaker. Was I in recommendation number five? I cannot blame any of the Hon. Members and I cannot blame any of the committees because I know that we carry out our duties as per our plans but during the financial year, we are disorganised or our plans are messed out by the Executive simply because their plans and ours do not tally.

You will find that when they want to issue or give out free seeds which is neither in our budget nor in our plans, you find that we are not able to follow our plans because we are being confronted by something that was not in the budget.

I can commend the first Assembly of Murang'a for the good work that they have done. If it is tracked well from 2013 to date you will find that we went through a lot of difficulties because we did not have even anywhere to sit or even the mechanism or gadgets to work with and even the staff that's the resources we did not have. Thank God we have been able to carry out and come this far and we are able to even debate on various debates and motions because we have learnt a lot.

It is not only the Executive that interferes with our plans but even the leadership of this Assembly I would also blame it, like now we have just come out of the liaison committee meeting and we have found out that we do pass or resolve on various issues and they are not

carried out because orders come outside the precincts of the Assembly. The CEO or whoever of this Assembly made a call from wherever he is and he was not in that meeting and you find out that everything is messed up.

Last week the budget committee was supposed to sit outside the precincts of the Assembly but a one minute call changed everything and we were messed up. We could not discuss on the agenda we were supposed to, so it's not only the Executive but also the Assembly itself does mess up with the committees

Recommendation number six, the committees should invoke powers bestowed upon them by various statute of these laws by playing their oversight role. For instance in order to get compliance of the Executive members in appearing before the committees and production of documents the committees should utilise powers given to them under Article 195 of the Constitution and enforce the attendance of the witness examining them to oath and compel production of documents and issue a commission a request to examine a witness abroad.

Section 17 of the County Governments Act has privileges, powers and immunities of County Assembly which provides that the national law regulating powers and privileges which parliament shall equip the necessary modification to apply to County Assembly. I won't say that the committees have failed, we really try our level best and we invite them.

Like now just as I have stated we are in the budget making process and for the last three weeks we have been having the agenda of calling the County Executive members from various ministries to come so that the members can deliberate and harmonize the budget that they have forwarded to us, but you will be surprised to find out that none of them is available and what they have done is to forward a small document to the committee.

When you try to enforce that you find that they are not bothered because they will be taken nowhere. We tried in 2015 August, we tried to impeach the then CEC for Finance but when he went to court the same was dismissed and so no one can be touched because he or she will go to court. That is why we are unable to enforce what is supposed to be done.

(Mobile phone rung)

We all have phones, Madam Speaker can you protect me from-----

Temporary Speaker (Hon. Beth Ngugi): Order! Honourable members it is prudent that you put your phones on silent mode, this is an honourable House and you know that you are supposed to put you phones on silence mode. Whose phone was that? Let it not happen again. Let us have decorum we are supposed to have here. Go on honourable Duncan.

Hon. Duncan Njuguna: Thank you Madam Speaker for the protection.

As I was saying we are unable to even use the Articles as stated in the Constitution or even the sections County Governments Act or even the standing orders of this Assembly because there is a loop hole, I think under section 40 of the County Governments Act because they do rush to court and they are protected by the same. They are somehow reinstated even after summoning them.

Not unless some of these things are done correctly you will find that the next or the second Assembly will not be able to carry out its duties if some of these Articles and sections are the ones they will use so that they can have businesses in this house.

As I have stated, the first Assembly has the best ratings because that one can be proved by the number of reports, motions, bills, statements and even the debates that they do carry here in

the Assembly. That's the report of the liaison committee of the various committees of this Assembly submitted to it by the same committees for the half year 2016/2017.

I will request the honourable members to support the same. I request the outgoing member for Ruchu Hon. Njihia to second the motion.

Hon. Bonface Njihia: I concur that we have done our best, as we go out we will leave a legacy since we have done a lot to the Wanjiku of this county. I second

(Question proposed)

Hon. Caroline Njoroge: I rise to support and commend the good work done by this House and the chairmen of various committees. Despite this being the first Assembly we have left a legacy.

As a chair, a woman, I am glad that my committee sponsored an Act that is being implemented in this county. We have passed several Bills, the Disability Bill which is not yet implemented and the Alcoholic Drinks Control Act. Some of these Bills have emanated from this House which is not supposed to be the case. It is the members of this House who have emanated with the Bills and it is very little that we receive from the executive; I do not know whether they do not understand their role or they were never taught when we came here.

The Assembly made sure we understood our roles in the Assembly; we have committed to work for the best of our county and our people. I wish those who will take over from us will take their work seriously like we have done for the benefit of the county. The executive that will be taking over the next government will also work together with the members and ensure there are Bills enacted and implemented.

We have done a lot of motions but there are challenges in implementation. Sometimes it is discouraging but we tolerated them. We hope that they will learn and continue with the same spirit since we have a lot of pending work. I am also happy that the members of the public also understood that they have a role to play by bringing in petitions, My committee has handled three petitions and I am happy that this house has been trusted to solve their problems, they may also have information and whenever they bring such petitions we can generate Bills to help them and the society. I support.

Hon Jesse Mburu: I stand to support this report but I have regrets since there are many Bills passed by this House but the work has been frustrated by the executive.

When my committee brought the Tea Bill, the executive did not want to implement and we had to call the minister to ask why. The work of the Assembly has been fully done but here is a lot of resistance from the executive.

My concern is how far we can go and what we can do to ensure implementation. We need to be told, we are doing this for the future and even the coming Assembly need to know where they can go when there is no implementation. That is my concern.

Madam Speaker, I know this Assembly has done a lot, with all the frustrations but we need to know, can we go to court to force these people to implement? Can we call them here, which we have done? My concern is that the ministers supposed to implement have protection at the top whenever we get hard on them.

The future Assembly needs to be advised on how far we can go to make the Bills and motions implemented. With those few remarks Madam Speaker I support the report. Thank you.

Hon. John Gitau: Thank you Madam Speaker, I rise to support this report and to thank members of this Assembly because of their commitment and hard work to produce this report and previous reports.

The reason why we are here is to help the people of Murang'a by legislating, representing them and also by making sure that their money is well spent. We only have one county government of Murang'a and this should be noted clearly.

I am saying that because I have seen the commitment of members of this Assembly including the members of Liaison committee who has prepared this report. I will comment generally, because we have one county government divided into assembly and executive it is very important now and in future for these arms to work together.

One of the greatest roles of the Assembly is to make law, it will be in futile if this assembly makes very nice and good laws but they are never implemented. That shows even the money that we are paid as salary goes to waste because we come here every day or three days a week to do legislation but after doing very good laws if they are only put on the shelves to gather dust we will not have helped citizens in Murang'a. This is waste because what is legislated is supposed to be realized by it being implemented.

I would urge both arms of the government now and in future because we know this government's term is coming to an end, people in next term should work together. I support the report.

Hon. Duncan Njuguna: Thank you Madam Speaker, I would like to thank the members who have contributed and supported the report and I know even those who have not contributed are in support of the report.

Madam Speaker, I have few remarks to respond to. One is on petitions, as Honourable Caroline has put it as you are aware after carrying out our investigations and other duties, the petition can evolve into a Bill and we have one that did it and it was good work that was done but the sorry part of it is implementation.

I do not know what the National Assembly does that whatever they discuss is implemented because it seems as if this is where the problem lies because the good work that is done by the Assembly. This is where I differ with Hon. Gitau with that money is wasted when we get paid because we are paid because of the work that we do in this Assembly not because of implementation of the decisions made by the Assembly. We do our work perfectly only that the implementer does not want to implement it.

On implementation if we can stand up and may be like now when we are making this budget 2017/2018 and say we are not going to pass a budget without knowing exactly the implemented projects and the remaining ones we get information and implementation of these projects can be done.

With those few remarks I thank honourable members in their various committees because of the good work they have been doing. I hope the other half of the year before we leave we will be able to give the report. Thank you.

(Question put and agreed to)

ADJOURNMENT

Temporary Speaker (Hon. Beth Nguni): Honourable members there being no other business, and as you know tomorrow is a holiday there will be no sitting, this House is adjourned until June 6th, 2017 at 9:30 a.m.

The House rose at 3:24p.m