

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th March, 2014

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House, today, Wednesday, 5th March, 2014.

The Report of the Auditor-General on the Financial Statements of Kenya Roads Board Project for the year ended 30th June, 2013 under the Kenya Wildlife Service

The Report of the Auditor-General on the Financial Statements of Kenya Coconut Development Authority for the year ended 30th June, 2013

The Report of the Auditor-General on the Financial Statements of Kenya Safari Lodges and Hotels for the year ended 30th June, 2013

The Report of the Auditor-General on the Financial Statements of the Coast Water Services Board for the year ended 30th June, 2013.

Hon. Speaker: Very well. Next Order.

NOTICES OF MOTIONS

ESTABLISHMENT OF FUND FOR VICTIMS OF CATTLE RUSTLING

Hon. Cheptumo: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, aware that cattle rustling is a major menace and security threat in the South and North Rift regions and other regions in the country; noting that cattle rustling involves forceful raiding of livestock from one community to another; concerned that such acts leave behind destruction of property and loss of lives; deeply concerned that the menace has since left irreparable and negative socio-economic impact, which includes but is not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to the emergence of Internally Displaced Persons (IDPs), disruption of educational programmes and other socio-economic activities owing to destruction and or closure of educational, health and other institutions; deeply concerned that the people living in the affected regions have been denied the enjoyment of their

socio-economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution; noting that the national Government is constitutionally obligated to guarantee the said constitutional rights to all Kenyans; deeply concerned that the national Government has failed to ensure the enjoyment of these rights by the people in the affected regions, this House resolves that the national Government declares cattle rustling a national disaster and establishes a special fund to be used in mitigating the losses suffered by, and in compensating all victims of that rustling and resettling all IDPs across the country created by the menace.

Thank you, hon. Speaker.

Hon. Speaker: The next on the order list is hon. Abdul Rahim Dawood. You are not on the screen. We need to see you on the screen. You see, you spent a lot of time greeting people. That is the time you should have been sorting out that. It is on now.

Hon. Dawood: Thank you, hon. Speaker. I do not seem to have been given a report that I was supposed to give a notice of Motion this afternoon.

Hon. Speaker: Are you asking a question?

Hon. Dawood: No.

Hon. Speaker: We are at Order No.6 – Notices of Motion. Are you saying you do not have a notice of Motion which you want to give?

Hon. Dawood: No, hon. Speaker. I have a Motion but I was told it was not approved. Thank you, hon. Speaker.

Hon. Speaker: Get the information from the correct place, which is the Clerk's office. Do not get information from anybody you see in the precincts of Parliament.

Hon. Dawood: Thank you, hon. Speaker. I stand guided.

Hon. Speaker: I know that the Motion was balloted in the House Business Committee (HBC) last night alongside that of hon. William Cheptumo and others which are listed there.

Yes, proceed.

SETTING UP OF ICUs AND BLOOD TRANSFUSION UNITS IN CONSTITUENCIES

Hon. Dawood: Hon. Speaker, I stand guided. I beg to give notice of the following Motion:-

THAT, aware that the country has been experiencing a series of fatal emergency situations that necessitated the need for urgent medical care and blood transfusions; deeply concerned that currently the country lacks sufficient blood reserves; noting that health services and blood donation in critical emergency situations are crucial to saving lives, this House resolves that the Government sets up an Intensive Care Unit (ICU) and a blood transmission unit in every constituency to provide medical care and blood in emergency situations.

Thank you, hon. Speaker.

Hon. Speaker: When Motions are filed, it is proper that Chairs of committees to which they may be directed get to know that those Motions will be coming up, so that they can also be prepared. Your Motion is a very important one. The Departmental committee on Health should get seized of it, so that you can begin working on it.

Yes, hon. J.M. Waiganjo.

MEASURES TO ENFORCE TRAFFIC ACT

Hon. Waiganjo: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, aware that there is lack of enforcement of the Traffic (Amendment) Act, No.2 of 2012; concerned that deaths on our roads surpass 3,000 people per year, with a significant number of debilitating injuries; further aware that the majority of Traffic Police Officers continue to extort bribes from motorists at the expense of passenger safety, this House resolves that the Government should ensure that all Officers Commanding Police Divisions within whose division a road accident occurs, post comprehensive details of the nature and the number of traffic offences and prosecutions done, including those for attempts by motorists to bribe police officers, and that the names and force numbers of officers stationed on the road on the day the accident occurs be posted on the websites of the Kenya Police Service, the Ministry of Transport and Infrastructure and the Association of Kenya Insurers to ensure that traffic laws are implemented and enforced without compromise.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33(1)

Hon. Ichung'wah: Hon. Speaker, pursuant to the Standing Order No.33(1), I seek leave to move a Motion for adjournment of the House for the purpose of discussing the ongoing traffic congestion in the City of Nairobi, which this morning has brought a lot of disorder, caused disruptions and a lot of interruptions of City operations and the national economy.

Aware that under Paragraph 18 of the Fourth Schedule of our Constitution, road traffic is a function of the national Government, I will seek to address the concerns on the public transport system and blocking of all major highways leading in and out of the Central Business District this morning by *matatu* operators. This brought the capital City's economy to a standstill and has caused disruption of our security as a nation and the national economy as a whole. I wish to urge the National Treasury and the relevant Ministry to ensure that all taxes and levies being levied by county governments comply with the provisions of Article 209 of the Constitution of the Republic of Kenya and more so specifically Article 209(5) of the Constitution to the letter.

Hon. Speaker: Okay, you may resume your seat. Well, Members, the matter raised by hon. Ichung'wah under Standing Order No.33 is obviously definite and of urgent national importance. I, therefore, direct that the House will adjourn to discuss or

debate, that matter from 5.30 p.m. this evening. It will be for one hour between 5.30 p.m. and 6.30 p.m.

So, Members, when the time comes, you will in the usual way decide how you want to structure that debate, so that as many of you have a chance to express yourselves on that matter. It is a matter that I am sure is of concern to all of us.

REQUESTS FOR STATEMENTS

STATUS OF CERTIFICATES ACQUIRED OUTSIDETHE COUNTRY

Hon. Kisang: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the status of certificates acquired out of the country.

Many of our citizens travel abroad to study different professions in different universities and colleges. However, when they return to the country, different agencies, for example the Teachers Service Commission (TSC), requires certificates to be equated to the Kenya National Examinations Council standards, and when this happens, some of the certificates are reported not to be below Kenyan standards. The Chairperson should inquire and report on the following issues:-

(i) the circumstances under which a certificate must be equated to the Kenyan standards and the responsible officers;

(ii) the guiding parameters and standards used by the responsible body of officers; and

(iii) provide data of all certificates that have undergone the process and how long it takes to acquire them.

Hon. Speaker: Hon. Sabina Chege, you may need to liaise with the Leader of Majority Party because these standards could have something to do with some Bill possibly to be introduced in the House.

Hon. (Ms.) S. W. Chege: Thank you, hon. Speaker. Already on our Order Paper, we have the Kenya Qualifications Framework Bill, a Bill that has already come before the Committee and been moved by the Leader of Majority Party. So, that issue is going to be addressed. It also originated from the Ministry and if there is anything that we can communicate before then--- I am hoping that when the Bill comes to the House, we will have full support so that the above questions are answered.

Hon. Speaker: Well, looking at the Order Paper, it is Order No.10. So, rather than wait for some answers to be given by yourselves, we should wait for the Bill to be tabled, so that some of the issues that the Member is raising could also come up for debate and, maybe, the Member could raise them in his contribution. Hon. William Kisang, even if you get the information you are seeking, it is not going to help when there is already a Bill pending before the Committee and also before the House. It will be against our rules to debate a matter which is before the Committee. The Committee will not be giving its report specifically just to your request for a Statement, but with regard to the Bill. What is your reaction, hon. Kisang?

Hon. Kisang: Hon. Speaker, it is in order. It is only that I had decided on the Statement earlier, but because we already have the Bill here, I will wait and contribute to it.

Hon. Speaker: I think there may be something wrong with the system. I am not able to hear what you have said. Did you say that it is okay for you to debate this matter now? It can be among the issues that you can easily raise during debate on this particular Bill.

Hon. Kisang: That is what I said.

Hon. Speaker: Hon. Zuleikha! Is the Member present? Hon. Tim Wanyonyi!

POLICY ON RETIREMENT AGE OF DISABLED PERSONS

Hon. Wetangula: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding the implementation status of the Government policy on retirement age for persons living with disabilities. The former Ministry of State for Public Service, vide a letter dated 29th May, 2012, raised the mandatory retirement age for public servants living with disabilities from 60 years to 65 years.

Hon. Speaker, the Chairperson of the Committee should inquire into and report on the following:-

(i) the number of civil servants currently affected by this policy and the Government agency charged with enforcing the same under the new constitutional dispensation;

(ii) whether or not the Central Bank of Kenya (CBK) is bound by this policy as evidenced by one Bernard N. Mutua (Staff No.1341), who was advised to retire by 31st December, 2013 upon attaining the age of 60 years; and,

(iii) the number of civil servants who have been forced to retire at the age of 60 years despite the existence of this Government policy.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. David Were.

Hon. Were: Hon. Speaker, I will respond to that Statement request in a period of two weeks.

Hon. Speaker: Hon. Wanyonyi, is that okay with you?

Hon. Wetangula: Hon. Speaker, as we went for recess, this matter was before the Committee. I hope they respond within a shorter period of time.

Hon. Speaker: There must be something wrong with the equipment because I did not hear what you said, hon. Wanyonyi.

Hon. Wetangula: Hon. Speaker, I said that this matter came up before we went for recess last year. Therefore, since it was already before the Committee, I urge that they give me a response within a week.

Hon. Speaker: Hon. Were, are you able to give the response in a week's time?

Hon. Were: Hon. Speaker, two weeks would be adequate, considering the fact that we sent this information to the relevant Ministry but we have not received a response yet. So, two weeks would be fair.

Hon. Wetangula: That is okay, hon. Speaker.

Hon. Speaker: Next is hon. Francis KigoNjenga.

PAYMENT OF BENEFITS TO RETIRED TEACHERS

Hon. Njenga: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to seek a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding teachers who retired in 1997 and even earlier. The retired teachers went to court, seeking a resolution regarding their unpaid gratuity and other dues. The High Court ruled in their favour and awarded them a total of Kshs16.4 billion. The Treasury budgeted Kshs3.34 billion in the Financial Year 2009/2010 and Kshs2.6 billion in the subsequent years for payment to the retired teachers. However, not a single cent has been paid to date. As at now, 350 of those retired teachers have passed on while the rest continue aging and suffering.

Hon. Speaker, the Chairperson should inquire and report on the following:-

(i) when the Government will respect the court order, abide by the provisions in the Ministry's Budget and pay the retired teachers;

(ii) whether the Government will compensate the retired teachers for the delay in paying them; and,

(iii) whether the Government can provide to their lawyers or advocates, a schedule of the proposed settlement scheme.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Sabine Chege.

Hon. (Ms.) S.W. Chege: Thank you, hon. Speaker. The issue that the hon. Member has raised is very important. As a Committee, we have been discussing the matter of the retired teachers of 1997. Yesterday, we discussed with the Budget and Appropriations Committee on how to include in the Budget the amount that has been owed since 1997.

On the issue of compensation, we need to go back to the Ministry. We will give an answer from the Ministry in two weeks' time.

Thank you, hon. Speaker.

Hon. Speaker: Committee Chair, the hon. Member said in his request that even though the money was budgeted for in 2009/2010 and in subsequent financial years, the payment has not been made, the provisions in the Budget notwithstanding.

Hon. (Ms.) S.W. Chege: Hon. Speaker, that is why the matter is in court. There was some miscommunication between the Office of the Attorney-General and the Teachers Service Commission (TSC) when the court awarded the amount of money. Apparently, at the time the teachers were retiring, the amounts reflected on their payslips were not what were awarded by the High Court. So, we will meet with the Ministry of Education, the Office of the Attorney-General and the TSC, so that we can clear the matter. I hope that the hon. Member will be available.

Hon. Speaker: Hon. Njenga, it will be important, if the Ministry officials are coming, that hon. KigoNjenga also attends. It is also important that as many hon. Members as possible avail themselves for the sitting because this is not a matter for just Gatundu North. It is a matter that touches on all those teachers who are affected by the High Court award. So, let as many Members as possible know of the date of the meeting,

hon. Sabina, so that as many clarifications as hon. Members may have can be cleared at the hearing.

Hon. (Ms.) S.W. Chege: Hon. Speaker, I agree with you. This is a national issue. It is true that many of those retired teachers have already passed on. Others are living in abject poverty. So, we will make an announcement in the House as to when we will be meeting the TSC, the Ministry of Education and the Office of the Attorney-General, so that as many Members as possible can attend and ask questions.

Hon. Speaker: How soon do you think you are going to do that?

Hon. (Ms.) S.W. Chege: Hon. Speaker, we should be able to call for the meeting in a week's time, so that we can report back to the House in two weeks' time.

Hon. Speaker: Is that okay with you, hon. Kigo?

Hon. Njenga: Hon. Speaker, this matter has taken very long. This is a matter of national importance. It concerns all of us. It is not a Gatundu North matter. I would ask that as many Members as possible be present once I am called. Since I serve in the same Government as the Committee Chairperson – the Government of *kusemanakutenda* – I would like to see this said and done once and for all, because the retired teachers are Kenyans who are entitled to their rights. I will wait for that time. It is not a long time. As you know, I am a patient vulture.

Hon. Speaker: Hon. Members, let us agree; if you start making contributions or responses in either English or Kiswahili, you must stick to that language throughout your statement. Let us not mix the two languages because it may cause confusion in reporting. I have heard some hon. Members use other languages apart from the two that we use. I hope that they have not been captured on the HANSARD, because they are not recognised.

So, let us wait for hon. Sabina Chege to notify you. As I suggested, let as many hon. Members as possible know the day of the Committee's meeting with the Cabinet Secretary and his team.

Yes, hon. Harrison Kombe.

BARRING OF PRISON OFFICERS FROM PROVIDING VIP PROTECTION SERVICES

Hon. Kombe: Hon. Speaker, pursuant to Standing Order 44(2) (c), I wish to request a Statement from the Departmental Committee on Administration and National Security on the failure of the Commissioner-General of Prisons to release prison officers to take up positions as Members of Parliament's security detail. The Chairperson should inquire into and report on the following:-

(i) whether there is a policy barring prison officers from serving as security personnel for Members of Parliament; and,

(ii) if none, when the Department will release officers for Members who requested their services earlier on.

Thank you, hon. Speaker.

Hon. Speaker: Of course, I do not take the role of the Chair of the Committee; I think, hon. Abongotum, as you prepare to give a commitment, this should be a matter of sympathy. We have received information from the Commissioner but I think it will be

important that you respond. The issue of Members' personal security is important. It needs to be taken seriously.

Hon. Abongotum: Hon. Speaker, the matter raised by hon. Kombe is valid. We hope to give a Statement in the next two weeks. Hon. Members should take cognizance of the fact that prison warders normally do not receive protection of VIP training. Most of them are trained to take care of prisoners and that kind of thing. I will give the Statement but I know he should take cognizance of that fact first. In two weeks, we will respond.

Hon. Kombe: Hon. Speaker, I do not understand why it should take two weeks when Magereza House is just across the road. The security of a person begins with the person himself and extends to the person whom the individual trusts. It is not any security officer who can guard you. If it is the point that they have not gone for defensive training, arrangements can be put in place for these officers to go and undertake the defensive training. I wish the Chair could get serious and look into the matter.

Hon. Speaker: Hon. Kombe, I want to agree with the Chair that he be given that time. You may be surprised by the information that you are likely to be given because Parliament does not want to engage in training policemen when there are people who are trained to provide personal security. Nevertheless, it is the right of every hon. Member to use whatever villager they want to accompany them. But remember that your relative, your villager or voter are your worst guards in terms of personal security. That is a matter of common knowledge. They are the worst! They are voters. If you get your voter to provide you with security, when you are in trouble---Of course you know the incident involving – I believe he must now be your governor. It is important that the people providing security have what it takes and the necessary competencies to provide personal security vide VIP security.

Hon. Kombe, you may not agree but we will allow you. If you so desire, we can get you your party youth winger to be your security, if it is useful, but hon. Abongotum will give you a response. We want it to be detailed, so that to the rest of the Members it becomes information worth taking into account when making requests for personal security as VIPs.

Yes, hon. Namwamba!

EXCLUSION OF MARANDA HIGH SCHOOL IN KCSE RANKING

Hon. Ababu: I am humbled!

Hon. Speaker: Hon. Namwamba, you have the Chair's permission to use the Dispatch Box.

(Hon. Namwamba moved to the Dispatch Box)

Hon. Ababu: I had sought the Chair's permission to use the Dispatch Box.

Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology concerning the 2013 Kenya Certificate of Secondary Education (KCSE) Examination results, and in particular ranking of schools in the country.

In the Statement, the Chairperson, my good friend, hon. Sabina, should inquire and report specifically on the following:-

(i) the reasons why Maranda High School in Siaya County has not been ranked at all; and

(ii) the reasons why the school was omitted from the ranking list, yet the results of the individual students were released and are as follows, just for the record: a total of 136 pupils of the class of 2013 scored straight As, 153 students scored A-; 76 students scored B+; 28 students scored B; 5 students scored B- and the lowest two students scored C+.

(iii) The Chair of the Committee will note that the aggregate number of students who scored straight As and A- totalled 289, a number higher than the entire registered class of any of the top ten schools ranked by the Ministry. In fact, if you look at the mean score of this school, it compares very favourably even to the top school, whose total registration of 276 candidates is lower than the total number of Maranda School students who scored A and A-.

(iv) The Chairperson should also tell the House the exact measures that the Ministry of Education, Science and Technology is taking to address this very serious aberration that has demoralized and caused great apprehension in the community of Maranda High School, the people of Siaya County and the whole country. Maranda High School is a national school and, therefore, it has parents and interested persons right across the length and breadth of the Republic. This is a matter of grave national concern. This is a matter that is of urgency and I hope that the Chairperson will provide information to this House in the next 48 hours.

Hon. (Eng. Gumbo): On a point of order, hon. Speaker.

Hon. Speaker: There cannot be a point of order when the hon. member is just seeking a Statement. Let us hear from the Chairperson.

Hon. (Eng.) Gumbo: On a point of order, hon. Speaker.

Hon. Speaker: No; overruled, hon. (Eng.) Gumbo! Let us not use this occasion as the time for doing other business. This is not the time to do business other than what is on the Order Paper.

Hon. (Ms.) S.W. Chege: Thank you, hon. Speaker. I also want to thank hon. Ababu for bringing this issue to Parliament. You know Maranda High School is one of the best performing schools in this country. As a Chair, I do not want to speculate because a lot has been written in the newspapers. I will seek to find out the information asked for by the hon. Member from Kenya National Examinations Council (KNEC). I note that you have asked for 48 hours and I know the Cabinet Secretaries and Principal Secretaries--- I would kindly request that we be given up to next week on Wednesday morning. That will give us ample time to invite the Cabinet Secretary, Principal Secretary and Kenya National Examinations Council. I think this is a straightforward matter that will be answered by Kenya National Examinations Council. I know it involves teachers, issues of students and the morale of students. I will be very careful in addressing this issue.

Hon. Speaker: You see, I do not understand, hon. Members. I have to enforce order in the House now. It is only hon. Ababu who can respond to that and not the rest of you. Even if that is where you went to school, or some other person whom you admire

went to school, please let hon. Ababu prosecute this matter. It cannot be an excuse for everybody to rise on a point of order.

Hon. Ababu.

Hon. Ababu: Hon. Speaker, I do notice that the very able Chair of the Departmental Committee seems to have the information right at her fingertips. But I also do understand that the Cabinet is on a retreat and I believe that this is a matter that will require the Cabinet Secretary himself to have a say in it. I believe Wednesday is reasonable; but there are two other Statements I sought from the same Departmental Committee on students unrest at Maseno University last September and Kenyatta University last March. I have not received a response for both Statements requests. I pray that this particular one does not suffer the same fate, especially because the Class of 2014 at Maranda High School is truly demoralized by this. I believe the Chair will want to give the students a bit of a lift by giving a proper answer to this request.

Hon. Speaker with your kind permission, I know that the Member for Rarieda has direct personal interest in this matter because Maranda High School is right next door to him, maybe, he has some information that is additional to what I have shared with the House, and so without purporting to direct the Chair---

Thank hon. Speaker

Hon. Speaker: Unfortunately, Standing Order No. 44(2)(c) which you used, does not recognize a situation in which such a request can be admitted. Hon. Ababu, I do appreciate. I can see the radiance in the faces of many Members who have some interest, not least, of course, being hon. (Eng.) Gumbo.

Hon. (Eng.) Gumbo: Just to enrich it.

Hon. Speaker: There is nothing to enrich. This is a straight forward matter!

(Laughter)

No! No! Standing Order No 1 is not available to any of you. It is only available to me. And now, I have decided that I am not going to invoke it. I think the issue raised by hon. Ababu is really of great concern. The numbers that he has given of the candidates that scored straight As and those who scored A-, ought to shock this House. I think we should not dilute this matter by trying to bring other side issues. Let the Chairperson respond, and when the response comes, then hon. Eng Gumbo, obviously---

I can see, obviously, hon. Wandayi is also excited as usual. It is good and I want to encourage that we be present next Wednesday when the report will come so that we can interrogate it and know how such aberration may have happened. That is because it amounts to real serious travesty. Let us wait; we will deal with it on Wednesday.

Next Order.

BILL

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

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(Hon. Chepkong'a on 4.3.2014)

(Resumption of Debate interrupted on 4.3.2014)

Hon. Speaker: Hon. Bishop R. Mutua, you were seconding and you have a balance of nine minutes.

Hon. (Bishop)Mutua: Thank you, hon. Speaker. Indeed, I would like to continue seconding this Bill which is so important. As I said yesterday, I would like to begin by saying this Bill is not about clipping the wings of the governors. It is for promoting good governance within the counties through community planning forums. Currently, the level of mistrust and the negative attitudes among the leaders in counties is actually negating the very purpose and objects of devolution. This Bill is aimed at doing a number of things like creating a coordinating forum for the development actors within the county to be able to harmonize the different funds in the county to eliminate possibilities of misappropriation, dishonesty and enhance performance within the county.

This is going to happen---

(Loud consultations)

Hon. Speaker, consultations tones are quite high. The inclusive participation of all the key players within the county is quite important. For example, it is quite clear that without consensus building, without engagement to agree on broad-based priorities of development within the counties, it would be very difficult for a particular individual alone to articulate the priorities of the counties. This forum will provide a very important opportunity where consensus is going to be built from the ward level through the sub-county level to the county level. These three are levels of involvement where all interested parties will be given an opportunity to air their views, so as to eliminate the constant complaint that: "We were not consulted". This is a very important Bill if it is taken with the right spirit. However, this Bill can also be used negatively to frustrate county governors.

(Loud consultations)

Hon. Speaker: Order, Members! Please lower the level of your consultations, so that hon. (Bishop)Mutua can be heard.

Hon. (Bishop)Mutua: Thank you, hon. Speaker. Therefore I am saying that, if this Bill is not given the right spirit, it can be used to frustrate county governments. But my prayer is that this Bill is going to be received with the right spirit, the spirit of enhancing devolution and good governance. This Bill will create a forum where all the views are going to be heard and taken into account. It is important to note that there is no single individual in the world, or even in this country, who has a monopoly of good ideas. Good ideas are with the people. The purpose of this Bill is to identify good ideas, add value, domesticate and harmonize them for the development of the county.

This Bill will do something very important; it will remove the mistrust that already exists within counties. Mistrust level in this country is very high; if we are not careful we will not implement the development plans that we want to implement. How do we expect development to be realized if there is no trust between the governor and the Senator, and no trust among Members of Parliament and the governor? Development can only take place in an environment of goodwill. So, this Bill will create a forum where we will build goodwill towards one another. This goodwill can only be achieved when people sit together and discuss issues.

Hon. Speaker, I would like to go through eight points on the benefits of this Bill very quickly. First, as I have said, this Bill will give us an opportunity to build broad-based consensus on development priorities in this country. Secondly, this Bill will create an opportunity for a participatory process to take place, and every person will be able to bring on board the best ideas for the development of a particular county.

Thirdly, this Bill will enhance transparency. This means playing according to the rules that have been generally discussed and agreed within the county structure and other structures that have been created. Fourthly, this Bill will enhance accountability because all the people who are involved will say that this is exactly what they agreed, and this is where they want to go. Therefore, anybody who will go against the general consensus will be held accountable not by one person but by the entire county. This is because the entire county will have agreed on how to use resources.

Fifth, I realized that this Bill will enforce the rule of law within the country. This is because there will be elaborate consultations, discussion and highlighting of what the law says and demands. Therefore, nobody will have any excuse to go against the law because this Bill will create a forum and an opportunity for the key players within the county to highlight what the law says.

Sixth, this Bill will promote efficiency. At the moment, it is quite difficult to realize efficiency. Efficiency is not only about the county governors, but is also about the Constituencies Development Fund (CDF). This is because CDF members will also sit in that forum. This Bill is also about the NGOs that bring funds into the county. They will also show how they will have used funds. So, we are talking about complete accountability by all the key players within a county.

Seventh is that this Bill will promote responsiveness. As it is today, people are not responsive to the needs and complaints that are raised. All that they are doing is dismissing them and saying, "You can go wherever you want to go". It is not a question of going where you want to go, but is a question of people responding according to the issues that are raised within the county development agenda.

Eight, this Bill ensure that there will be equitable and inclusive distribution of resources within the county. Currently, even though we are in the same county, we are not at the same level. Therefore, it is important for people to scrutinize the usually omitted sources of resources within the county to ensure that resources are automatically allocated to various sectors.

In conclusion, hon. Speaker, let us stop fighting one another and start implementing---

With those remarks, I support the Bill.

Hon. Speaker: You are seconding the Bill. You see, you are not on record now. Could you say that on record?

Hon. (Bishop)Mutua: Hon. Speaker, I second the Bill.

Hon. Speaker: Hon. Members, I do not know whether any of you is conversant with traffic lights. They are being reintroduced in the City of Nairobi.

(Laughter)

When you see the yellow light---

Hon. (Eng.) Rege: It is amber!

Hon. Speaker: Hon. (Eng.) Rege says that it is amber. When you see that light, you know that you are almost ending your contribution. When it is red light--- Do not just think about policemen. Let us now begin using the lights here.

(Question proposed)

Yes, hon. Pukose.

Hon. (Dr.) Pukose: Thank you, hon. Speaker for allowing me to contribute to this very important Bill, which has come from the Senate. I want to thank the Senate for having come up with this Bill which, to me, is trying to address the areas that we think had a disconnect between the national Government and the county government. This is in provision of services. As we know, resources have been devolved through our Constitution, and this is what Kenyans were asking for. Therefore, it is upon us, as leaders of this nation, to harmonize the various development projects within our counties.

I ask our brothers, the governors, not to look at the County Development Board as an impediment to their delivery of services, but see it as enrichment to their service delivery ways. The only issue I have is at the constituency level, where I do not think it is necessary to have a Constituency Development Board. I think the CDF can cater for the constituency. What we are trying to do is to harmonize the various areas we have within our constituencies. This is to enable us to put together all the resources that we have in various counties. We have resources that go to the governor and others that go directly to the constituencies. These resources are limited and we must find a way of harmonizing them to avoid marginalizing certain areas.

We all know that Kenyans asked for devolution because they felt that services had not reached certain areas. Going back to our own constituencies---In my old constituency of Kwanza, my area of Endebess was marginalized in terms of development. There is no tarmac road, no electricity and no good schools. All those are the challenges that made Kenyans vote for the new Constitution. Therefore, we are saying that we want all the areas to receive equal opportunities in terms of development.

Hon. Speaker, we have seen that there has been confusion in the current devolved government. For example, in our constituencies, through the Kenya Rural Roads Authority (KERRA), a road could be awarded to a certain contractor and in the process of working on the road you get a grader from the county government coming to do the same road. How do you account for the double funding that will have taken place? Definitely, one person will claim that he did that road while he did very minimal work on it. We need to harmonize this, so that if this road is done by the CDF, then the funds from the county is used on a different road. That way, *wananchi* will enjoy the services that we

render; this will also eliminate confusion in project implementation. This is where the biggest challenge is. If we are able to sit in the County Development Board--- It is not about who is bigger or who is smaller. Now that it will be chaired by the Senate, it does not mean that the Senator is more senior than the governor. This is not the case because everybody has to play a role. Once we harmonize our roles--- Let those who will implement development at various stages bring on board the input of various stakeholders, and know that this is how they want to take their priorities. After that, priorities will be taken to the County Assembly for further discussion and adoption of the County Development Plan. I think that is the best way to go. We will bring an amendment to remove the constituency because having it will create a lot of bureaucracy in development and overburden the Member of Parliament by having to go and chair a Constituency Development Board at the expense of being in Nairobi.

I support.

Hon. Okoth: Thank you, hon. Speaker. I rise to oppose this Motion because I am concerned about a number of things. The first thing is a constitutional issue of whether this Bill should have originated from the Senate; are we right to even be debating it at this point? I stand to be guided about that, but that is something that has been a question in my mind.

Hon. Speaker: You may stop there to get the guidance; I do not want any other person to raise that issue. It is absolutely constitutional and duly approved. So, you operate on that basis. It was right for it to originate in the Senate. This is a Bill concerning counties. If you look at your Article 110 and the functions as contained in the Fourth Schedule, I am sure you will be clear in your mind. So, even if you are supporting or opposing, operate on the basis that it is constitutionally before the National Assembly, and it was also right, constitutionally, for it to originate in the Senate.

Hon. Okoth, proceed. You sought guidance.

Hon. Okoth: Thank you, hon. Speaker. Your guidance is very helpful to me and a couple of other Members who are concerned about this.

I oppose this Bill because it seems right now that the country---

(Hon. Moindi stood up)

Hon. Speaker: Hon. Tongi, you may wish to follow Jimmy Angwenyi wherever he goes. Be up standing! What is the name of the Member next to hon. Jimmy Angwenyi? Hon. Moindi, you may wish to follow hon. Jimmy Angwenyi; if you observed what he did, he rose from the right of Mr. Speaker, went to the Bar, bowed and crossed over.

(Hon. Moindi crossed the Floor without bowing at the Bar)

What you are doing is not even permissible, Mr. Moindi. Who has given you permission to do that? Go to the Bar!

(Hon. Moindibowed to the Bar)

Having done that, now you can choose where you want to go. These are your rules and it is my business to administer them.

Proceed, hon. Okoth.

Hon. Okoth: Hon. Speaker, I hope my time is protected, or I will be compensated.

Hon. Speaker: It is. You will be compensated.

Hon. Okoth: Thank you.

On the first constitutional issue that I had raised, you have guided me well. The second constitutional issue that I want to raise on this is Article 96(3) and Article 217 of the Constitution read together. Would we, by pushing on with this Bill be compromising or diluting the oversight role of the Senate if we allow them to chair this Board? I want us to think clearly on that; again, I would welcome your guidance at a necessary point. Beyond the constitutional---

Hon. Musau: On a point of order, hon. Speaker. Is the Member in order to ask to be guided under the Constitution when the Speaker has already given guidance that this Bill is properly and constitutionally before the National Assembly? Is the Member in order?

Hon. Okoth: Hon. Speaker, I respect my dear friend's contribution and question on that, but my first question was about origination, and I was sufficiently guided. My second constitutional issue has nothing to do with the first question. Let us move ahead.

Hon. Speaker: Hon. Okoth, you are at liberty to oppose. I said that whether you oppose or not, that is your right. It cannot be taken away from you.

Hon. Okoth: Thank you, hon. Speaker. You are being a very good champion and protector of young Members of this Parliament, so that they are not bullied by anybody. I oppose this Bill; I am very concerned about it because we have to be a country that seriously engages in the implementation of our Constitution. We need to protect the process of devolution by all legal means and at any cost. What I see here right now are Senators, Members of the so called "Upper House." They ran for their positions under the illusion that those positions would carry a lot of influence, but once they got them they discovered that they were not as influential as they had expected them to be, and the people who ran for governorship have an executive role and a duty to make budgets and manage their counties and projects.

So, I think that people who are in a hurry to change our Constitution, laws and structures of the Government should just wait until the next political cycle and run for the right offices that suit their temperament and intentions for the development of this country. If you want to be a Senator or a Member of the National Assembly, stick with that role. I am convinced that the County Governments Act of 2012 provides for institutions and frameworks for co-ordination between the governors, the Members of Parliament and the Senators. What we may be seeing here is a mistake that some of our governors have made by not sufficiently and proactively engaging with the Members of Parliament and other elected leaders in their counties and thus inviting suspicion and legislative over-reaction, as I see it; this makes people to even try to amend our Constitution.

Finally, if this House passes this law in any form or shape, we, perhaps, should consider a situation where the governor will be the chairman and not the Senator. Trust

me, my dear friends, my brothers and sisters in this honourable House, if we make the mistake of letting the Senators to be the chairs of the proposed boards at the county level, we will be asking for trouble. Let the governor, who ran for an executive office, be the governor. Let him chair. Let the Senator and other Members of Parliament participate in the boards, contribute to the people's welfare and make sure that development is well-planned.

We cannot underestimate governors and start undermining devolution in this country by weakening the governor's position. A governor is a politician who has a mandate, sells his policy during the campaigns and people buy that policy and grant a mandate to him on the basis of his campaign pledges; we cannot presume that a board chaired by a Senator and a different political force, will determine development priorities. This cannot happen through a Bill like this one. Such a new law will negate the process and we will end up with stalemates in many different ways. I know it has been very fashionable of late to knock at our governors; many of them have made some mistakes, but let us not look at personalities. Let us strive to create a united country with strong institutions and positions, which people with knowledge can run for in the future, rather than dilute them now; we have just been implementing policies in counties for one year.

Thank you; I hope that we will, even as we talk about the rights and privileges of governors to fly flags, remember that the flag is a national symbol that any *bodaboda* driver or *matatudriver* can fly on their motor vehicles. Perhaps, what we should look at are excesses such as every governor calling himself or herself "His or Her Excellency".

Hon. Speaker: You wanted some time to be added, but you did not even have material for your ten minutes.

Leader of Majority Party, a Member asked to be added time, and I gave him the promise that we would give him extra time.
Proceed.

Hon. A.B. Duale: Thank you, hon. Speaker. On the outset, this is a Bill that I did soul searching about; I look at my role as a Member of Parliament under Article 95, the role of a Senator under Article 96 and the role of a Member of the County Assembly (MCA). This afternoon, I want to speak for myself and for the people of Garissa Township. The way this Bill is now, I oppose it.

(Applause)

I oppose it because, if we pass it and it is assented to, the independence of the three arms of Government will not be there. If you look at the functions of the proposed board--- From the outset I have a serious problem with the Constituency Development Board. That Sub-County Development Board is a serious matter, and I am sure that even Members of Parliament will agree with me.

Secondly, we are creating a Ward Development Board and I am sure my colleague, the Senator for Nandi Hills, a very good friend of mine and the originator of this Bill, will not take me in a different way. I have to always work within the functions and the roles given to me by the Constitution. I am supposed to oversee, legislate and represent. When I go and sit in an executive meeting, in my county chaired by the Senator and I draw up the budget of the county, that is wrong. It is not my function to

draw up county budgets and strategic plans. That is the function of the governor and his executives. We might be so excited because of late we have been bedfellows with our brothers. I want us to look at this Bill outside the false relationship, which of late we have enjoyed with our brothers. Let us look at ourselves as the Eleventh Parliament. The functions of that board completely do not make me conscious---

Hon. Speaker: A point of order from hon. Rege.

Hon. (Eng.) Rege: On a point of order, hon. Speaker. I completely agree with what the Leader of Majority Party is saying, but do you not think what he is talking about should come at the Third Reading? It looks like he wants to completely dismantle the idea of having a board in the county. We need this Bill as it is.

Hon. Speaker: Hon. Rege, if you are seeking some guidance like hon. Ken Okoth, I will give it readily. Not hon. Ken Obura, the Member for Kisumu Central, who is just walking in, but also hon. Ken Okoth. We are at the Second Reading; if you recall, what I told him was that he was at liberty to express himself, whichever way, in opposition or in support of the Bill.

The Second Reading is the time for you to state all that you want to say in support or opposition. When we get to the Committee Stage, if you want to introduce amendments or other proposals, you do so at that time. So, the Leader of Majority Party, just like hon. Ken Okoth, is perfectly in order at this Second Reading to state his position.

Yes, the Leader of Majority Party you may proceed.

Hon. A.B. Duale: I will not comment because hon. Rege was my very able Chair of the Committee on Energy, Communication and Information, which I served in the last Parliament. What we are doing essentially means that today we should have been at Mt. Kenya Safari Club, helping the President and the National Executive in drawing up their Budget. If we want to sit and draw budgets and strategic plans for the county government, what makes another member not to bring a law tomorrow to this House and say let us micro-manage the Executive; of course, we oversee the Budget.

There are two levels under the Constitution; there is overseeing the county governments. The County Assembly has a serious mandate under Article 226 to oversee the governor and the county governments. The National Assembly and the Senate also oversee; even the county governments table reports of their operations in their assemblies. So, my worry is this, how do I become a Member of the County Development Board in view of Articles 96, 216, 225, 226, 228, and 229 of the Constitution that give the Legislature the oversight role of any of the governments? I want my colleagues to go through the functions and the roles of a Member.

In my opinion, this is a Bill that was not born in a very good night, in a family. It was born when the mother and father were seriously fighting and the baby that came out of them is seriously deformed and cannot even walk. Even if somebody goes to court--- Let us say if the President was to assent--- I am sure the lawyers who are in this House will agree with me that this law can be challenged. I am sure the courts will be positive and not idiotic this time in their ruling.

I want to tell my colleagues that, because my conscience is very clear, they choose to be legislators to oversee---

Hon. Speaker: There is a point of order from hon. Joyce Akai.

Hon. (Ms.) Emanikor: On a point of order, hon. Speaker. I am surprised, when the hon. Member for Garissa Township says he has no role to play in the development of a strategic plan for his county, when he is a key stakeholder.

Thank you, hon. Speaker.

Hon. Speaker: Proceed.

Hon. A.B. Duale: My county is yet to have a strategic development plan. Up to now, I have not yet been invited. I said on the outset, I am speaking as the Member for Garissa Town; this is my role, let me say it. We cannot, in my opinion, help a county government and governor in the kitchen to cook the food and when it is on the table, we say it is bad. That is wrong; we should---

(Loud consultations)

Hon. Speaker: Hon. Members, I will now not allow it, if you do not agree. I will remind you, please. Hon. Members, regularly update your knowledge of your Standing Orders, more particularly No.18; persistence in raising points of order when, really, there is nothing out of order is disorder for which I should deal with you in accordance with Standing Order No.107. Please, bear that in mind.

Hon. A.B. Duale: I want to go further and quote Article 189(4) of the Constitution, as people are reading. It requires all disputes between different levels of government to be resolved through dialogue, mediation and negotiation and not through legislation or formation of amorphous boards.

Article 189 (4) of the Constitution says it.

Today, when I was talking to hon. Ng'ongo, he said that I have seen the light. But, at least, I do not come from where the men in black are.

(Laughter)

At least, where I come from, the men are in very nice suits. So, he is the one to see the light. That is because for the men in black, they have not seen the light for the last four days.

In conclusion, honestly, I slept over this Bill. I read and I looked at the Constitution, the Inter-Governmental Relations Act and the County Government Act. This Bill is an abuse to the separation of powers. Let the governors and the county governments do their bit and let the national Government do its bit. We should do our oversight role on what they do. Today, you cannot have the luxury to go to bed with the county government and tomorrow you say: "No, I want a divorce", which is well documented in the Constitution. You can have no relationship. Your relationship is separated by the Constitution.

So, as I said, I am speaking as the Member of Parliament for Garissa Township. Unless something drastic happens, I oppose this Bill in its current form. I oppose it and urge my colleagues to protect the Constitution. The drafters of the Constitution must have looked at why they drafted Article 189. In case you have a problem, you go for negotiation, dialogue and conflict resolution.

I, therefore, oppose.

Hon. Speaker: Hon. Members, I have told you, please, if there is nothing out of order, and you merely do not agree with a point raised by another hon. Member---

Hon. Ochieng: On a point of order, hon. Speaker.

Hon. Speaker: No! No! Hon. David Ochieng, if I grant you the chance but it is not a point of order, I will deal with you in the manner provided in Standing Order No. 107.

Proceed.

Hon. Ochieng: Hon. Speaker, I rise under Article 1 of the Constitution. Our Standing Orders are born out of this Constitution. If you listened to the previous speaker, there are real fears that this is not a matter that should go to a vote in this Parliament. It requires your ruling on whether the issues raised in this Bill are constitutional. My point is this: If we are going to vote on a matter that we are very clear it is unconstitutional, it is not fair.

Hon. Speaker, Article 1 of the Constitution is very clear that power is shared in this country between the national Government and the county governments. What the previous speaker has just said - and my legal position is very clear on Articles 1 and 220 - this matter cannot be allowed to go to vote. You must rule whether the issues we are discussing are against the Constitution.

Hon. Speaker, this is something that is very fundamental to me. You cannot wish it away and say that we will handle it at the third stage. You must rule for us whether, in your opinion, the issues that are canvassed in the Bill and the issues you want raised are constitutional. This is very important. We cannot just make a law and say that we will leave it to the courts to decide. On the face of it, the law we are passing thrives on the face of the Constitution. We cannot proceed! We cannot make a law in vain.

Hon. Speaker, at this point in time, you should make a ruling on what we are discussing today and whether what has been brought from the Senate needs the threshold of constitutionality. I do not think this can be done by allowing us to debate and even vote on the issues that we have raised to be unconstitutional.

That is my point of order.

Hon. Speaker: Hon. Ochieng, I am saying this for the second time. For the avoidance of doubt, it does not matter at times, how many of you repeat things. The position is that this House has a responsibility to decide one way or the other; whether to pass this Bill as it is, amend it or reject it. This idea of every hon. Member rising on a point of order and every moment saying that it is unconstitutional, that is not what we are going to legislate here.

Hon. Members, you must point out what your position is with regard to the proposals in the Bill. This thing about generalities or about what is going to be the way you think, you do not want to elicit my comments on some things which I know are being challenged elsewhere. You have passed a law here, which hon. Members conveniently sit as patrons or things like those. You are saying that this is unconstitutional and now the element of constitutionality about the Bill, if it is passed, will be dealt with by the other arm of Government.

Hon. Members, you can debate. I have no issues with anybody opposing it, but debate it.

Yes. Proceed, hon. Eng. Gumbo

Hon. (Eng.) Gumbo: Thank you, hon. Speaker. I rise to strenuously oppose this Bill. As I oppose it, I want to ask fellow hon. Members to listen to me.

(Loud consultations)

Hon. Speaker: Those hon. Members who are consulting loudly, please--- I think it is important that we listen to one another. We must listen to what hon. Eng. Gumbo is saying. He has given the rest of you who have contributed the chance to say what you wanted to say. He did it in silence.

Let us give him a chance to say his bit.

Hon. (Eng.) Gumbo: Hon. Speaker, the spirit of this Bill, in my view, has been informed by the disagreements that have been occurring between the governors and the Senators. Much as this Bill tends to give the impression that it is involving hon. Members of the National Assembly; the gist of this Bill and the fact that it is originating from the Senate--- Actually, this is a Bill that will try to settle the supremacy wars between the Senators and the governors.

Hon. Speaker, if we pass this Bill in its current form, we will have participated in the dog-fights between the Senators and the governors. I know the governors have made a mess of their work. Most of us have issues with our governors but, please, this is not the direction to go. As it stands now, this House must be informed that the Senate is still wanting very much to be seen as the upper House. They have said it in very many ways. If we permit this Bill to go in its current form, we will have allowed the Senate to position itself as the upper House.

(Loud consultations)

This is my opinion; you have to listen to my opinion.

Hon. Speaker: Order! Order, hon. Members! You must allow hon. Eng. Gumbo to make his point.

Hon. (Eng.) Gumbo: I want to tell you that, once the Senate is through with the governors, they will go for the county assembly members and once they are through with the county assembly members, they will come for this House.

Anybody who is in doubt - maybe, most of you do not remember - should understand the following: During the Second World War, there was a German priest by the name Rev. Friedrich Gustav Emil Martin Niemoller. I want you to listen to what Rev. Niemoller said. The powers of the governors and the way they have been carrying themselves around worry us all. However, this is not new. Such grandeur is always something that brings itself down. Anybody in doubt of what self grandeur can do should remember the story of the late Mobutu SeseSeko of Zaire. At the height of his power, Mobutu who was born a Catholic but changed his name from Joseph Desiree Mobutu to Mobutu Sese Seko Kuku Ngbendu wa Za Banga, which means "the all powerful warrior who goes from conquest to conquest leaving fire and brimstone in his wake." He even commanded his Ministers to regard his mother as a goddess. When the time for Mobutu Sese Seko to go came, not even that delusion could help him. I know that our governors are delusional, but this is not the way to go about this Bill.

The Leader of Majority Party has asked a good question. What is our role? Our role is to make laws, provide oversight and to represent our people. How is this Bill, in its current form, going to allow us to play all those roles? We need to ask ourselves these questions. In my view, Clause 4 of this Bill is nothing other than sweets that have been packaged in the Senate for us to support them. It is a way of trying to drive the camaraderie that has existed between us and the Senate. We must see beyond this Bill – this Bill is not going to help us!

Therefore, hon. Members, I urge you that if we are going to proceed – already you know because it has been alluded to – we have things that we can do with regard to implementation in our constituencies. When you bring in development committees, sub-county development committees, county development committees and so on, honestly, which is which? What are you going to do? Are you not seeing that this is a back door attempt to even kill CDF? Why are we not seeing through this? This is a façade. This is an opaque way of the Senate trying to gain dominance over this House, the governors and everybody else.

Hon. Speaker, I strongly oppose and ask my colleagues to do the same.

Hon. Speaker: Hon. Members, every Member is at liberty to express themselves without any hindrance. More importantly, hon. John Mbadi, I am sure you have suddenly decided to ignore your Standing Orders, but certainly, hon. Members, you also have a responsibility to legislate. Legislation does not mean only passing Bills or laws; it also means rejecting laws! Why are you finding difficulties in exercising your functions? Under Article 112 of the Constitution, if one House passes a Bill and the other House rejects, then we go to the process of mediation and that you know. So, you really do not have to belabor the point.

Hon. M’uthari: Thank you, hon. Speaker. I stand to support this Bill for the following reason: First, although there seems to be some issues around it which have been highlighted, in my opinion, having this kind of Bill establishing boards at the county level will bring an element of coordination. As it is now, we have a lot of duplication of efforts at that particular level. When you realize that there is a project that is being undertaken and then it is taken over by another arm--- I believe that if we have those kinds of boards, they are not going to contradict even the oversight role. That is because the boards will be there. At the county level, the board will meet to identify the priorities. Remember the governor is the chief executive officer. There have been all manner of wars and disagreements because of the way things are carried out. There have been complaints that there are no consultations and involvement. At the moment, there is no law or mechanism. So, the coming up together of the members of Parliament and others from the counties---

Hon. Speaker: Hon. John Mbadi, what is your point of order?

Hon. Ng’ongo: Hon. Speaker, I did not want to interrupt my colleague from Igembe North - I believe - but given the level of interest in this particular Bill and because it is very rare to see this House full at this time, could we ask that we reduce the time of making contribution to have as many people as possible to contribute to this Bill?

Hon. Speaker: Hon. John Mbadi, this being a Bill, you can debate it for whatever length of time you want to debate, for as long as there are Members willing to contribute

so that we also do not curtail--- Remember there are Members who are prepared quite substantially.

Hon. Ng'ongo: Hon. Speaker, this Bill has just about three clauses dealing with the setting up of the county boards; setting up of the sub-county board and the ward board. It has just about three clauses. So, speaking for 30 minutes or ten minutes on just three clauses, in my view, is not good use of our time.

(Loud consultations)

Hon. Speaker: I think it is not good practice to always keep reducing the time after the House just resumed the other day. Let us allow everybody a chance.

Hon. M'uthari: Hon. Speaker, we should look at this Bill in the broad sense. We should not look at it in terms of the supremacy wars between the National Assembly and the Senate. We are looking at development. One of the elements of development is leadership. There is no mechanism for co-ordination at the moment. There is no proper mechanism even for consultations. We presently have a duplication of efforts and in-fighting. At the end of the day, even if we have the resources, they will not be utilized the way they are supposed to be utilized.

I support this Bill so that, at the end of the day, we have coordination of programmes and activities which are being carried out at the county and sub-county levels. Things will be well co-ordinated. At this level, we are national leaders and we must look beyond ourselves. Let us not be selfish so as to look at things that will favour us. Let us look at what can be done so that we can complement each other in terms of the relationships. In terms of the utilization of resources, we could have that streamlined at the county level and other levels for the common good. That way, we will avoid the possibility of resources being used without really meeting the needs of the people.

I support the establishment of the board to provide the coordination and the efficient utilization of resources. We have one at the county level and that is good. We also have another one at the sub-county level and I support that. Even at the ward level, there is need for improvement and co-ordination. With proper leadership, we can have the development of our county at an equitable level.

Hon. Speaker, I support.

Hon. Speaker: Hon. MakaliMulu!

Hon. Mulu: Thank you, hon. Speaker.

Hon. Speaker: However, Members even as you discuss, it is also good to be alive to the constitutional provisions, particularly Article 176(2) that provides:-

“Every county government shall decentralise its functions and the provision of its services to the extent that it is efficient and practicable to do so.”

This is a constitutional provision and authority given to the county government which you cannot purport to curtail through ordinary legislation. However, nevertheless, proceed, hon. MakaliMulu.

Hon. Mulu: Thank you, hon. Speaker. I would like to plead with my colleagues not to personalise this Bill. I think as Members of Parliament, some of us have ambitions. If you look at those who might want to be governors in future and you look at this Bill

using a “governor’s eye”, you will be biased in your contribution. Those who want to be senators in future and look at this Bill using a “Senator’s eye”, are likely to be biased.

So, I would plead with hon. Members that we look at this Bill from the eye of a Kenyan who has no political ambitions. If you look at this Bill from that eye, this is what I want to say: The way the Bill is worded currently, I will oppose it strongly. But if we make amendments, I might change my mind and this is what I am saying. I will support this Bill if it is amended.

Hon. Speaker, this Bill brings to the Table a very important forum for the counties in this country. If you go to the counties where we all come from, there is a lot of confusion in terms of how to move forward in terms of their development. The biggest problem is where you find that the Member of Parliament has gone to the wards. He has talked to the members of the public in terms of their priorities and the following week, the governor goes to the same wards asking for the same priorities. So, you find there is a lot of duplication of efforts. I think if this Bill could be amended in a way that we only have a forum where information is shared in terms of developmental issues in the counties, this Bill will be very important.

(Applause)

Hon. Speaker, that is why I am saying that there are things which can be done in this forum which are very important. These are things to do with strategic thinking so that as local leaders in a county, you can think strategically about what you need to do to make your county develop. A forum like that will be very important.

At the same time, you need to think about how you coordinate that development because, at the end of the day, whether you are a member of the county assembly (MCA), Member of Parliament (MP) or governor, you are serving the same members of the public. You are not serving different members of the public. On that note, then it will be very important to have such a coordination role. I believe if that forum can do that, then it will be helping this country.

Hon. Speaker, however there are some clauses here which do not make sense, and which I think we need to amend. For instance, if you look at page 4, Clause 5, it says that at its first meeting, the county development board shall elect a vice-chairperson from among its members. If you look at page 2, Clause 2(d), it says that the woman member of the National Assembly for the county elected under Article 97(1)(b) of the Constitution shall chair or shall be vice-chairperson of the board. So, it says “elect” and it says the women representative shall be the chairperson. So, you can see that contradiction.

Hon. Speaker, when we have members appointed by this Bill, then let the membership of the board elect the chair, vice-chair and then determine who chairs that board. However, procedurally and if you consider good governance, it is always important that the chief executive officers provide secretariat services. So, the whole idea of the governor’s office providing the secretarial services makes a lot of sense from international best practices. It does not mean that the governor will actually do the minutes but he can appoint somebody from his office to provide secretarial services.

Hon. Speaker, the other thing which makes me oppose this Bill is the issue of what we are calling the constituency ward boards and the ward boards. For example,

through the Constituencies Development Fund (CDF) Act, 2013 which was amended, it is clearly stated that there shall be a board and the membership is clearly described. So, I am wondering why we should have another parallel board which comes and works together with the CDF. That is because the CDF Board is already there by law and then we have another board which comes in by law. I think that will cause confusion. So, I will be proposing that, that section be deleted and, if it is not deleted, then I will oppose this Bill.

Hon. Speaker, the other thing is that, when you go to the lower level, which is the ward, the same thing is also proposed. However, when you look at Clause 91(d) of this Bill, it says:-

“The operational expenses in respect of the county development board, the sub-county development board and the ward development board shall be provided for in the annual estimates of the revenue and expenditure of respective county governments.”

So, you can see this thing is going to be very expensive to the counties and, instead of channeling our money to development, most of that money will go to recurrent expenditure. So, hon. Speaker, I think these are some of the things I will be proposing that we amend and, if they are amended, I will support this Bill. If they are not amended, I will oppose this Bill strongly. However, the way it is now, I oppose it. I do not like the way it is framed. However, if it is amended, I will support it.

So, with those remarks---

Hon. Members: You will support it with amendments.

Hon. Mulu: Yes. I think I am being given the right words here. I will support it with amendments. I think those are the right terminologies. So, I will be proposing some amendments.

So, thank you very much, hon. Speaker, for giving me the opportunity to contribute to this Bill.

Hon. Speaker: Hon. Members, I think I do not have to keep repeating. There are many ways of dealing with this Bill. I do not have a vote but I have already indicated to you about Article 112. You know what happens if one House has passed a Bill and passed it to the other House and the other House rejects it. We will have to appoint a mediation committee under Article 113. So, it is important that we are clear about that; that if we reject, we will go the route of Article 113 to appoint a mediation committee which comprises of equal numbers of members. So, it is really not a difficult matter. I do not see whether it should be. One should be able to say their mind on where they are with regard to the Bill. When you appear ambivalent here, it is not very helpful.

Hon. Limo.

Hon. Limo: Thank you, hon. Speaker. I stand to support this Bill with amendments. I say so because whereas all of us know very well that we are legislators, but I think we should also consider what the Constitution says about our roles as MPs. We are the representatives of the people and that we are supposed to deliberate and resolve issues concerning our people. One of the key issues which have been affecting this country is the kind of disputes which have been arising between the national Government and county governments. Let us try and resolve these issues because it is a concern to our people everywhere. They are saying that what is going on between hon. Members and members of the Executive in the national Government and members of the

county governments is not helpful. I want to say that the importance of this Bill is that the development board will provide the opportunity for coordination of development. It will also provide opportunity for co-operation between the national Government and the county government. It will also provide an opportunity for prioritization of the projects and issues concerning our people. Where I differ is where legislators, Senators, Members of the National assembly and members of the county assembly will be full members of the board. Therefore, it can be construed to mean that they will be implementing projects. We need to amend this Bill to allow legislators to be *ex-officio* members of the boards, so that we will deliberate issues concerning our people. But we will not appear to be making decisions and, therefore, implementing them. If you look at our Constitution under Article 95, it also says that the work of the National Assembly is to oversee. From experience, I know that oversight can be exercised in two ways. It can be “pre” or “post”. What it means is that we can sit in that board and exercise oversight to prevent bad things, instead of waiting to come and attack when it has already happened. So I propose that once we are members of those boards as Members of the National Assembly, the Senate and MCAs, we will play the oversight role by ensuring that we offer preventive measures, rather than waiting at the end. This will help our people. If we look at this Bill soberly and run away from temptations where we are looking at governors, Senators and MCAs as enemies--- We have to look at it objectively and we ask everyone in this country to be sober. We should provide leadership using this Bill. We will lead by example by sitting together.

I know many counties have not had an opportunity of talking together because, obviously, there is bad blood between the governors and the rest of leaders in the country. If this Bill is taken positively by everybody, including the governors, it will provide an opportunity for a consultative forum which is anchored in the laws of this country, rather than the way we, sometimes, in most counties have people meeting in hotels and not within the law. This will bring our consultative meetings to be anchored in law and there will be no option for us but to meet.

I want to also propose an amendment that we delete Part 91(b) and (c) which proposes to set two other boards at the sub-county level and the ward level. We have been talking in this country about lowering costs of operations. If you look at the roles of those two other boards that are proposed in the Bill at the constituency and ward level, it is completely duplication. I propose that this should be deleted in the spirit of saving costs and offering an opportunity to avoid duplication because this will duplicate the board at the county level.

With all these remarks, I want to appeal to this House to support the amendment. I also want to appeal to the whole country, including the governors, to give this board a chance. That is because as hon. Members, we also sit in several boards including being *ex-officio* members in most of the boards of management for schools. We are also *ex-officio* members of CDF and all this does not mean that we are doing any role of the Executive. We are offering representation and we are also offering an oversight role at the same time.

I support with amendments and I urge the House to support it.

Hon. Wandayi: Hon. Speaker, I will be very brief and to the point. Without mincing words, I wish to oppose this Bill in totality and in whatever form one may talk

about. It is very clear that under the Constitution, we have two levels of government which are distinct even though they are interdependent. The Constitution itself defines what a county government is. Indeed, it states that a county government consists of the county assembly and the county executive. Nowhere in the Constitution do we find Senators and Members of the National Assembly appearing as part and parcel of the county governments. Therefore, to bring a Bill to this House that presupposes to include Members of Parliament, be it the Senate or this House in some mongrel called county development board is to try to subvert the very Constitution that we swore to defend in this House.

We must be careful, as a House, and tread very carefully. Otherwise, this country is going to blame us squarely for having participated in the killing of devolution. Why do I say so? The governor is the chief executive of the county government. There is no way you can justify a situation where a stranger in the name of a senator comes around and chairs a board in which the governor sits as a mere secretary. It is not conceivable under any stretch of imagination. Therefore, if there are elements in this country who want to exercise power which they do not have as per the Constitution, the best route is to go straight and amend the Constitution. The best route is to amend the Constitution to provide for this exercise of power that we seem to be so much interested in.

If you look at this Bill - the mischief behind this Bill - it goes ahead to say that the quorum for the county development board meeting shall be only half of all its members. You find a situation where in many cases, if you combine the Senator, the Women Representative and Members of the National Assembly in a county, they will constitute more than half of the membership of those boards. So, you want to give room for Senators, Members of the National Assembly and Women Representatives to make decisions for the counties. It is not acceptable! This is one sure way of killing devolution that many Kenyans fought for very hard. Indeed, many Kenyans shed blood for it and many Kenyans died for it. This House must stand firm and reject this Bill in whatever form it is. It is mischievous to the extreme for the Senate to originate such a Bill and expect us to rubber-stamp. It cannot be acceptable!

Hon. Speaker, if you look at what this Bill is attempting to do, it is to create room for the National Assembly and the Senate to meddle in the affairs of the county governments. The only situation where the Constitution allows for some kind of intervention by the National Government in the affairs of the county governments is where a county government fails in performance of its functions or if there is a problem with the financial management. There is no other area. There is no other avenue through which the National Government can meddle in the affairs of the county governments.

This Bill goes ahead to include people who they are calling county commissioners.

The people they are calling county commissioners are people who are supposed to be phased out as per the Constitution itself. The Bill is going to entrench their positions indirectly. Then what room will the governors have to manage the affairs of their respective counties, if we allow this kind of mischief to go unchallenged? Every right thinking Kenyan will not take it kindly that this House can connive with the Senate to pass a Bill of this nature and, therefore, without really saying much, I want to oppose this Bill and urge my colleagues to do so.

Hon. Speaker: Hon. Gikaria.

Hon. Gikaria: Hon. Speaker, I rise to oppose this Bill. I am the Vice-Chair of the Implementation Committee and one of the issues that we are finding very difficult as per the resolutions which are passed in this; is the unconstitutionality of some of the issues that we are approving in this Parliament. So, as it has been said, under the Fourth Schedule, it is very clear on the mandate and the functions of the two Governments. We have our functions as the National Government. If you look at those functions, the best thing that we can do is to allow the county assemblies to play oversight on their counties. I am saying this because, as we are talking now, already in Nakuru County, we have a very big war between us and the county assembly. They are saying that we are interfering with their functions. Assuming now we bring on board the fact that we are going to sit in this board at the sub-county level, what it means is that we are going to be involved in decisions that we are not supposed to be making. It is not right. Just like you have advised under Article 176, the county government has the capability and, as the Constitution directs, they can be able to spread their responsibility to the ward or village level.

My contribution is that, as it is and, of course, as hon. Makali has said, if you look at the proposal that the Women Representative will be the vice-chair, it later says again that in the first meeting of the county development board, they are going to elect a vice-chair. I think that is a contradiction that we cannot justify. If you look at the composition of what has been proposed as the membership at the sub-county level – and it is indicated under Section 4, we have over 18 members. That does not include the last bit which says that any departmental head of the national or county government may attend the sub-county development board meeting as an *ex-officio* member at the invitation of the board. It means then that, at the sub-county level, we are going to have not less than 30 members sitting. If you look at the provision - the very last one - where it has proposed that the operation expenses will be catered for by the county government, I want to say that, that is not acceptable. What we need most is development. The money that is there should be left for purposes of development. This Bill only suggests the development aspect of a county. Of course, it has taken into consideration that the recurrent, operation and maintenance expenses will be catered for by the county government through the executive, that is the governor. It is important, as the Leader of Majority Party has said, that we must have separation of powers. We should always - us who have sworn to support devolution--- The Jubilee Government that is in power has indicated that it wants to support devolution. We should not be seen as the people who are going to derail, fight and kill devolution. I want to say in very strong words that this Bill, as hon. Makali had said, should be looked at from an ordinary Kenyan's position. I want to say that the best way for us to deal with the counties is to allow the county governments to manage themselves, as it happened in Embu, although it could have been done wrongly, but I think that is the right direction. We need to allow the counties to go on, so that members of the county assemblies can feel that they are part and parcel of the elected leaders of this nation. Already, the governors are facing a lot of problems, but it is because they are the ones who have already put a tag and a rope on their necks. I do not want to be an MP who will go and share the trouble facing the governor. They will say that you participated in the process. They will say you did not only participate in the development of the area,

but even in the other messes in other sectors. The governor will still say that the MP and the MCAs were part and parcel of the decision. The MCAs will have no right to go and question a governor after implementing something that the MCAs have sat and approved. So, how can the MCAs question a governor for things that they sat and approved? It will be giving leeway for the governors who are being impeached to do whatever they want. I want to believe that this Bill, as it is in its current form, is not constitutional. It is against the spirit of devolution. I rise to oppose. If no amendments are introduced, it should go the way it is and be rejected as it is.

Hon. Speaker: Hon. Manson Nyamweya is doing his second term and he always wishes to remind everybody.

Hon. Nyamweya: Thank you hon. Speaker for giving me a chance to contribute to this very important debate. From the outset, I want to say that I support this Bill. I support it for many reasons. I am supporting it as a development-conscious leader. What we need is to share information. The formation of the board will, first and foremost, provide a forum for members to share information on what is taking place in the entire county. It gives room for the Member of Parliament to also be aware of what the county government is going to do, so that we do not have duplication of functions. I want to refer to the Constitution. There is a section you referred to, but I also want to refer to Section 190.

“Parliament shall by registration ensure that county governments have adequate support to enable them perform their functions.”

We may have to do some amendments; we are actually supporting devolution to minimize conflict and to share information, which we all need. We need to know the development agenda of the county government. We need to be involved as Members of Parliament, so that when they are doing their plan, we also do our plan at the CDF level. We do not duplicate. That is what is happening at the moment. Our MCAs - and let us be honest to each other - their level of supervision is very weak. We need to strengthen them. So, if that body is formed with amendments, we will be able to strengthen the county governments. That is the reason why we are here. We are not here to pass laws; we are here to improve the wellbeing of our people. We are here to ensure that funds are properly used for roads, water, schools and hospitals. So, all the activities that we are doing, irrespective of our functions, whether we are the Executive, here in Parliament, at the county level or the governor, we have one role - to reduce poverty in this country.

So, I urge Members, as we contribute on this Bill, to be conscious that we come from constituencies. Our people are asking for development and we should share information at the county level. I am not fighting for positions. One thing I would like to tell hon. Members is that 60 per cent of us will not come back after the 2017 elections. We will not be here. The turnover is very high. Let us not argue like we have permanent positions. We do not have permanent positions as Members of Parliament but we have permanent positions in our constituencies to help our people.

Hon. Speaker, I urge hon. Members not to be biased on this Bill. We are not fighting anybody. I am not after fighting the governors but I am after reducing poverty. I am also after what best we can do in this country to improve the welfare of our people. We should not be guided by selfish interests because they will not take us anywhere. What will help us is if we can work together and understand each other. At the ward

level, what is wrong if we have a meeting to understand what the county government's plan is? We are sharing information. The structures we are putting in place will help us understand each other.

For example, the other day, I was doing a road in my constituency and the county government was also doing the same road. I had to tell the governor that I was doing that road and if he had funds, he could say the road he was going to do. We must share information. You will find in the constituency which I represent each member of the county assembly has been allocated money for roads. But you do not know the road that he or she is doing. We need to share this information and know the road he or she is doing. They are also doing water projects which we do not know. So, we need to share this information. If this Committee is formed, it will ensure that information will go up to the ward level.

Hon. Members, let us not appear as if we are permanent Members of Parliament. Let us serve our term and another group will come. However, let us pass what can help reduce poverty in this country so that when our term ends as Members of Parliament, we will go to our constituencies and our people will re-elect us. This is because we helped them get water, electricity and repair roads. We cannot get development if we ignore to participate with the county government. So, all of us need to work with the county government and share information. We are not after power but we are after sharing information so that information is passed from one level to another and people are aware of what is happening.

Hon. Speaker, Sir, with those few remarks, I support this Bill. I would like to inform hon. Members that I do not want to argue like a lawyer in court because as Members of Parliament, we should not talk like lawyers in court but we should talk as people who represent people who need to be supported in terms of development.

I beg to support this Bill.

Thank you, hon. Speaker.

Hon. Speaker: Before you begin your contribution, hon. Shill, I want to encourage every Member who wants to contribute to this Bill to indicate by placing his or her request. Even if you come and look here and you do not see your name, it is only that the screen can only display ten names. Right now as I speak, there are 57 requests and not all those names are here on the screen but they are in the system. So, another name will certainly appear as No.10 after hon. Shill finishes.

Hon. Shill: Thank you, hon. Speaker. I am always unlucky because my time is always being eaten up.

When we passed our Constitution in 2010, the main thing that Kenyans were really looking at was devolution. Why were we looking at devolution? We wanted things to be devolved so that everybody could get a share of the national resources.

I would like to begin my contribution by saying that I fully support the Bill as it is. First, we must respect the Senate because they are the ones who deal with county issues. I would like to say categorically that men and women who are in the Senate are people with integrity and have worked as legislators before. So, what have they done? They found that there were some difficulties in the way the counties were being administered. We are all aware that a lot of money is stuck in the governors' places. So, they are trying to help. What is the help? Since the central theme of devolution is about

sharing resources--- The funds are stuck at the county headquarters after being devolved from Nairobi. They thought that the best thing is to have inclusive participation or consensus which is a key that enhances governance.

Hon. Speaker, even some years ago, we used to have the District Development Committees and Sub-District Development Committees, and Parliamentarians and the Executive used to participate in those committees. What is wrong with that? There is nothing wrong with that. I know what the fear is. The fear is that some Members think that the CDF will be eaten up. Get away from that fear. That money is too little and we want to get bigger money so that people can participate. It is better to have a group of people trying to look into things. Giving priority to projects is very important. For instance, if the Governor of Kisumu decides to build a meat processing plant for camels instead of fish, will you just support that because he has done it? Or, if the Governor of Marsabit decides to build a university in Jalebi Desert, will you say that that is okay and you wait? No, you cannot do that. You have to participate in these things and find out what that is.

I am really surprised because some Members are now turning back on these things. We are saying that we cannot interfere with the budget process of the county. Are we not trying to look at the National Budget in this House? We find out what they are doing, the rationale and what have you. We are not doing the nitty-gritty things.

Hon. Speaker, we know that this is the first time we are doing a trial with county governments. We know that we have diverse people and we also know what happened during the elections. Some groups ganged up against others to win the elections and we want to safeguard them so that they get the right projects rather than being marginalized. So, there should be no fear about that one. We do not want people to be marginalized. What will we do in that Board? We are not trying to macro-manage the governors but we are looking at the projects that are good for the county so that we harmonize them. We should say that this is the right project. When all of us go to our constituencies, the first thing that our constituents say is that they want projects to be initiated in their areas. We do not have money for many or major projects and yet we do not see eye to eye with governors. Because this is a new dispensation, they are trying to safeguard their territory. Constituencies are sub-sets of counties and they need development. So, we must participate in that and there is nothing to fear. This is taxpayers' money.

We have been told by the Auditor-General that some governors carry petty cash of Kshs30 million when people do not have water, which is essential. So why hide? We were all elected by the people. Let us try and see things in a different manner. We know that there is separation of power but all of us are concerned to make sure that things are being done in the right way and we must be very careful. This is because this is a new dispensation and people have not learnt the nitty-gritty of doing things. We know that many governors have employed their kin who are not experienced.

So, we are now treading on dangerous things. We know the county assemblies have also been marginalized. They are marked animals. They are not doing their jobs because they have been marginalized. So, when we have everybody, it is good. At the ward level, why should I refuse my people to decide what kind of projects they want? The wearer of the shoe knows where it pinches. Let it start from the ward, then to the constituencies and then we go to the counties. Therefore, we will get the best out of our

money. We know why people are building big airports or opening missions abroad. We are not in that level. That is why we are saying that we do not want to hear 48 governments. We know there is one national Government and the other ones are devolved governments. They are not big governments. We know that they have limited departments that they are handling. We want people to be given services. So, this issue of arguing who is powerful than the other, is not there. The essence is to share resources.

I agree with one Member who has said that there is a lot of duplication. Even in my county, out of 28 projects, 13 are duplicated. Somebody wakes up one morning and includes certain projects and you can see that, that is being duplicated. Those are the kind of abuses that we want to curb. Therefore, I support this Bill. I do not want any amendment on this Bill. I want it to be passed as it is.

Hon. Ichung'wah: Thank you, hon. Speaker. I rise to support this Bill as it. However, as it has been mentioned by a few Members, there may be one or two Articles and I think hon. Limo mentioned, namely, 4, 91(b) and 91(c) on the establishment of sub-counties and ward level sub-committees. I would also support an amendment on that.

However, I support this Bill for a number of reasons. One, being what has been said by a few Members in this House that this is a ploy by the Senate of the Republic of Kenya to hoodwink Members of this Assembly into supporting what has been called their dog fight with the governors. That is a line of thought that I cannot buy. The Members of this National Assembly are intelligent enough to articulate the issues that are there between the county governments and the national Government. Indeed, this Bill, as has been put by the drafter from the Senate, seeks to do a very simple thing, to provide a forum at the county level for simple consultation between the national Government and the county governments. There is absolutely nothing wrong with creating a forum for consultation. There is an argument that has been advanced in this House that there will be a conflict between the Legislature and the Executive and once you participate in these county boards, you will be participating in the execution and implementation of projects in the county level.

That is far from the truth because this Bill is not proposing that the Senators and the members of the county assemblies or Members of the National Assembly in the counties sit in the Executive of the county governments. The governor and his County Executive Committee will still be in charge of the implementation of all the executive decisions at the county level. Our Constitution gives us, as the representatives of the people, a mandate to provide oversight over the Government, be it at the national level or at the county level. Therefore, we must not run away from that responsibility. We cannot be the ones to provide oversight at the county government level if we do not know what that county government is doing at the county level. But if there is a forum where we as Members of the National Assembly, are consulting with the members of the county assemblies, the governor and the Senator and we are all aware of what is being done at the county level, we will be in a better position to provide oversight over those county governments. The resources that we will be providing oversight over are resources that have been given from the national Government.

Therefore, let us not be hoodwinked by those who would want us to believe that by supporting this Bill, we will be doing anything to negate the separation of powers

between the Legislature and the Executive. The Executive at the county government, we must understand, is the governor and the County Executive Committee just like at the national level, the Executive is the President and his Cabinet. That does not absolve Members of this National Assembly and the Senate from participating in the Budget-making process where we prioritize projects and consult with these Cabinet Secretaries at the Budget and Appropriations Committee. We do that as a Legislature. Therefore, there is nothing different from what this Bill is proposing. It is simply that. The governor and this Executive Committee will still continue to implement projects at the county level, but Members of the National Assembly, Senators and the members of the county assemblies will also play their role to provide oversight over what the governor and his Executive Committee are doing.

Therefore, I wish to appeal to this House to support this Bill because it is a good Bill. I know there are those again who have some fears that we will get ourselves muddled into the dirt that many of these governors have got into. For sure, there are those of us in this country who will not even wish to share a table with some of these governors. But in the interest of the people that we represent, I will share that table with any governor. The people of this country are facing many problems, including the Members of Parliament, who this morning could not get to this House because of problems that have been created by these county governments in levying taxes that are illegal. We can only solve those problems if there are fora where we can sit, articulate the issues in the best way that we do here and also articulate those issues back in the areas where we come from at the county level.

With the amendments that will be coming, I will strongly support this Bill. I urge all the Members of this National Assembly to rise up to the occasion, take up your role as the people who are mandated by your constituents. Please, let us not forget that our constituencies are part and parcel of the counties that we come from. We cannot delink ourselves from the county governments and say that there are county assemblies to provide oversight. Yes, and with all due respect to the county assemblies, they are there, but we also comprise a part of those counties and we must also play a role in what is being done in those counties. Best of all is the fact that we are not asking to be the ones to go and implement those projects. We are only asking that there be modalities where if a road is being done in Kikuyu Constituency within a certain ward, there is forum where we sat down at the planning stage and agreed that road number “A” will be done by the county government, road number “B” will be done at the constituency level through the CDF and road number “C” will be done by the national Government at the Ministerial level.

Otherwise, the fears that are being advanced on the Floor of this House are meant, maybe, and I am sorry to say so, to also engage us in those dog and cat fights between the National Assembly and the Senate. We should not fall into that trap. Let us work the best way we can with the Senate and even with those governors for the benefit of the people that we represent.

I support.

Hon. Wakhungu: Thank you, hon. Speaker. I rise to support this Bill. As I support, I want to thank the Senate for coming up with such an important Bill in terms of co-ordination of development in the wards and constituencies. In my constituency, it is

just about last week when we were awarding bursaries. We had a student who had scored a grade A and who was joining a national school. The student had been allocated bursary money at the ward level. This person came to the constituency level and we also awarded him the same amount of money. This is duplication and the person will have taken a chance that would have been taken by another needy student.

It is important that whatever we are doing, we should have a co-ordination and a harmonized structure in terms of implementing the development of these projects at the county level.

[Hon. Speaker left the Chair]

[The Temporary Deputy Speaker (Hon. Cheboi) took the Chair]

When we talk of this Board, if the Senator is chairing, it does not mean that he is taking over powers from the governor. We need to understand our ladies, the Women Representatives who are here; they do not have any kitty. I do not see any problem with them being the vice-chairs. As a matter of fact, it has come at the right time. I do not know whether you have realized that the Women Representatives have changed; now they are sitting on the other side. We must be able to know why they are doing that.

The issue is that they are looking for a social development fund. The way the governors have been doing their work, leaves a lot to be desired. When you look at the absorption rate, in the report that has just been given by the Controller of budget, it has been very low. This is because they are not involving other elected leaders. Where I come from, we have tried as elected leaders to have a forum and share with the governor, but this has been in vain. This is not only happening where I come from, but in so many other counties. We have looked for a forum to discuss and it is not forthcoming. We only meet in funerals, fundraisings or churches.

This Bill is going to provide a framework of meeting these governors, so that we can discuss issues together and know which projects are to be given priority, which we must put in place. As I come to the roads---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Wamalwa! Is hon. Junet on a point of order? Then you have to place your card correctly. You may proceed hon. Wamalwa.

Hon. Wakhungu: The issue of harmonization is very critical and a harmonized way of doing these projects will avoid duplication, as I said earlier. This Board is going to bring a forum for us to work together as a team. As I have said several times, teamwork is critical. Together Everyone Achieves More; that is the full meaning of the acronym TEAM. It is important that every county must have a strategic plan. It provides direction and a framework of how the projects are going to be implemented.

Earlier on we had other Members who talked about the issue of constitutionality. I want to draw your attention to Article 110(3) of the Constitution, which says: - "Before either House considers a Bill, the Speakers of the National Assembly and the Senate shall jointly resolve any question."

I am sure as we debate this Bill, the two Speakers; the Speaker of the National Assembly and the Senate met and resolved this. So, the issue of unconstitutionality in

this case does not arise. We have heard other speakers say that we are killing devolution. We want to remove this perception of saying that. Can you cite which part of the law states that if this Board comes into place, we are killing devolution? In any case, we are strengthening devolution. The issue here is about accountability; once we have it the resources are going to devolve further, to the common *mwananchi* at the grassroots.

The other issue that I want to talk about is that there is serious fighting between the governors and Senators. The hon. Members of Parliament of the National Assembly are intelligent enough. There is no way you can come and claim that the Senate is hoodwinking us, for them to win the war they are having with the governors. As we move on, we are going to have amendments. It does not necessarily mean that these Senators are going to be the chairs. When you look at Article 96 of the Constitution, the Senate provides oversight at the county level. We can decide that the Women Representatives became the chairs of these development committees because I see a situation of conflict of interest, whereby the Senator is the chair and at the same time he is supposed to oversee.

Our Women Representatives have the capability of being chairs of these committees. In this case, I do not want to talk too much, but I am encouraging my hon. colleagues to support this Bill. We are going to bring amendments when it comes at the Committee level, so that we can bring harmonization.

Thank you, very much, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Very well, let us have hon. Waiganjo.

Hon. Waiganjo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this very important Bill, but of course with amendments.

I get surprised when I hear Members opposing this very important amendment. It is like locking yourself out of the county and on all development matters that are going on. Right now, we have heard from our respective constituencies, the people that we represent complaining that they do not know what is going on. They see you there with a development plan from the CDF, they see you doing a road with KeRRA funds and then the governor comes with tractors and other machinery and repeats the same thing. They are asking how we are coordinating. Are we not talking to the governor? But most of the governors will not listen. We do have already in the CDF Act, the County Projects Committee, but the governors have never created that forum. This is where the Chairmen of the CDF are supposed to sit together at the county level and discuss coordination of projects. If the CDF has given that forum; why are we not going to create then, a forum simply to coordinate projects and developments in the county? Why are we locking ourselves out?

If you say that it is the issue of separation of powers, I do not see how it plays out here. All we are saying is that this Board is simply a forum. In fact, it is not an executive board. It is for bringing people together. If you look at its composition, the Members who are sitting in this Board are all elected and nominated. It is very inclusive and this is why a Member of Parliament sitting in this Board will represent his constituency. So, every constituency in the county will be represented and heard at this level. Of course, we now know that governors are sometimes developing some of the constituencies and excluding others, where they did not have support. So, who shall talk for those

constituencies? We will find constituencies which are marginalized at the county level and if you are not in this Board, then you will never know what is going on. So, for me a Member of Parliament does not only legislate. Why do we say that a Member of Parliament also represents? We are representing people here.

We need to know what is going on within our counties and there is no other way we shall know, except by forming this very important forum.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Waiganjo. Hon. Chidzuga, are you are on a point of order?

Hon. (Ms.) Chidzuga: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Tangu tulipoingia, wanaoongea ni wanaume peke yake. Tunaomba wanawake nao waongee tafadhali.

The Temporary Deputy Speaker (Hon. Cheboi): Unfortunately, hon. Chidzuga, this screen does not differentiate gender, it only gives a list of names and therefore all you need to do is to make sure that you slot your card in good time. You may proceed hon. Waiganjo.

Hon. Waiganjo: Thank you, hon. Temporary Deputy Speaker. I also want to say that the role of the Women Representatives has also been ably recognized in this Board. As it is now, I know there is a Bill that our lady colleagues want to bring to this House and it is taking long to come. We want them to be significant and play a role at the county and constituency level. They will be in this Board as well. For them to be here, we shall know that they will now represent the interests of the women and the children. They will play an important role in social justice and that is why probably they are in this Parliament. This is an opportunity we cannot afford to lose. If you look at the representation in this Board, you will find nominated Members of Parliament and the Senate. The reason why we have nominated Members is to represent special interests. Therefore this Board will formulate special interests and people will know that whatever happens, there is a Board constituted that represents those interests. We do have the Leader of Majority Party and Leader of Minority Party. We do have counties, where the county assembly is composed of one party.

Hon. Temporary Deputy Speaker, we have counties where the county assemblies comprise of one party. Most of them belong to one party and a few to a minority party. When they come together, they represent the interest of the minority and the interest of the majority. That is why we have ---

The Temporary Deputy Speaker (Hon. Cheboi): Order! There is a point of order.

(Loud consultations)

Hon. Kabando wa Kabando: On a point of order, hon. Temporary Deputy Speaker. With all due respect to my year-mate and college-mate, hon. Waiganjo I am wondering whether the hon. Member is in order to imply that the individuals nominated; twelve of them to represent national interests and the marginalized groups as Members of the National Assembly and the Senate, are not--- This debate can degenerate to mean that individuals nominated to represent various interests at the county assembly are of little

use when we know that constitutionally they are provided for in order to take care of universal, national or very special interests.

Hon. Temporary Deputy Speaker, I am just trying to ask whether the hon. Member is in order to misinterpret and misrepresent the law in that regard.

The Temporary Deputy Speaker (Hon. Cheboi): Well. Because of the high levels of consultations, I did not particularly follow his argument. So, I think he will have the benefit as he is contributing to clarify whether he actually implied what you have just said.

Hon. Waiganjo: Hon. Temporary Deputy Speaker, I do not know how hon. Kabando, my good friend---

The Temporary Deputy Speaker (Hon. Cheboi): I am looking at it like, probably it is an issue between two year-mates exchanging notes in the Chamber; but let us hear what you have to say.

Hon. Waiganjo: Hon. Temporary Deputy Speaker, I said that the people who are sitting in these boards are diverse and they are brought on to these boards to represent various interests. I gave examples of such people, including the Members of the National Assembly who will come to represent their constituents.

I went ahead to say that we have nominated Senators and nominated hon. Members who will also sit in these boards. That is why I said they will also bring in the expertise and representation of the people that they were meant to represent.

The Temporary Deputy Speaker (Hon. Cheboi): I am sure that is clear now, hon. Waiganjo. You better proceed with your presentation so that you do not waste too much time responding to what has been clarified.

Hon. Waiganjo: Thank you, hon. Temporary Deputy Speaker. I was saying that the functions of the boards that have been said to be unconstitutional are not unconstitutional. I am looking at sub-clause 2, the county development boards---

The Temporary Deputy Speaker (Hon. Cheboi): Just a minute, hon. Waiganjo. I am noticing something very queer here; hon. Members who were actually at the top of the slot are shifting from requests to interventions. One of them was hon. Kaluma and the next hon. Mati. You were the topmost, so you have just lost your slot. Now I can give you the opportunity to raise a point of order because that is where your card is. You were at the top and you were the next to contribute.

Hon. Mati: On a point of order, hon. Temporary Deputy Speaker. There seems to be some technical hitch or somebody is being malicious somewhere. I came here and pressed my button very early, but I lost my position and you kept asking me whether I wanted to log in. So, thank you very much for assuring me that I am actually the next to contribute.

The Temporary Deputy Speaker (Hon. Cheboi): Let us not go that direction, hon. Mati. There are now 51 requests and you were at the top and hon. Kaluma was second after you until the list went off.

Hon. Mati: Then somebody is playing malice! The guy who is involved in the technical---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Mati!
Proceed, hon. Waiganjo.

Hon. Waiganjo: Hon. Temporary Deputy Speaker, unfortunately you have switched off my microphone. I hope I will get it back because I am using my friend's microphone.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Waiganjo, kindly wind up. You have quite a few seconds.

Hon. Waiganjo: What I need to say---

The Temporary Deputy Speaker (Hon. Cheboi): That marks the end of your contribution. I will give hon. Kaluma this chance to contribute.

Hon. Kaluma: Thank you, hon. Temporary Deputy Speaker, for the opportunity to address this important Motion. May I start by clarifying an issue the House seems to be mulling over; a number of hon. Members are saying that our role as hon. Members is merely to legislate and oversee. Possibly, yes, but the greatest role we have is to represent our people. I do believe, as representative of the people, be it hon. Members representing counties, our lady hon. Members or us hon. Members representing constituencies, we should get involved. We are permitted to handle these funds.

Hon. Temporary Deputy Speaker, I support the creation of county development boards, but I will support it with amendments. What I will be asking my colleagues is how we will deal with the issue of amendments under Articles 112 and 113 of the Constitution. Hon. Members should begin looking at those articles. I remember the substantive Speaker spoke on this. There is need for a forum where all leaders elected or appointed by the national Government and at the county level can sit together and exchange views on how best to develop. We have devolution at the county level and indeed, a lot of money is going to the counties, but we have no law on how to come up with development plans. We have no law to ensure equity in terms of usage of resources across the constituencies or the wards in the county. Those can bring biases.

Hon. Temporary Deputy Speaker, in our county we work well with the governor. I know some people are asking, "must you legislate for leaders to meet?" In Homa Bay County, we regularly meet our governor and, indeed, we agree on these issues. But from the stories we hear, the situation is different in most counties. It is impossible for a governor to meet all elected leaders. Therefore, this forum is necessary because it will ensure equity in development. We need to harmonize development. We need to harmonise the Constituencies Development Fund (CDF) and the County Development Fund.

Hon. Temporary Deputy Speaker, there is an issue I want to draw the attention of hon. Members to. If you look at the issue of ward development boards, why should a governor, senator, County Women Representative or Member of Parliament want to sit there? We are micromanaging things and this should not be the case. If you go to the issues of the sub-county development boards, essentially--- If we are not careful, we will kill the CDF Committee. Remember those people were elected by people and they are dully gazzeted by the Government. Either way, whether we are opposing or supporting we need to follow the right procedures.

Hon. Members, without much ado, I wanted to draw your attention to the provisions of Article 112 of the Constitution. This is an ordinary Bill coming from the Senate to this House as indeed; a Bill could go from this House to the Senate. Let us look at the procedures under those provisions and let us make a wise decision on the matter. It

is not enough to say that this thing is unconstitutional. Remember you are saying it is unconstitutional and we are saying the Constitution already enables us to represent our people, including in development matters. Remember those other issues that I may not talk about now.

You will, of course, frustrate our parties' development if we approach it this way. Remember that Article 112 gives us two options. We may reject this Bill. If we reject it, automatically, each House will appoint their number of Members to be in the Mediation Committee. Amongst the role of the Mediation Committee is then to come up with a version of the Bill which is acceptable to both Houses. That may be one way we may need to think about in terms of how to ensure the amendment is acceptable.

The other way, of course, is to make the amendment here. If we make the amendment here, it will go to the Senate for their reconsideration. Remember when they do that, we will not be there. They may as well reject those amendments. What it means is that we may end up with a situation where later on we are just still at the Mediation Committee. Personally, I would agree with the spirit of the Bill. However, I ask our membership here to look at the provisions of Articles 112 and 113. My view is that what would work best is to sustain the thing by rejecting it and then appoint an equal number from each House to the Mediation Committee and a Bill whose version is acceptable to both Houses is placed before us and both Houses pass it. The contrary view would be very tricky.

Hon. Temporary Deputy Speaker, there are thoughts about the CDF. You know the Member of Parliament does not chair the CDF. I think I need to clarify this to the nation. The Member of Parliament does not appoint unilaterally the people who serve in the CDF. The CDF membership is now elected by the people of Kenya sitting in the various constituencies and wards. These gentlemen and women are then gazetted by the Government as duly elected representatives of the people.

As I conclude, I want to tell the nation that the Member of Parliament does not have Authority to Incur Expenditure (AIE) over CDF. Indeed, the national Government representative appointed by the CDF Board at the national level, the Fund Manager, is the one with the AIE. Of course, the CDF Committee does everything. That Fund Manager is the accountant and treasurer. You all know that we do not appoint those people. We want to emphasize to the country that as a leaders elected by the people to exercise the power of representation, we are only in the CDF Committee as patrons to represent the people's interests where there are lapses. Other than that, of course, the Committee proceeds on its own. It is on account of that, that I would like to request all Members that we do not debate this thing in a manner that would confuse the thinking of people about the existence of these other funds. As you know, they are allowed under Article 206. I request that at the end of it we consider rejection. That rejection of the Bill, I am confirming to you, does not kill it instead it gives us the facility of a Mediation Committee and then we develop a version of the Bill that is acceptable to both Houses and, of course, we pass it at that level.

Hon. Mati: Thank you, hon. Temporary Deputy Speaker. I do not want to say much except to draw our attention to the fact that there was supposed to be a forum at the county level that was supposed to be convened by the governors in every county to be able to monitor and co-ordinate development matters. To my knowledge, many governors

have ignored that fact and that is why the Senate has gone the long way so that the governors do not continue to ignore the importance of county level co-ordination.

Monitoring and evaluation, according to me, is not micromanagement by the governors. We are aware of many governors who have gone ahead and spent money to hire choppers in order to travel around as their citizens suffer from hunger and other social ills. We need to look for a way of making sure that devolution does not devolve purely to the office of the governor and the small clique that the governor leads at the county headquarters level. This is what seems to be happening in the majority of counties.

I talk to many Members of the County Assemblies (MCAs), but I do not want to go too much into the frustrations that they are having. What I would say with a high level of confidence is that monitoring and evaluation is not taking place at the county level. For me, it is important that we move as fast as possible to ensure that this matter is determined as quickly as possible. The only way to do this is to actually reject this Bill, as hon. Kaluma suggested. That way, we will not have to wait for a back and forth process with the Senate. We will instead create an opportunity to come round a table and actually work out a formula which is operational.

Like many of the Members who have spoken before me, I accept that there might be no need for a Senator to be running to attend a small ward's development forum. Really, how many can they attend? I have five wards in my constituency; how many can I attend? What we need to do is to operationalized and develop systems to be able to control at the county level rather than dealing with village stuff.

Hon. Temporary Deputy Speaker, I thought that I should add my voice to this noble course and request very humbly that we reject this Bill with a view to forcing this joint bicameral meeting that is supposed to take place so that we hammer out those issues that we feel are not commensurate with what we need to do.

With those remarks, I wish to propose that we reject the Bill with a view to forcing the Senate and the National Assembly to get together and work out a mechanism that will produce a document that is operational within a month, if not less.

Hon. Ekomwa: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion.

The Temporary Deputy Speaker (Hon. Cheboi): Yes. Now that you are saying that you are going to support, that marks the end of your time today.

(Laughter)

Order, hon. Members! There was a request for adjournment on a definite matter of urgent national importance by hon. Kimani Ichung'wah. I can see that in this particular Bill that we have been discussing there was a lot of interest. We will have sufficient time if it comes tomorrow. What we need to do is to simply give hon. Ichungwah an opportunity to move his Motion. You will have your time. You will definitely have your time. Hon. Ichungwah, you have ten minutes.

MOTION FOR ADJOURNMENT UNDER S.O.33

MATATU STRIKE OVER PARKING FEES

Hon. Ichung'wah: Thank you, hon. Temporary Deputy Speaker. I rise to move this Motion which is on a matter that is of definite national importance. The nation today, including Members of this House, this morning, was treated to a situation where the Central Business District (CBD) of the capital city of the Republic of Kenya was almost brought to a standstill by striking *matatus* and taxi operators within the city and those from surrounding districts. This was in protest to a move by the county government of Nairobi to increase the parking charges that are levied by the county governments from what was previously charged by the City Council of Nairobi. The 33-Seater mini buses, which blocked most of the roads in the city around the roundabouts today, used to pay Kshs3,000 per month as parking fees.

However, the charges have been hiked to Kshs8,000 per month and that translates to almost Kshs100,000 per year. This is a sector of this economy which is not only crucial to the movement of goods and services but also to human capital from where almost 60 to 70 per cent of the national economy is based. This is also a sector that is in a great way contributing to the Gross Domestic Product (GDP) of this country and more than that, employing hundreds of thousands of our youth who this Government and previous ones have failed to provide with job opportunities.

Hon. Temporary Deputy Speaker, it is therefore sad that such an important sector of our economy can be brought to such a situation. It is sad that they contemplated going on strike and closed their business today so as to protest that move by the County Government of Nairobi. This situation does not only touch on the County Government of Nairobi, but also other county governments.

Hon. Temporary Deputy Speaker, I wish to draw the attention of Members of this House to Article 209(1) of our Constitution which says: "Only the national government may impose –

- (a) income tax;
- (b) value-added tax;
- (c) customs duties and other duties on import and export goods; and
- (d) excise tax."

Article 209(3) says:

"A county may impose –

- (a) property rates;
- (b) entertainment taxes; and
- (c) any other tax that it is authorized to impose by an Act of Parliament."

However, Article 209(5) says:

"The taxation and other revenue-raising powers of a county shall not be exercised in a way that prejudices national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour."

Hon. Temporary Deputy Speaker, the powers that have been bestowed on the County Government of Nairobi and indeed other county governments in this country to levy taxes or other revenue raising powers should and must be done in a way that does not become prejudicial to national economic policies. Hiking parking fees in this city

from Kshs3,000 to Kshs8,000 and from Kshs100 to almost Kshs300 or Kshs400 is prejudicial to our national economic policies and economic activities across county boundaries. You can imagine a situation where somebody who is operating a *matatu* between Kajiado or between Thika, Machakos or Nairobi is being levied these increased levies in all the towns, what will happen? All these charges are prejudicial to not only the national economy but also to the economic activities across the counties that surround this city. They are also prejudicial to the mobility of goods, services, capital and labour.

Hon. Temporary Deputy Sir, almost 95 per cent of the people who work in this city use *matatus* and taxis for their mobility from where they reside to this city. Therefore, if *matatus* will go on strike today or any other day because we are implementing parking fees or any other levies that are prejudicial to the mobility of goods and services, we as a House must rise and condemn this. I am urging the National Treasury and all other relevant ministries to put in place such measures that will ensure strict adherence of Article 209(5) of our Constitution to ensure that all levies and taxes that are being levied by our county governments are in line and stick to its letter and spirit.

Hon. Temporary Deputy Speaker, it is very painful that today people had to walk to work, including Members of Parliament. I had to walk from Museum Hill to get to this House before the morning session ended because of the traffic congestion that was there. When I came here right outside this House, at the roundabout outside Intercontinental Hotel, *matatus* had blocked that road. We must understand that these are our young people who depend on these *matatus* and taxis for a living.

Therefore, if we do not rise as a House and as representatives of these people to speak out for them, they will suffer under these governors who it is now clear have got no other interest of the people that we represent other than the interest of raising revenues and money that they cannot even be accountable for. I think what has happened in the Senate is testimony enough that these people do not even want to be held to account for the money they are collecting from the people.

Hon. Temporary Deputy Speaker, therefore, I urge the Members of this House to speak out and support this Motion to make sure that the National Treasury, the Ministry of Transport and Infrastructure and all other relevant ministries including the Ministry of Devolution and Planning weigh down on these county governments to ensure that they are not doing things that are prejudicial to our national economy.

Hon. Temporary Deputy Speaker, therefore, I beg to move that Motion and urge Members to support it. Let the National Treasury and county governments have the interests of our people at heart because it is our people who are suffering.

I can say that almost 30 per cent of the population in the constituency where I come from, which is Kikuyu are our youth who are employed in the *matatu* industry. Others are employed in the taxi business and if we are going to drive them out of business tomorrow, we are the same people who will be complaining about insecurity. This youth will become a problem to us even in our comfort zones, therefore, it is very important that we speak out and support them because it is a sector that is very important to this country.

Hon. Temporary Deputy Speaker, I beg to move.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. I will give the first chance to hon. Hassan, the Member for Kamukunji.

Hon. Abdi: Thank you, hon. Temporary Deputy Speaker for the opportunity. I would like to rise to be able to contribute to the discussion.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Hassan, if you are comfortable standing, that is fine but if you can sit I also would have no problem. Proceed.

Hon. Abdi: Thank you very much. I do not know whether the television people will give me the opportunity if I sit down and so I will stand. Thank you very much.

I would like to contribute to the discussion at hand and I must say from the beginning that I support the right to strike as enshrined under Article 37 of our Constitution which says:

“Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.”

While having said that, I think the *matatu* industry is an important stakeholder employing thousands of Kenyans and providing an essential and indispensable service to millions of Nairobians. I know they are a force that moves our city every day.

*(Hon. (Ms.) Wahome walked
around the Chamber)*

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Hassan just for a minute. Hon. Alice Wahome, you are very quick to ask for some gender consideration and I can see you are not even concentrating. You are actually walking around the Chamber. Now, I think that is not fair but proceed hon. Hassan. I will be considerate in terms of gender but let us also try to be patient. I will be happier using the rankings that I can see from here. Proceed, hon. Hassan.

Hon. Abdi: Thank you, hon. Temporary Deputy Speaker for allowing me to continue. I want to say that they are a force that moves our city and we are dependent on them every day as ordinary citizens who go to their daily work and businesses. For those ordinary people, usually in most countries in the world public transport is provided by the state or by the local authorities. Unfortunately, in our case that has not happened and this service is now provided by businesspeople and entrepreneurs who have moved in to fill that gap and do provide that important contribution to our economy.

However, the most important clients of the *matatu* industry or city transport services are not the County Government or the Government of Kenya but they are the people of Kenya, and particularly, the people of Nairobi.

This is, indeed, a very heavy duty and responsibility. They depend on *matatu* transport to get to their jobs, businesses and do other activities. They also depend on the *matatu* industry to earn their livelihoods or put *unga* on the table.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Hassan, you should be summarizing now. I have actually given you an extra minute because every Member is contributing for five minutes.

Hon. Abdi: Hon. Temporary Deputy Speaker, therefore, I expected discussion or dialogue before going into a strike like the one we have had. While I fully support the

decision to strike peacefully, let me express my disappointment in the reckless manner in which the *matatu* operators went about their business to close down roads in and out of our city.

Hon. Okoth: On a point of order, hon. Temporary Deputy Speaker. Could I be in order to request that we reduce the debating time to three minutes per speaker given the importance of this matter and the interest of hon. Members in the House have?

The Temporary Deputy Speaker (Hon. Cheboi): That is a relatively fair one. We have about 15 minutes to go and I think it makes a lot of sense if we could reduce the debating time. That is if hon. Members are agreeable and I can see that they are agreeable. So, we will have three minutes for each hon. Member speaking.

Hon. Abdi: Hon. Temporary Deputy Speaker, I have been interrupted many times. I request if you could just give me time to finish what I am saying.

Therefore, there is no doubt that today as a result of the decision of the *matatu* industry, our city suffered economic losses running into millions of shillings. We have also suffered in terms of image because our city is the headquarters of two UN organizations. We also attract large number of tourists to our city. Therefore, I urge that there should be dialogue between the County Government and the *matatu* operators to resolve this issue very quickly.

Hon. Temporary Deputy Speaker, the second thing I would like to add before I conclude---

The Temporary Deputy Speaker (Hon. Cheboi): No, hon. Hassan---

Hon. Abdi: Hon. Temporary Deputy Speaker, just allow me to finish. The police did their job but I noticed that our police force is poorly prepared and equipped to deal with situations of this kind. This is because it could have been a terrorist attack. Therefore, I also urge contribution in terms of funds to the police force to be prepared for such kind of situations in future.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): I was a bit generous to hon. Hassan because of the interruptions that befell him. Now, it is going to be three minutes per Member starting with hon. Johana Ng'eno. He is not here. Therefore, we will move on to hon. Joyce Akai.

Hon. (Ms.) Emanikor: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion. Besides the transport industry contributing to the economy of the country, there are many other losses that were incurred today. This is if you look at the related businesses such as insurance firms and vehicle body building industries. There are many businesses that suffered loss today. I urge the county governments, besides the transport industry, to consider the economic status of the different cadres of citizens in the levies that they charge. They should not charge levies arbitrarily because it is against the law. The taxes and levies witnessed across the country are enormous considering the people who are supposed to pay these taxes.

For instance, in Turkana, a county that is already ravaged by many predicaments, a county government will wake up one morning and say that all the women carrying firewood and charcoal should be taxed. The same applies to fishermen who have spent the whole night in the lake fighting with crocodiles and catching few fish. It is immoral, inhuman and inconsiderate to charge levies with no basis.

Hon. Temporary Deputy Speaker, counties have been given a lot of money by the Exchequer and it should be used. As things stand now, there is a lot of money still lying at the National Treasury because the counties have not made adequate returns to get the money that they need instead of charging extra levies against the poor citizens.

Thank you, hon. Temporary Deputy Speaker.

Hon. Muchai: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to support this Motion by my neighbour, the Member of Parliament for Kikuyu.

It is clear that this country incurred heavy economic losses this morning. Think about the amount of fuel that went into waste when thousands of vehicles on our roads were not in motion during the disruption of traffic flow; think about the number of children who were inconvenienced because they could not get to their schools on time; think about the number of workers who could not get to their respective places of work and think about the number of people who were arrested by the police and the towing of vehicles that took place in this county. It is all but economic loss. Why was this the case? This was because of a decision that was arbitrarily made contrary to the principles of governance stipulated under Article 10 of the Constitution which includes participation by the people.

In this respect, I wonder whether the Nairobi County had engaged with the transport sector and more so the *matatu* and tax operators in arriving at the rates that were imposed on this group of people. From what is covered by the Press, it appears as if there was an attempt to engage the Governor and that there were figures that had been arrived at that the people operating in this sector expected to be implemented by the county. However, it appears as if an arbitrary decision was made that imposed hefty parking fees, and this is what was being protested against.

Hon. Temporary Deputy Speaker, we have experienced this and we are looking at it from the political angle. Could it have happened because the county is in control of members of the opposite side? We want to examine this critically and see whether there is an attempt to sabotage this important sector. If so, we wonder why one would have the courage to inconvenience Nairobians, people who are running the national economy and undermine business people who are operating in this city.

Hon. Temporary Deputy Speaker, I support this Motion that was brought by hon. Ichung'wah.

Hon. Sumra: Thank you, hon. Temporary Deputy Speaker for giving Nairobi Members of Parliament a chance to contribute. I would like to thank the Mover of this Motion which is very important. I would like to draw the attention of the Members of this House to the fact that the *matatu* people pay to a group which belongs to them. We know this group. The police take money from the same *matatu* people. Again, they go and pay rates to the City Council. We did not object to the rates for private vehicles but it is very uneconomical.

Today, most students from my constituents could not go to school. I appeal to the Governor to hold a meeting with the Members of Parliament from Nairobi. It is not only the *matatu* operators who are being harassed. The *boda boda* people are also harassed by the police. The strike was not only as a result of the rates, but it was also about the bribes

they pay the police. If a *matatu* is seized, the first thing the police ask is Kshs10,000 cash bail.

Today, I was in a police station. A *boda boda* operator had paid a fine and when he went to a police station, he was asked to pay another Kshs5,000 for the breakdown vehicle.

Today I was at a police station. The victim had paid a fine. When he went to the police station to pick up his vehicle, he was told to pay another Kshs5,000 for breakdown services. What is happening in the City of Nairobi is unacceptable. I would like the House not to just focus on City Hall. We should also address the issues of police harassment and corruption. Every day, police officers demand cash from *matatu* crews amidst threats of arresting them. Therefore, we also have to look for ways of tackling the issue of harassment and corruption involving the police.

If you go to Embakasi Police Station today, you will find 500 *boda boda* motorcycles. The riders have paid fines in court but the police are demanding some money from them in the name of breakdown charges. This is not acceptable.

Hon. Temporary Deputy Speaker, I would like the Governor to convene an urgent meeting with Nairobi County Members of Parliament and the Senator, so that we can look for the way forward. I would like to appeal immediately that the Kshs8,000 rates for *matatus* should be cancelled.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have hon. Okoth.

Hon. Okoth: Hon. Speaker, while I echo some of the sentiments raised by hon. Sumra and other Members from Nairobi County, I would like to be very categorical that we cannot allow anarchy to reign. We cannot undermine the right of the Governor and the County Assembly of Nairobi to raise taxes. We can talk about the level of those taxes but what we saw today, in my view, was an attempt to completely bring to its knees the city and this great county of Nairobi, which contributes 60 per cent of the GDP of nation. I urge our County Governor, Dr. Evans Kidero not be intimidated by these anarchists and these extortionists. He should stand his ground and do the job that he needs to do. This city cannot be fixed if it does not have money.

Hon. Ichung'wah: On a point of order, hon. Temporary Deputy Speaker.

Hon. Okoth: Hon. Temporary Deputy Speaker, there is no order that has been breached here. I am using regular English words.

So, let us be very sensitive and find out ways in which young people in---

Hon. Ichung'wah: On a point of order!

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Ichung'wah, there is a Motion which you have just moved. You need to listen to the hon. Member. It does not matter what opinion he holds. He has his opinion and has a right to give it. Nevertheless, let us hear what your point of order is.

Hon. Ichung'wah: Hon. Temporary Deputy Speaker, I am rising on a point of order for you to give us guidance on whether the hon. Member for Kibra – where there are so many members of the public who are also involved in the business of *matatu* and taxi – is in order to refer to the hardworking young Kenyans serving in this very important sector as “anarchists and extortionists”. These are people who cannot defend themselves on the Floor of this House.

The Temporary Deputy Speaker (Hon. Cheboi): Let us hear what hon. Okoth has to say on that one.

Hon. Okoth: Hon. Temporary Deputy Speaker, that is beside the point. We saw anarchy in the streets of Nairobi today. My message to my Governor is: Do not be intimidated. Stand your ground. Let us raise reasonable arguments.

An hon. Member of this House has asked: “Has the Governor sat down with the stakeholders?” I can give the information with authority that indeed he has but the process of raising taxes goes through the county assembly. We are law makers. You cannot come and put pressure on the Governor today and expect him to change the law immediately. It has to go to the county assembly. The rates have to be agreed on by the county assembly. So, let us be respectful to the Governor.

Let us work with the County Assembly of Nairobi and see if these rates can be revised downwards but under no circumstances whatsoever should we be told that what happened is because the police extort our people. There is a culture in the public transport industry in Kenya. If hon. Ichung’wah stands on the side of the young people who work in this industry, he should be talking about police reforms and the clean-up of the police system.

Today I was absolutely disappointed that our police force, despite all the money that we give them, could not come out to defend the city that is the lifeline, the heart and the engine of our economy. It is a shame. We must fix this. We must not stand down to anarchists and extortionists. Long live the Governor of Nairobi. Let us have order.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Can I have the Member for Othaya.

Hon. (Ms.) Munene: Thank you, hon. Temporary Deputy Speaker. First of all, I would like to thank all the Members of this House for their support. I know that God will bless them. I also thank the people of Othaya because I know that even now, they stand with me.

I rise to support this Motion because this country must have laws. Nairobi is the capital city of this country. Anybody who comes to this country as a visitor comes to Nairobi. The major industrial area is also in Nairobi. It is our sons and daughters who have bought the *matatu* vehicles. There are also other people who go to do their jobs, who can be sacked by their employers because of arriving at their work places late. I want to ask our Governor in Nairobi and in other counties to consider the taxes. When they increase taxes, they must consider the fact that *matatu* vehicles are bought through loans. The owners repay those loans on a monthly basis. How are they going to pay taxes that keep on increasing every other time? Somebody wakes up one morning and decides to increase them. We know that other people are waiting to tell *matatu* owners to give them a thousand shillings, so that they can excuse them from paying the prescribed taxes. We do not want that kind of thing. We want to have laws in place.

In the morning, there was no road to pass through to Parliament because all the *matatus* and buses were on all the roads and highways. A patient being brought to Nairobi for treatment from upcountry could die on the way. Even as I speak, I have a case of somebody who collapsed on the way from Nyeri to Kenyatta Hospital. As we speak, he is in a comma. Why should we make our people suffer? We want to tell our governors

that even if they want money, there are other ways of raising money. They should think about taxation. They should sit down with the county representatives and Members of Parliament and agree on the way forward because we want to support our people.

I am here to support the Motion.

Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have hon. Manje.

Hon. Manje: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity. I want to support this Motion for one reason. My constituency, which is Kajiado North, is just next to Nairobi. I am glad about what we have been observing all along. In my constituency, especially with regard to vehicles operating between Nairobi and OngataRongai, we experience the same thing that the rest of us experienced this morning every day.

Traffic management in this country is an issue. The problem of traffic jams has gone on all along without being managed. It is unfortunate that we only let police officers try to control traffic in this country when we know very well that the State is supposed to manage road traffic in a better manner. My constituency has only two outlets. If we have to manage traffic jams in Nairobi, then we have to expand the road from Nairobi to OngataRongai and the one from Nairobi to Ngong, so that we can open up the way from Nairobi to its outskirts.

As we know, the peripheral areas of all capital cities in the world are growing areas. Kajiado County has to grow. The entrance to Kajiado is through OngataRongai. So, I would like the Government to take this as affirmative action and see whether they can make a dual carriage way from the Bomas of Kenya to OngataRongai, Kiserian and Ngong, and back to Nairobi; so that people can travel quickly. This will enable hon. Members of Parliament going to eat *nyamachoma* and look for plots in Kajiado County to access the county. I want to report that many hon. Members of this House visit the area.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Manje, let us concentrate on the Motion. I can see that you are already speaking to your constituents and your visitors.

Hon. Manje: Hon. Temporary Deputy Speaker, I stand guided.

I wanted to tell hon. Members that the people of Rongai experience what they experienced this morning on a daily basis. Today, I would take about two hours to travel from my county to Nairobi. In normal circumstances, I normally take 15 minutes. So, there has to be proper management of public transport in this city of Nairobi. If you are moving from here to Nyayo Stadium, you are likely to take an hour or 30 minutes. That is a distance that should be covered within five minutes. In other capital cities of the world, traffic jams are normally managed by officers---

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Butula.

Hon. Onyura: Thank you, Temporary Deputy Speaker for giving me this opportunity. Today I was also a victim of this lawlessness that happened in Nairobi. A place that normally takes me 20 to 30 minutes at most, took me over five hours. I just could not believe it. I hope this is not something that we want to see repeated. Obviously, there are some challenges and I do hope that those who are charged with the responsibility of managing transport in the City of Nairobi will take their jobs seriously.

Hon. Temporary Deputy Speaker, we keep talking about Vision 2030 and about the type of transport we should be looking forward to in Nairobi City. But everyday things are getting worse. There is nothing to give us hope that things are getting better so that we can look forward to succeeding in our Vision 2030. Unless we change our approach to certain programmes and services; like the *matatu* services and the mushrooming of kiosks all over, the Vision 2030 will be a mirage.

Let us forget what we see on newspapers about the success or what we look forward to attaining in Vision 2030. There must be something to show that we are improving every day. It could be a small improvement, but every day you should see something better than what happened yesterday. It will be very unfortunate that, maybe, tomorrow or the day after, things could even be worse.

Hon. Temporary Deputy Speaker, I do not think that most citizens are unhappy to pay or do not support paying levies or taxes. What worries us is paying these taxes or levies; whatever you want to call them, but with no services to show. The taxes or charges go up, but the services keep deteriorating. I think this is where the problem is.

On the other hand, whatever we do must be done within the limits of the law.

The Temporary Deputy Speaker (Hon. Cheboi): I will give this chance to hon. Wanyonyi.

Hon. F.K. Wanyonyi: Thank you, hon. Speaker, Sir. This is a very important Motion and I beg to support it. I know very well, one of the areas affected most is my constituency; an area where most of the business and international communities are housed.

Hon. Temporary Deputy Speaker, I live just on the outskirts of the City. It used to take me about ten minutes to the City Centre. These days it takes me two hours to reach the City. This is the mess that our roads are in. One of the reasons why we are having this mess is our failure to invest in infrastructure. We have expanded one side of the road network and we have failed to do the same to all the roads linking the City Centre.

The second problem is that the chaos we are experiencing today were brought about by one individual; the former Member of Parliament for Juja, the late George Thuo. He conspired and “killed” the Kenya Bus Service. That is why we are not having an alternative means of transport. Therefore, the *matatu* industry has taken advantage of this situation and is blackmailing the Government and the public. When they go on strike, we fail to find an alternative and, therefore, until and unless we come up with an alternative transport, we shall continue suffering.

Hon. Temporary Deputy Speaker, people who want to travel from here to the airport cannot make it. People who are taking children to school or people who want to go to work cannot make it because of the chaos we experience on our roads. Unless we come up with a solution and the county government works together with other elected leaders and stakeholders to find a solution to this problem, the problem will continue.

Hon. Temporary Deputy Speaker, Nairobi City is the only city in the world that does not have a stake in public transport. That is why we are having these dangerous criminals taking over the very important sector in transport. We must come up with a solution and we must work with the county government as elected leaders in Nairobi and other stakeholders to put order in our roads.

The other thing is that there is problem between Traffic Police and the City Council *askaris*. There is a thug-of-war on who should control---

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker. What happened today is deplorable and sad. All principles of governance on either side were broken. The issue of arbitrary taxation without participation is the problem. But taking law into their hands by the *matatu* people is similarly bad.

When an issue like this comes, instead of seeing it as national problem we start having ethnic issues and political issues; the problem is that Nairobi City does not have public transport. The *matatu* industry is inefficient and it cannot provide transport to the people of Nairobi. Some hon. Members may be young and may not know that there was good public transport in late 1960s and 1970s. The buses were so regular and you could use them. There were no people waiting on the queues because there were buses. Sometime in the 1970s, it was said: “*Wachawananchiwajitajirishe*” and *matatus* were made legal. Then, as some hon. Member said, somebody came in and “killed” the Kenya Bus Service Company. This is the result! What we need to do as country is to go back and develop transport because it cannot be done by private business people.

Hon. Temporary Deputy Speaker, the money is there. Every evening when you move in this town, you find thousands of people stranded. I am sure each of them has Kshs50 or Kshs100 and they are willing to pay. All we need to do is get some money or borrow some money---

*(Hon. Member crossed the Floor
without bowing to the Chair)*

The Temporary Deputy Speaker (Hon. Cheboi): Order! Order, hon. Member! Hon. Member for Kiharu, I actually saw what you did. The way you did it was not in order. Proceed, but that should serve as a warning now. That is extremely out of order.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, let me repeat the last point. There is money; we do not need money from anywhere. All we need to do is to borrow. Thousands of people have money in their pockets but we have chosen an inefficient and unruly system. We can borrow money and develop public transport and even go back to the levels we had in the early 1970s.

This is a wakeup call for us and there is no need to take blame and make it political or ethnic. We must just develop transport for this City.

Hon. J.K. Bett: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute on this Motion which I support. I would like to tell Governor Kidero of Nairobi that he should rescind the decision that he has made today because the fees that is now being charged of Kshs8,000 from Kshs3,000 is more than 300 per cent. When you look at the quality of services provided, really there is no way you can increase that quality of service by that margin.

What we were treated to today is what we can call a national economic crisis. This is because the mobility of factors of production--- There was no movement of vehicles and people. We know that the city is the face of Kenya. Any tourist who was going to the airport or any person who was to go to hospital could not do so. Everything ground to a halt. We want to ask the Governor to rescind this decision. Even if the

matatus and taxis conceded to this fee being charged, eventually they will pass the same cost to the final consumers by way of charging high fares. We will therefore be increasing the cost of production. If we really need to grow this economy by double digit, it is not by increasing the cost of production by charging high fees. We want to urge this Governor and other governors not to make unilateral decisions and charge fees that are not acceptable. They need to consult and agree on an amicable fee to charge.

I support this Motion and thank hon. Ichung'wah for bringing it for the benefit of all residents of Nairobi and the country in general.

The Temporary Deputy Speaker (Hon. Cheboi): For purposes of gender, let us have the hon. Member for Kandara. I encourage you to be coming to the House a little earlier.

Hon. (Ms.) Wahome: Much obliged, hon. Temporary Deputy Speaker. The Governor for Nairobi started work by slapping an honourable Member of this House. He has now slapped the entire City of Nairobi. Hon. Members who have spoken before me have indicated that they were unable to reach this House in good time. Personally, I had a very rough experience because last night I decided to drive myself and today as I was coming to this House I realized that there was no way I could access the town and I took a turn which was not correct in so far as the traffic laws are concerned. The rest is history. I landed in one of the police stations and there was sufficient altercation between myself and the good police officer. However, the point here is that there is lack of consultation in the offices of our governors.

The Members of Parliament in this City who have spoken appear not to be aware of what is happening. The business people of this town cannot be criminals. They cannot be excited over the issue of having to pay Kshs8,000 or Kshs400. It is obvious that if you look at the payroll of the county government, I do not believe that those who are working for the Governor have had their salaries raised by over Kshs300 per cent. What business environment has the Governor of this City created to enable him come up with the decision that he needs to raise the taxes to that level in terms of licence fees? This is possibly back door taxation of Kenyans who are still waiting for Vision 2030 to bear fruits. It is possible, and this is my opinion, that the Governor is sabotaging the national economy because the minute you hit this City with unreasonable fees, you expect that behavior from *matatus* and taxis.

Hon. Temporary Deputy Speaker recently we saw very many of his staff going to the streets. I think there is obvious lack of consultation and participation, which is very critical. Article 10 of the Constitution requires---

The Temporary Deputy Speaker (Hon. Cheboi): *MbungewaSunaMashariki!*

Hon. Nuh: Thank you, hon. Temporary Deputy Speaker. What happened today in Nairobi is very shameful and it must be condemned in the strongest terms possible. This was a sabotage of Kenya's biggest economy. These failures you are seeing today are failures that have been carried over and over by successive governments.

The Government is unable to provide a proper public transport system for this country. If that transport system was in place, we would not find ourselves where we are today. I would like to ask hon. Members to desist from attacking the late hon. Thuo. Those ramshackles would be of no use today if they existed. I remember using them when I was going to school. Those ones would not be used at this moment. Let us also

not blame the Governor of the City. He is doing his best to make sure that this City runs smoothly and very well. I do not see why the slap he did the other time is coming to play now. As the Swahili say: “*Ukishika sehemu nyeti lazima utakula makofi.*” It was his self defence, so let us not use that to tarnish his name.

The Governor should not be intimidated by these industries. The *matatu* industry is run by goons in this country and especially in this City. If they have any issue to discuss with the Governor, they should sit down with him and agree. I agree with them that the increment from Kshs3,000 to Kshs8,000 is very high. The best way to go is to sit down with the Governor, reason out with him and then agree on what is the best rate for the industry. This is because that industry contributes a lot of money to this economy. It is the mainstay of this City. We will also not wish to have the industry collapse, but they should not use extra-judicial means to ventilate their anger on the Governor. The Governor is doing his best in this City and we expect many good things from him in the near future, being a CORD Governor who is controlling the biggest city of this country.

We need to support governors as Members of Parliament so that they can perform better than you think. What we are seeing in some places are governors who are even taxing chicken, cats and dogs. Thank you, so much.

The Temporary Deputy Speaker (Hon. Cheboi): *Mjumbe wa Kieni!*

Hon. Kanini Kega: Thank you, hon. Temporary Deputy Speaker for this opportunity. I would like to thank my very good friend the MP for Kikuyu, hon. Ichung’wah for this Motion. Today in the morning I had that experience that many Members of Parliament experienced. It was a little bit unfortunate because it was around 6.00 a.m. When I was coming to town all the roads were blocked. This is something that we need to avoid and especially in our major towns. The reason for what happened today, I heard is that there was an increase in taxes for the *matatus* and taxis that operate within the CBD. We know for sure that governors and county governments are very keen to get more money and taxes. However, there are other ways of generating revenue. It is not just through increasing taxes and, in fact, increasing taxes which are not commensurate with better services for this town.

There is also a notion that was put forward that the Governor of the County of Nairobi is actually looking towards getting rid of *matatus* and taxis within the CBD. As they do that, they also need to understand that alternative mechanisms need to be put in place. I am sure, hon. Temporary Deputy Speaker, that you have visited other towns and cities in other countries. There is a very efficient railway system.

This is not a unique situation in Nairobi. We have seen this in other towns like Nyeri where the county government has unilaterally increased the taxes without consultation.

The Constitution is very clear that there has to be consultations. We also need to add another clause to say that there has to be consultations and consensus because in some cases, the county governments just hold meetings and assume that the general population has agreed with them. This has to be replicated in other towns. Let the county governments and the governors consult widely and have consensus so that we do not have this kind of situation.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): Yes, Member for Makadara.

Hon. Kangara: Hon. Temporary Deputy Speaker, I would like to thank the Mover of this Motion, hon. Ichung'wah. What will happen today is unfortunate. We would not have reached this level were it not for the arrogance of the Governor of Nairobi County. He is so full of himself. He does not consult. He is more interested in money. He has commercialised everything in this city to the expense of service delivery. I want to be on record as saying that more anarchy is on the way, if things do not change in this city.

We are, today, discussing the issue of *matatu*. Two months ago, people from Wakulima Market were on the streets demonstrating because of the increase of levies. I know that most hon. Members of this House are rates payers. The rates have been increased by 100 per cent. So, I know that they are on the way to causing chaos. That is not the way to run the City of Nairobi. Even *bodaboda* riders have been affected. If the people living in rental houses belonging to the County Government of Nairobi default making payments by 5th May---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. David Kangogo, are you on a point of order?

Hon. Bowen: Hon. Temporary Deputy Speaker, I am not on a point of order.

The Temporary Deputy Speaker (Hon. Cheboi): If you are not on a point of order, let us have your colleague continuing.

Hon. Kangara: Hon. Temporary Deputy Speaker, those people who pay house rent at the Nairobi County Government offices---

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of order, hon. Njagagua?

Hon. Njagagua: Hon. Temporary Deputy Speaker, is the hon. Member in order to use un-parliamentary language in this Chamber by saying that the Governor is full of himself? In as much as we are debating the issue of traffic jams in Nairobi, is he in order to use that phrase?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Njagagua, my good former classmate, I do not know whether the term "full of himself" is un-parliamentary, unless we are talking about a different context.

Proceed, hon. Kangara.

Hon. Kangara: Hon. Temporary Deputy Speaker, the reason as to why I said so is that, as a Member of Parliament, I have tried, together with other hon. Members, to get in touch with the Governor for consultations but he has totally refused to meet us.

The point I was making regarding people who are paying rent for Nairobi County Government houses is that if they do not pay by the 5th of every month, there is a penalty of 10 per cent. Are we commercialising service delivery? If you look at the audit report that was out just the other day, you will see that the Governor of Nairobi bought a carpet worth Kshs500 million at the expense of taxpayers. That is only one of the items that were queried. So, those demonstrating realise that even if they are taxed heavily, the money is not going to---

The Temporary Deputy Speaker (Hon. Cheboi): Yes, Member for Matungulu.

Hon. Mule: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion---

Hon. (Ms.) Ombaka:---*(off-record)*

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Ombaka, you were doing very well. I do not know at what point you removed your card. That is the point at which you lost. Your name is no longer reflected here yet you were doing very well.

Proceed, hon. Mule.

Hon. Mule: Hon. Temporary Deputy Speaker, I want to thank hon. Ichung'wah for bringing this Motion. I want to draw the attention of this House to the fact that what we are seeing in Nairobi started in Machakos, it went to Mombasa and to Kisumu. It spread to all the counties because the governors and the County Assembly Members have refused to listen to the citizens of this country. It is a shame for a capital city of a country like Kenya to come to a standstill one morning because of public transport. We support our young brothers, so that they can have something to feed their families. Right from the outset, the county governments refused to listen to the common *mwananchi*. They have gone away to increase the existing levies, a move which is completely unconstitutional.

At this juncture, I would like to ask the national Government to crack their whip at the county governments. It seems that they have been given powers, which they are misusing at the expense of the common *mwananchi*. It is unfair. We are going to condemn it. We are asking the President of this nation to convene a meeting with the governors. The governors have gone beyond their mandates. We have seen them being condemned by the Auditor-General. What are they doing instead of responding to the queries raised by the Auditor-General? They have resorted to answering the Auditor-General through the media. The Auditor-General is not answered through the media. The Auditor-General is answered through responding to the audit queries that he raises.

The 47 Governors of this country are the ones who want to kill devolution. They are the ones who do not want devolution to continue but they are pushing that blame on to the Senate and the National Assembly. As a House, we are not going to allow them to kill our baby called "devolution".

The Temporary Deputy Speaker (Hon. Cheboi): Yes, hon. Member for Siaya County.

Hon. (Ms.) Ombaka: Hon. Temporary Deputy Speaker, I thank you very much for giving me this opportunity. I would also like to add my voice to this Motion. What happened today is indeed very bad. It was very embarrassing but this is a country of strikes. It was not surprising to see motorists on the streets. It has never been surprising to see teachers or doctors or university students in the streets. So, striking is a common phenomenon in this country. What it means is that there is no dialogue. We always wait until a strike occurs.

When it comes to parking fees or levies, I must say that there is no logic in raising those levies abruptly in the manner that they have been raised to surprise motorists. Motorists should also learn not to raise their fares whenever it rains. Whenever it rains in Nairobi, fares go up suddenly, and it surprises people. So, what happened today is a big lesson to both sides. I am not taking sides with the Nairobi County Government or the motorists. I am simply saying that there is no dialogue between the people who are involved. *Matatu* operators should also know that it is very wrong for them to raise fares anytime they feel like doing so.

Thank you.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, it is now 6.30 p.m. The House, therefore, stands adjourned until tomorrow, Thursday, 6th March, 2014 at 2.30 p.m.

The House rose at 6.30 p.m.