

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

21st April 2020

*The County Assembly met at the
County Assembly chambers in Kathwana at 9.30 am*

[The Speaker (Hon. D.J. Mbaya) in the Chair]

PRAYERS

Hon. Speaker: Honourable members let's get seated.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Honourable members good morning. As you may recall, at the Assembly sitting held on Tuesday 17th March 2020, following a motion moved by the leader of the majority party on adjournment due to Corvid-19 pandemic, the Assembly resolved to adjourn it's plenary sittings from Tuesday 17th March 2020 until Tuesday 21st April 2020 and thus altered the Assembly calendar accordingly. Honourable members, you will also recall that on the same day, in my communication, I issued the following guidelines that were to remain in force for a period of 30 days.

1. All foreign travels by the members and staff of the County assembly be suspended forthwith until the Government advises otherwise.
2. Conferences, retreats, workshops and other similar events of the County Assembly shall way forward be held within the precincts of the County Assembly.
3. Visits to the County Assembly Chambers by schools, colleges and other groups shall stand suspended in addition the entry of any other visitor in the County Assembly offices during the period, and the movement of visitors within the precincts of the County Assembly shall be restricted.

4. All committees are encouraged to defer their sittings or visits outside the precincts of the County Assembly.
5. Scheduled official engagements that had been scheduled to be held within the precincts of the County Assembly in the next 30 days shall forthwith stand deferred until farther notice.

Honourable members, as you are aware the Assembly operations are guided by the standing orders, rules and procedures and the best practises. Borrowing from the guidelines issued by the Speaker of the Senate and the Speaker of the National Assembly after consultations, and from the advice of the ministry of health on conditions to be met to facilitate the plenary and committee sittings, I therefore issue the following guidelines;

1. Due to the curfew imposed by the Government from 7pm to 5am, all essential staff that are required to be in office to perform tasks are supposed to leave office by 4pm to allow them travel and arrive to their places of residence before the 7pm curfew.
2. All members and staff aged 58 years and above are advised to abide by the presidential directive dated 25th March 2020 and thus work from home.
3. Any immunal suppressed member and staff and those with chronic illness such as hypertension, diabetes, cancer and HIV are encouraged to work from home for they are more at risk of contracting CORVID-19.
4. There shall be no member of public allowed to physically at the public gallery at any sitting of the Assembly or access to the committee meeting during this period of CORVID-19 period.
5. There shall be no consultation at the Speaker's Chair or at the Clerk's table unless extremely necessary.
6. The public gallery shall for the purposes of sitting of the Assembly during this CORVID-19 period be part of the chamber.
7. A Members seated at the public gallery shall upon request be allowed to contribute into the debate by walking into the floor in an orderly manner and walking back into the earmarked seat.
8. Members are advised to refrain from changing seats in the event that a seat becomes vacant.

9. Members of the County Assembly and the staff will be guided to wear their face masks at all times while within the precincts of the county Assembly.
10. Given the limited committee rooms and sitting spaces, members are encouraged to transact as much business as possible remotely so as to reduce the need of physical meetings.
11. Committees considering matters or proposals aimed at actualizing measures to address the CORVID-19 pandemic are allowed to frequently meet. Any other sitting of a committee for any other purpose will require approval by the Speaker.
12. The Assembly will provide adequate hand sanitizers and face masks for use by members and staff as part of preventive measures,
13. Members and staff shall observe hygiene measures and maintain a social distance of at least 1 meter between themselves whenever they are leaving or entering the chamber, during committees or other places within the precincts of the Assembly.
14. The biometric listing of members attendance to the plenary is forthwith suspended and the sergeant at Arms instructed to manually record members who are in attendance.

Honourable members, putting into consideration the CORVID-19 pandemic and the guidelines issued by the **NERC** on CORONA virus and pursuant to provisions of standing orders 41(I), and for the convenience of the Assembly, I therefore direct that the morning and the afternoon sittings of the assembly shall be held concurrently for the sittings to be held during this Corvid-19 pandemic period. Thank you. Honourable members before I conclude, allow me to inform you that this chamber was promulgated on 14th April 2020 and therefore take confidence as you participate in these proceedings. Thank you.

NOTICES OF MOTION

Hon. Speaker: Yes Honourable Peterson Mwirigi.

Hon. Kathenya: Thank you Honourable Speaker, I give a notice of motion on county response towards Corona virus(CORVID-19). That aware that the Corona virus(CORVID-19) has since been declared a world health pandemic by the world health organization resulting to...

(interjectory)

Hon. Speaker: You are giving a response?

Hon. Katherinya: No Mr Speaker.

Hon. Speaker: Sorry. Kindly proceed.

Hon. Katherinya: Thank you honourable Speaker. That aware that on 17th of March 2020, this house approved a motion urging the County department of health to

1. continually sensitize the public on precautionally measures of maintaining hands and respiratory hygiene, safe food practises and avoiding close contacts with people suffering from acute respiratory infections.
2. Ensure that all schools, institutions, health facilities social places and bus parks provides soap detergents or sanitizers and running water for hand washing as a precautionally measure.
3. Ensure that there are functional isolation centres in all hospitals within the County and all CORVID-19 cases are treated free of charge.
4. Ensure that the medical staff are adequately equipped and trained to deal with the Corona virus.
5. Ensure compliance with the Government directives of doing away with all social gatherings. Appreciating that the National Government through the National emergency response committee on Corona virus has taken various policy measures interventions and issues guidelines to contain the spread of the Corona virus cautioning Kenyans against adverse economic effects mainly through enforcing travel restrictions, suspension of learning in all institutions, allowing people to work from home, banning of public gatherings while encouraging people to wear masks in public places and enforcing curfew from 7pm to 5am. Cognisant that provisions of the Kenyan constitution 2010 establishes County Governments consisting of the County Executive and the County Assembly. Farther, article 185 of the constitution of Kenya 2010 provides that the authority of the County is vested in and exercised by the County Assembly to make any laws that are necessary for or incidental to the effective performance of the functions and the exercise of the powers of the County Government under the fourth schedule. Noting

that under the fourth schedule of the constitution of Kenya 2010, the health services, agriculture, county transport, trade, control of pollution, pre-primary education, village polytechnics and other service sectors are devolved functions that are key to the implementation pronounced policy measures and interventions by the NRC service will require legislative interventions and approval by the County Assembly. Recognizing the need for an integrated11.33 at all arms of the County Government and other sectors within the society towards harmonized comprehensive response to the pandemic. Now therefore, conscious of the need to implement the National Government and County Government in containing the spread of the pandemic, the County Assembly resolves to;

- I. Call upon the County Government to expand the membership of the County response committee on Corona virus to include representation in the County Assembly.
- II. Establish a Corvid-19 implementation and oversight Ad-hoc committee in the County Assembly to oversight the actions and measures taken by the County Government as provided for under Article 185(iii) of the constitution of Kenya 2010 in addressing the preparedness to combat the spread and effects of Corvid-19 and the functions shall be; to investigate, enquire into and report on all matters related to Corvid-19 and review County legislation on the following among other matters.
 - a) Upskilling of medical facilities by provision of testing, medical equipments for all identified isolation canters within the County.
 - b) Measures to ensure protection, safety and well-being of health care and other front line workers enhancing capacity and flexible deployment of health care staff.
 - c) Measures to ensure trade is not disrupted by issuing of regulatory requirements for doing business within the County.
 - d) Measures to ensure continuous supply of food and other essential commodities at affordable prices.
 - e) Establishment of a stimulus package for the micro, small and medium sized enterprises; iii. Appoint the following members to the COVID-19 Implementation and Oversight Ad Hoc Committee:-

1. Hon Nyaga Wilson Derebia
2. Hon Kigwari Bonifacia Njeri
3. Hon Muchiri Godfrey Murithi
4. Hon Gataya Julius Mwenda
5. Hon Gitonga Leonard
6. Hon John Mucee Njagi
7. Hon Njeru Charles Nyaga
8. Hon Muthitu Dennis Mutwiri
9. Hon Annita Mbae
10. Hon Nthiga Millicent Muggana

Establishment of COVID-19 Public Sensitization and Awareness Ad Hoc Committee of the County Assembly to enlighten the public on all the pronounced policy measures and interventions to curb the spread of the corona virus within the County and shall address the following among other matters:- a. Inform the members of the public on all policy measures issued by the National and County Governments; b. Consult with the public on areas of concern and develop policies to cushion them against adverse economic effects of the corona virus; c. identify policy gaps and develop uniform legislation aimed at slowing and eventually stopping the Spread of the virus and dealing with any future pandemics; d. Advise on issues of raising resources to combat the corona virus pandemic. v. Appoint the following members of the County Assembly to the COVID19 Public sensitization and Awareness Ad-hoc Committee:-

1. Hon. Mwirigi Peterson Katherinya- Chairperson
2. Hon. Kinyua Erastus
3. Hon. Gabriel Asumpta Mukwanjeru
4. Hon. Karangi Samuel Muthini
5. Hon. Gitari Margaret Mukwanjeru
6. Hon. S. Nderi Justin Kithinji
7. Hon. Nduyo Susan Ngugi
8. Hon. Rugia Bernard Mutegi
9. Hon. Kabii Jones Kinigeni
10. Hon. Gitonga Karen Karimi

IV) That the committees prepares and Table status reports within fourteen days, table subsequent progress reports when the Assembly resumes for part two of the fourth session and Table the final report thirty days upon declaration of the end of the COVID-19 Pandemic.

Thank you Honourable Speaker.

Hon. Speaker: Thank you Honourable Peterson Mwirigi. Honourable Members, the notice of motion is hereby acknowledged pursuant to the provisions of standing order 67.

MOTIONS

MOTION ONCOUNTY RESPONSE TOWARDS

CORONAVIRUS (COVID-19)

Hon. Kathenya: Thank you Honourable Speaker, I seek the leave of the House and I request Honourable Wilson Derebia and Honourable Gitonga Leonard to second.

Hon. Speaker: Yes, Honourable Wilson Derebia.

(Honourable Wilson Derebia stood at his place and Bowed to second)

Hon. Speaker: Yes, Honourable Gitonga Leonard.

(Honourable Gitonga Leonard stood at his place and Bowed to second)

Hon. Speaker: Honourable members, pursuant to the provisions of standing order No 3 and there being no objection from any member, and with the sympathy of the Speaker, the leave of the Assembly is hereby granted. Kindly proceed.

Hon. Kathenya: Thank you Mr Speaker. I want to move the motion on County response towards Corona virus (CORVID-19)

That aware that the Corona virus(CORVID-19) has since been declared a world health pandemic by the world health organization resulting to unrepresented global process.

farther aware that on 17th of March 2020, this house approved a motion urging the County department of health and sanitation to

1. continually sensitize the public on precautionally measures of maintaining hands and respiratory hygiene, safe food practises and avoiding close contacts with people suffering from acute respiratory infections.
2. Ensure that all schools, institutions, health facilities social places and bus parks provides soap detergents or sanitizers and running water for hand washing as a precautionally measure.
3. Ensure that there are functional isolation centres in all hospitals within the County and all CORVID-19 cases are treated free of charge.

(Interjection by Hon. Speaker)

Hon Speaker: Honourable Peterson Kathenya I know you are straining because of the mask but kindly make effort

Hon. Kathenya: Thank you Mr Speaker.

4. Ensure that the medical staff are adequately equipped and trained to deal with the Corona virus.
5. Ensure compliance with the Government directives of doing away with all social gatherings. Appreciating that the National Government through the National emergency response committee on Corona virus has taken various policy measures interventions and issues guidelines to contain the spread of the Corona virus cautioning Kenyans against adverse economic effects mainly through enforcing travel restrictions, suspension of learning in all institutions, allowing people to work from home, banning of public gatherings while encouraging people to wear masks in public places and enforcing curfew from 7pm to 5am. Cognisant that provisions of the Kenyan constitution 2010 establishes County Governments consisting of the County Executive

(Interjection by Hon Speaker)

Hon. Speaker: Yes Honourable Justin Kithinji.

Hon. Kithinji: Thank you Honourable Speaker. I am seeking your indulgence now that we are in an extra-ordinary circumstances. In your message you said we are going to combine the morning and the afternoon sittings. I am requesting we rather go straight to discussing the motion. That's a polite request so that we save the Honourable member

Hon. Speaker: Your point is taken Honourable Kithinji. Honourable Peterson kindly go to the place where there is reason for...

Hon. Kithenya: Thank you Honourable Speaker

Now therefore, conscious of the need to implement the National Government and County Government in containing the spread of the pandemic, the County Assembly resolves to;

- I. Call upon the County Government to expand the membership of the County response committee on Corona virus to include representation in the County Assembly.
- II. Establish a Corvid-19 implementation and oversight Ad-hoc committee in the County Assembly to oversight the actions and measures taken by the County Government as provided for under Article 185(iii) of the constitution of Kenya 2010 in addressing the preparedness to combat the spread and effects of Corvid-19 and the functions shall be; to investigate, enquire into and report on all matters related to Corvid-19 and review County legislation on the following among other matters.
 - a. Upskilling of medical facilities by provision of testing, medical equipments for all identified isolation canters within the County.
 - b. Measures to ensure protection, safety and well-being of health care and other front line workers enhancing capacity and flexible deployment of health care staff.
 - c. Measures to ensure trade is not disrupted by issuing of regulatory requirements for doing business within the County.

- d. Measures to ensure continuous supply of food and other essential commodities at affordable prices.
- e. Establishment of a stimulus package for the micro, small and medium sized enterprises;

III. Appoint the following members to the COVID-19 Implementation and Oversight Ad Hoc Committee:-

1. Hon Nyaga Wilson Derebia Chairperson
2. Hon Kigwari Bonifacia Njeri
3. Hon Muchiri Godfrey Murithi
4. Hon Gataya Julius Mwenda
5. Hon Gitonga Leonard
6. Hon John Mucee Njagi
7. Hon Njeru Charles Nyaga
8. Hon Muthitu Dennis Mutwiri
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(IV) Establishment of COVID-19 Public Sensitization and Awareness Ad Hoc Committee of the County Assembly to enlighten the public on all the pronounced policy measures and interventions to curb the spread of the corona virus within the County and shall address the following among other matters:-

- a. Inform the members of the public on all policy measures issued by the National and County Governments;
- b. Consult with the public on areas of concern and develop policies to cushion them against adverse economic effects of the corona virus;
- c. Identify policy gaps and develop uniform legislation aimed at slowing and eventually stopping the Spread of the virus and dealing with any future pandemics;
- d. Advise on issues of raising resources to combat the corona virus pandemic.

V. Appoint the following members of the County Assembly to the COVID19 Public sensitization and Awareness Ad-hoc Committee:-

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7. Hon. Nduyo Susan Ngugi
8. Hon. Rugia Bernard Mutegi
9. Hon. Kabii Jones Kinigeni
10. Hon. Gitonga Karen Karimi

VI) That the committees prepares and Table status reports within fourteen days, table subsequent progress reports when the Assembly resumes for part two of the fourth session and Table the final report thirty days upon declaration of the end of the COVID-19 Pandemic. Honourable Speaker, I request Honourable Wilson Derebia to second the motion.

Thank you Honourable Speaker.

Hon. Speaker: Thank you honourable Peterson Kathenya. Yes, honourable Wilson Nyaga.

(Honourable Wilson Derebia stood in his pace and bowed to second)

Hon. Speaker: Thank you. Honourable members allow me now to propose the question.

That, conscious of the need to compliment the National Government and the County Government in containing the spread of the Pandemic the County Assembly resolves to;

- I. Call upon the County Government to expand the membership of the County response committee on Corona virus to include representation from the County Assembly;
- II. Establish a COVID-19 Implementation and Oversight Ad-hoc Committee of the County Assembly to oversight the actions and measures taken by the County Government, as provided for under Article 185(3) of the Constitution of Kenya 2010, in addressing the

preparedness to combat the spread and effects of COVID-19 and its functions shall be to investigate, inquire into, and report on all matters relating to COVID-19 and review County Legislation on the following among other matters-

- A. Up-scaling of medical Facilities by provision of testing and medical equipment's for all identified isolation centres within the County;
- B. Measures to ensure protection, safety and well-being of healthcare and other frontline workers while enhancing capacity and flexible deployment of healthcare staff;
- C. Measures to ensure trade is not disrupted by easing of regulatory requirement for doing business within the county;
- D. Measures to ensure continuous supply of food and other essential commodities at affordable prices;
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- d. Hon. Gataya Julius Mwenda
- e. Hon. Gitonga Leonard Jackson
- f. Hon. Njagi John Mucee
- g. Hon. Njeru Charles Nyaga
- h. Hon. Muthitu Denis Mutwiri
- i. Hon. Mbae Anita Karimi
- j. Hon. Nthiga Millicent Muggana

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 - d. Hon. Karangi Samuel Muthini
 - e. Hon. Gitari Margaret Mukwanjeru
 - f. Hon. S. Nderi Justin Kithinji
 - g. Hon. Nduyo Susan Ngugi
 - h. Hon. Rugia Bernard Mutegi
 - i. Hon. Kabii Jones Kinigeni
 - j. Hon. Gitonga Karen Karimi
- VI. That the committees prepares and tables status reports within fourteen days, table subsequent progress reports when the Assembly resumes for part two of the fourth session and Table the final report thirty days upon declaration of the end of the COVID-19 Pandemic.

Honourable members the floor is now open for debate. Yes, honourable Godfrey Muchiri, member of Karingani.

Hon. Muchiri: Thank you honourable Speaker. Allow me first to thank the almighty God for giving us an opportunity to be here today. Also for also being able to see all the members here considering that it is a time when everybody is fearing even his or her spouse. I thank the members also for availing themselves. I also thank the national governments for their efforts towards curbing the spread of Covid-19. Allow me to also thank the community health workers that are on our borders doing a very good job when it comes to taking our temperatures. I have seen them do a very good job although some of them are aged and they are staying even for the whole day without eating. I do not know if they are being paid or not but because I can see that we are doing oversight now we may end up looking at what is happening to them.

I stand, before I say that I support the motion or not, on Standing Order number 226. On the issue of Ad-hoc committees, it says that Ad-hoc committees are not admissible unless presented together with a written recommendation from the liaison committee. I do not know if the liaison

committee met so that we can recommend for the formation of the Ad-hoc committee or where the recommendation came from. It could have been very important for the committee that formed the Ad-hoc committee to forward it to the liaison committee so that so that the recommendation can come from liaison committee.

On the same Standing Order 226 (4) it says that the Ad-hoc committee cannot deal with a matter that falls within the mandate of another committee. Going through the mandate of the Ad-hoc committee that are proposed, it is the mandate of the health committee. Except if the health committee tells us that they are unable to do oversight and to investigate what is going on so that we can add other members to the committee. There is a need to get clarification on the same.

I was expecting that at least we create a pandemic committee or a disaster committee considering what is going on right now. It is not just the issue of Covid-19. We have the locust invasion with us. We have ignored that. After Covid-19 people will be very angry. We have the rains, and we are expecting floods and we don't know how the people of Mitheru, the people of Muthambi who always blame the government when it comes to the rainy season, are going to be moved. How are we going to tackle it considering that we are not going to come here in this house so that we can form more Ad-hoc committees.

There is the issue of the membership of the County Response committee on Corona virus. The house is requesting for the expansion of the committee so that this house can be added. I don't know the members of that committee so that we can call for the expansion of it. We need to first know the members because if we know, maybe the Speaker is part of the committee, maybe the majority leader is part of the committee, or the chair of health. So before we request for the expansion we need the members who are already in the committee and how it was formed so that we can at least have our take in that committee. That is my take.

According to number 5, ensuring compliance with government directive of doing away with all social gathering...

Hon. Speaker: Honourable former majority leader, I do not wish to gag you today, but you have made a critical point that goes to the root of this particular motion. Whether the motion before the Assembly is in conformity with Standing Order 226. I therefore urge honourable members to ventilate on that aspect alone. Whether the motion is properly before the House and then I will

rule immediately. The floor is open for debate limited to the provision of Standing Order 226 as directed by the chair. Yes, honourable Anita.

Hon. Anita: Thank you Mr. Speaker. Even before I comment on that issue, another point to note as we are under quarantine, my Kiswahili teacher Mr. Murithi told me that *akufukuzae akwambii toka. Naona tumezingirwa pande zote mbili*. So Mr. Speaker before the quarantine is lifted I hope you can seek for us a place to meet.

Hon. Speaker: Honourable Anita that is also the concern of the leadership and we had a brief meeting this morning concerning the same and we will report to the house at a later date. Kindly proceed with the matter before the house, but your concern is noted.

Hon. Anita: Thank you Mr. Speaker. Before I even comment on whether the motion is properly before the house I also want to refer to Standing Order number 225 (2) on the Liaison committee says:

The Liaison Committee shall-

- (a) guide and co-ordinate the operations, policies and mandates of all Committees;*
- (b) deliberate on and apportion the annual operating budget among the Committees;*
- (c) consider the programmes of all Committees,*
- (d) ensure that Committees submit reports as required by these Standing Orders;*
- (e) subject to paragraph (3) of Standing Order 15 (Speaker may refer a matter to any committee), determine, whenever necessary, the committee or committees to deliberate on any matter; and,*
- (f) give such advice relating to the work and mandate of committees as it may consider necessary;*

If you read Standing Order 225 together with 226 I believe that even if we are in quarantine there is Zoom and I can see the current acting Chair Liaison seated in the public gallery because of the social distancing, and I have not seen a message from him calling the liaison committee for a meeting to bring up this. I don't think the motion is in order according to the Standing Orders. I believe Mr. Speaker you being a lawyer you will guide us accordingly so that we cannot pass things that are illegal so that now avoid fighting over illegalities that we formed ourselves. Thank you Mr. Speaker.

Hon. Speaker: Thank you Honourable Anita.

(Loud consultations)

Yes, honourable Karen Karimi.

Hon. Karen: Thank you Mr. Speaker. I also want to thank God that all of us have been able to make it here. I am not a member of the Liaison committee so I want to confine myself to another issue because I might not know if they were called for a meeting although I have heard the members say they were not called. I feel since I was mentioned somewhere in a committee. I also have my sentiments about having a 10-member committee whereas we cannot meet as 5 members.

(Applause)

Thank you Mr. Speaker, I really need that clarification.

Hon. Speaker: Honourable members the floor is still open for debate. Yes, honourable Justin Kithinji, member for Magumoni.

Hon. Kithinji: Thank you Mr. Speaker. I want to congratulate my leader for actually revoking the Standing Orders the way they are. We are not in a state of emergency where we are supposed to disregard the law. The law is as it is. We have applied this law in discriminatively in other times. And so the Standing Orders are clear, and it was never communicated that we are suspending part of these Standing Orders. Looking at the spirit of this motion...

(Long pause)

Hon. Speaker: Kindly continue I was consulting the table.

Hon. Kithinji: I wanted your full attention Mr. Speaker.

Hon. Speaker: Honourable Justin Kithinji kindly take confidence the chair is going to apply the law as it is.

Hon. Kithinji: Thank you Mr. Speaker. Looking at the spirit of this motion, it is actually to help the honourable members at least have some seats and of course you know what it means when

they sit. In your communication Mr. Speaker you need to state very well that the committees can sit and that they should ensure that there is minimum contact. In this era of technology where we have the WhatsApp groups there is absolutely nothing that stops the committees from meeting. Therefore, the spirit of the message is therefore defeated by the communication from the chair. The committee are not immobile. Now that an Ad-hoc committee cannot handle an issue where there is a substantive committee that can handle that issue for which it is being formed to handle, and I have not heard that the committee on health is unable to carry out their function; only that there was blanket communication that was done this morning. It is just that you have not given an opportunity for the committee to meet and therefore by virtue of that feel the law should be applied the way it is.

Everybody in this house has interests. And from what I have seen, the list that has been proposed has chairs. Who told the formulators that I might not be interested in becoming a chair in the committee that I have been listed?

(Applause)

This is a House that upholds the rights of everybody and the majority always wins. Therefore Mr. Speaker sir, let us look at that because if it is subjected to other issues, these are of course elective posts...

Hon. Speaker: Honourable member for Magumoni I am not limiting you but you brought it to the attention of the **Speaker that you limit yourself to the limit we set (42.49)**. The issue has been taken loud and clear.

Hon. Kithinji: Thank you. Let me wait for your ruling I will contribute on the other bit when we get there.

Hon. Speaker: Yes, honourable Wilson Nyaga.

Hon. Derebia:

Hon. Nderebia: Thank you Mr. Speaker for the opportunity you have granted to me this morning. I want to thank the almighty God for keeping us safe for the honourable members, staff, you Mr. Speaker and our electorates. Listening and also having my senses pursuant to the provision of standing order 119 and I move that the house adjourn the debate for the further

consultation for the next sitting. Having said that listening if we discuss this motion here probably it will not be good for us to put it in the floor of the house, I am requesting for adjournment to do some consultations.

Hon. Margret: Thank you Mr. Speaker I want to thank the almighty God for bringing us back to this honourable house although we now out there it is not very good but God will protect each and every one of us, so that we continue doing the work that we were sent to do by our electorates. I want to pass a message of condolence to u because of the believe of your sister in law, you called me and told me something like that happened. I want to pass my condolence to you. At this juncture I want to say that I also lost my mother in law after we left here we live that to rest, all this have come to most of us because we have not been interrupting. This is a good motion and I don't want to overrule the leader of minority because he has also a mandate, but due to the fact that this honourable house have got different committees with different capacities and we are supposed to be doing the work that is being proposed here to form two haddock committees. We talk about health committee where I belong in the cluster, but every department every cluster is affected in one way or the other.

Hon. Speaker: May be for matters of procedure now that have allowed you to proceed and warding of standing order 119 are also clear because that is a bilateral motion that should be considered separately. I hold that we suspend this motion under 119 I will give you a chance a little bit later so that honourable Margret now contributes to the point that was raised by honourable Godfrey Murithi. Say whether the substantive motion is properly before the assembly or not properly before the assembly.

Hon. Margret: Thank you Mr. Speaker the motion is not properly before the assembly because the composition is there, the chair persons are there but we have committees in place that were formed by the liaison committee and were passed by this assembly to do this work. Unless there is duplication of work or we are told the clusters have been abolished then we can have the haddock committees to do that work. I think Mr. Speaker I don't agree with the formation of the haddock committee. The other issue that is mentioned in this report is we want to know the composition of the assembly and also proposing we include the assembly in the executive committee which is going on as far as the CORVID-19 is concerned. Protect me I finish the work of the,

(Laughter)

Hon. Muchiri: It is not interruption but I wanted to get some clarifications because you said we stick to the standing order if the motion is within the standing order. I had not completed my submission, so I think the best thing it is only we stand that is it in order.

Hon. Speaker: Kindly honourable Murithi take confidence that the chair is in control. Kindly proceed honourable Margret.

Hon. Margret: Thank you Mr. Speaker I just want to conclude on what I had started saying that the executive is doing their work.

Hon. Speaker: Yes honourable Erastus you want to rise on what standing order.

Hon. Erastus: I am standing on a point of information to inform honourable Margret.

Hon. Margret: No I don't require the information Mr. Speaker.

Hon. Margret: Kindly proceed.

Hon. Margret: Thank you I want to finish by saying this house its role is oversight, legislation and representation. If we go and sit in the executive to organize what they are doing we may not be able to do our oversight role thank you.

Hon. Speaker: Thank you honourable Margret, yes honourable Erastus.

Hon. Erastus: Mr. Speaker I am standing to say that, the motion in this house is very much timely and am saying that in support of the yesterday's gazette notice. Even the president formed two committees and three working groups which will give the government effort.

Hon. Speaker: I am not interrupting you honourable Erastus, but I want to be of assistance to you. Do you have the standing order give him 226, kindly look at standing order 226(2) and tell us if this motion complies?

(Loud Consultations)

Hon. Speaker: Yes honourable Gitonga.

Hon. Gitonga: Thank you Mr. Speaker in due respect I think you can at least read to us because of those who don't have the standing order together. So as honourable Mbogori comprehends about the legality you can as well read to us to benefit.

Hon. Speaker: No whoever needs the standing order you will be handed it over thank you. Kindly read the whole of standing order 226 read together with 225. Honourable members the spirit and the purpose of the motion is to keep honourable members busy and that is during this period and it is up to you to decide, yes honourable Erastus.

Hon. Erastus: Mr. Speaker as you have said that if it was the thinking of the house leadership,

Hon. Speaker: We have the media around don't speak about the thinking.

(Laughter)

Hon. Erastus: It is the idea we have it, the house leadership and this idea came in that meeting.

Hon. Speaker: That is true the intension aside honourable Erastus, does the motion before the assembly comply with the strict provisions of standing order 226 and 225.

Hon. Erastus: To me it is complying and I support the idea.

Hon. Speaker: Okay. Yes honourable Anitah, but only limited to whether the motion, you contributed.

Hon. Anitah: I am seeking clarification from you, I have not heard of a committee called house leadership that deals with matters of the house, I believe the liaison deals with the matter of the house. This is a house of order and it is with good faith we agreed to it, but I believe there is zoom where as one honourable member said if we say we cannot meet as five members plus our clerk, how do we even meet as ten.

Hon. Speaker: Honourable Anitah let us confine ourselves to the simple issue before the assembly, whether the motion really complies with the strict provision of standing order 226 or not. Honourable members the floor is still open for debate before I give room to honourable Peterson Kathenya room to reply. Yes honourable Nyagah.

Hon. Nyagah: Thank you honourable speaker, the idea on the executive might be very good but I think it is a deliberate intention to kill the house and tie them with one rope. Whereas I look at the house leadership positively, I also look at the other matters and say that the issue of the two committees is to turn our mind to this epidemic and it requires some of thinking.

Hon Speaker: Yes honourable Susan.

Hon. Susan: Thank you Mr. Speaker. I want to thank the almighty God for keeping us safe and being here all of us. Let me thank the house leadership for really feeling for us and ensuring that at least we remain busy so that we are able to do some activities.

Hon. Speaker: Honourable Susan the house leadership is not part of this motion.

Hon. Susan: I want to thank the Majority leader being so caring and ensuring that at least we are busy doing something at this time we are supposed to stay at home. That notwithstanding the health committee has been busy doing some meetings. We have been doing our oversight role. Let other committees be busy so that they may be able to achieve what this motion was intended to achieve. When we move around we see our roads are in pathetic situation, and such a department can move around and see what is happening, like Marimanti stadium is in a very bad situation and the department of sports can move around and check what is happening. It doesn't mean that now we are supposed to stay at home there is anything this house can do it is only issues pertaining to CORVID-19. Other committees can move around and make ourselves busy, we can do online committees and let every committee pursue its responsibility and oversight role. The cluster that holds the committee on health, it is the same cluster that hold the committee on implementation, that cluster is busy. We have already held some few committees, so when we

come back we are going to come with reports on our findings and also be able to follow the resolutions of this house Mr. Speaker especially the motion that was moved by honourable Margret as we went for the last recues. Our cluster is busy and we are doing our oversight role on the CORVID -19 and the other health issues and also on implementation. Let the health committee be given their chance to do what they are mandated to do thank you.

Hon. Speaker: Kindly you have not answered the question before the house, whether the motion is properly before the assembly.

Hon. Susan: Mr. Speaker the motion is not properly before the assembly because they are stepping the mandate of the health committee.

(Applause)

Hon. Speaker: Okay thank you. Yes honourable Gitonga.

Hon. Gitonga: Thank you Mr. Speaker, also for providing the standing order to me. I have gone through order 226 and as it stands this motion is not procedural before the house.

(Applause)

Allow me to read 226(1) it says, the assembly may by resolution form an Ad-Hoc committee for purposes of enquiring into the matter or matters specified in the resolution. Two it is not precise, it says a notice of motion for the establishment of a haddock committee shall not be admissible unless presented together with a written recommendation for the liaison committee.

Hon. Speaker: The word is shall which is mandatory.

Hon. Gitonga: Yes, shall which is Mandatory Mr. Speaker. If you look at it clearly on the standing orders I think it is not properly before the house, it's good to do things in a correct manner so that in future we don't have this again.

Hon. Speaker: Thank you honourable Gitonga. Yes honourable Njagi.

Hon. Njagi: Thank you Mr. Speaker, first I want to greet the honourable members.

Hon. Speaker: You are allowed honourable Njagi you are a senior member.

Hon. Njagi: As the chair of liaison committee and I know majority thought that I was very sick because I have been in hospital for a while, but now members the capacity of doing various things in this assembly is now upon to you. I will do the best to this house but this motion before this house thank you.

Hon. Speaker: You have not answered the question honourable Njagi. In your view is the motion really in conformity with the strict provision of standing order 226.

Hon. Njagi: Thank you, a written substance never changes when a pen goes down and writes, it's like when a leaf falls down from a tree. This motion is not appropriate.

Hon. Speaker: Yes honourable Njeri. Kindly limit yourself to standing order 226 one and two.

Hon. Njeri: Thank you Mr. Speaker the intention of the motion is very good, but this being a house of order and I house that should do legislation and follow legal matters well, and as we know the rule of law cannot be compromised. With all due respect this motion is not in accordance with the standing orders. Therefore, I think it's good we try and do things in the write way that now we are going legislative. Further though that we have the pandemic at hand everybody is running up and down trying to solve issues, but we also have other things to look at, like the roads are in pathetic situations. I am a member of the transport committee we also need to have meetings so that we can know how to go about them; like we have zoom. This is a digital error, even though we don't have a physical meeting we can try and have a house of order. We need to organise ourselves so that we can be having meetings and see how we can have other works also continue, because we don't know how long this CORVID-19 pandemic will take. People need to feed and move around and rather than the pandemic people also get sick. We need to go on with other works, therefore as we look into this let things be put in the right order so that the people will not suffer thank you.

Hon. Speaker: So in your view is the motion properly before the house.

Hon. Njeri: No Mr. Speaker.

Hon. Speaker: Thank you honourable member. Yes honourable Peterson.

Hon. Kathenya: Thank you honourable speaker

Hon. Speaker: Kindly address yourself to standing order 226.

Hon. Kathenya: Thank you Mr. Speaker I also agree with honourable Nyaga that we adjourn this motion.

Hon. Speaker: We will come into that because if we find the motion is not properly before the house there wouldn't be any need to adjourn that which is not sustainable.

Hon. Kathenya: Basically it is not.

Hon. Speaker: Honourable Wilson Nyaga are you persuaded we withdraw now **you barratry** motion under 119 because you cannot seek to adjourn that which is not sustainable in law.

Hon. Derebia: Thank you Mr. Speaker I also wish to withdraw from adjourning reasons I will give it's because of the wording documented in that motion. The spirit was very good but whoever constituted that motion it was not according to the way we agreed. Nobody said about haddock committee that is why it is bring a lot of contradiction. I remember because I can say it

clearly here when I was consulted I said that we form two committees while we keep our members live. I did not mention the word haddock committee because I did not want to step the mandate of the standing order, because this house is a house of order. That is why the problem is so I withdraw.

Hon. Speaker: honourable Gitonga kindly confirm for the sake of clarity that this idea originated from the board and we said that the same be approved by the liason committee is that not the position.

Hon. Gitonga: Thank you Mr. Speaker it's correct that this idea of committees came up from the board because we realised that the committees will not be active during this period of covid-19. To ensure that members had to take care the interest of the members Mr. Speaker that is why the idea came up to ensure that every member at the end of the day he or she knows what he should do. What is coming out from the honourable members is that the respective committees Mr. Speaker should proceed with their normal work and achieve that they should get, Taking into account the measures that the government has put about the covid-19.

(Applause)

If the members want to remain in there committees and do the follow up that is what I am getting. The minority leader will take the day.

Hon. Speaker: Honourable members take confidence that the board and the house leadership we are going to do the match that it takes to see that we are back again, because we must do that in uniformity to the protocol laid down by the covid-19 committees and of course the other rules. Yes honourable Karen.

Hon. Karen: I beg to use your mercy and seek clarification because according to me up to now I have not understood why we are not supposed to gather as five members of a committee, but it seems so convenient for ten members.

Hon. Speaker: I will explain that later. Honourable members when the motion came to the house this morning the motion that is dated 20th of April 2020 and when the same was conversed by honourable Peterson Mwirigi and seconded by honourable Derebia, the honourable member for Karingani honourable Murithi stood on a point of order seeking directions from the speaker weather the motion before the house is inconformity with standing order 226(1) and (2) as read standing order 225. Honourable members I have listened to the arguments raised by honourable member for Karingani, which the argument have been supported by almost every other member in this house. Upon looking at standing order 226 1,2 as read with standing order 225 and in particular standing order 226 (2) which reads, a notice of motion for the establishment of a haddock committee shall not be admissible less presented together with a written

recommendation of the liaison committee. Honourable members the law is very clear that at least there should have been the recommendation of the liaison committee which is lacking. Therefore, I do direct an honourable member that this motion is improper before the house. It is inadmissible and contrary to standing order 226 as read with standing order 225 of our standing orders thank you.

ADJOURNMENT

There being no other business the house stands adjourned until the next sitting at 11.30a.m.

*****The House Rose at 10:45Am*****