

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

15th June 2021

*The County Assembly met at the
County Assembly chambers in Kathwana at 9.30 a.m.
[The Speaker (Hon. D.J. Mbaya) in the Chair]*

PRAYERS

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

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Honourable members, good morning. Allow me to take this opportunity to welcome you to this sitting. I wish you all the best as you carry on with your constitutional mandate. Thank you. Next order.

PAPERS LAID

REPORT OF THE COMMITTEE ON YOUTH, SPORTS, CULTURE
AND SOCIAL SERVICES ON THE THARAKA NITHI COUNTY
GENDER MAINSTREAMING POLICY

Hon. Kathenya: Thank you Mr. Speaker, I lay on the table of the House the report of the Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Gender Mainstreaming Policy.

Thank you honourable Speaker.

(The paper was accordingly laid on the table)

Hon. Speaker: Thank you honourable Peterson Mwirigi. Honourable members, the report of the Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Gender Mainstreaming Policy stands laid on the table of this House.

REPORT OF THE COMMITTEE OF AGRICULTURE, LIVESTOCK AND
FISHERIES ON THE STATUS OF THE TEA BUYING
CENTRES IN THARAKA NITHI COUNTY

Hon. Speaker: Yes, honourable minority leader.

Hon. Derebia: Thank you Mr. Speaker. I lay on the table of the house the report of the Committee of Agriculture, Livestock and Fisheries on the status of the tea buying centres in Tharaka Nithi County.

(The paper was accordingly laid on the table)

Hon. Speaker: Thank you. Honourable members the report of the Committee of Agriculture, Livestock and Fisheries on the status of the tea buying centres in Tharaka Nithi County stands laid on the table of this House. Thank you.

REPORT OF THE COMMITTEE OF HEALTH SERVICES ON THE
THARAKA NITHI COUNTY HEALTH AND SANITATION
SERVICES BILL, 2021

Hon. Speaker: Yes, honourable Charles Nyaga.

Hon. Charles Nyaga: Thank you Mr. Speaker. I hereby lay on the table of the House the report of the Committee of Health Services on the Tharaka Nithi County Health and Sanitation Services Bill, 2021.

(The paper was accordingly laid on the table)

Hon. Speaker: Thank you honourable Charles Nyaga. Honourable members, the report of the Committee of Health Services on the Tharaka Nithi County Health and Sanitation Services Bill, 2021 stands laid on the table of the House. Thank you. Next Order.

NOTICES OF MOTIONS

MOTION ON ADOPTION OF THE REPORT OF THE COMMITTEE ON YOUTH, SPORTS,
CULTURE AND SOCIAL SERVICES ON THE THARAKA NITHI COUNTY
GENDER MAINSTREAMING POLICY

Hon. Speaker: Yes, Honourable Peterson Mwirigi.

Hon. Kathenya: Thank you honourable Speaker. I hereby give notice of the Motion on the report of the sectoral Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Gender Mainstreaming Policy.

That; this County Assembly adopts the report of the Sectoral Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Gender Mainstreaming Policy.

Thank you honourable Speaker.

Hon. Speaker: Thank you honourable Peterson Mwirigi. Honourable members, Pursuant to Standing Order 67 the notice of Motion on the report of the sectoral Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Gender Mainstreaming Policy is hereby acknowledged. Thank you.

MOTION ON THE ADOPTION OF THE REPORT OF THE COMMITTEE ON AGRICULTURE,
LIVESTOCK AND FISHERIES ON THE STATUS OF TEA BUYING
CENTRES IN THARAKA NITHI COUNTY

Hon. Speaker: Yes, honourable Wilson Nyaga.

Hon. Derebia: Thank you Mr. Speaker. I hereby give notice of the Motion on the report of the Committee of Agriculture, Livestock and Fisheries on the status of the tea buying centres in Tharaka Nithi County

That; this County Assembly adopts the report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the status of tea buying centres in Tharaka Nithi County.

Thank you Mr. Speaker.

Hon. Speaker: Thank you. Honourable members, the notice of Motion on the report of the sectoral Committee of Agriculture, Livestock and Fisheries on the status of the tea buying centres in Tharaka Nithi County is hereby acknowledged.

Thank you.

MOTION

ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON YOUTH, SPORTS,
CULTURE AND SOCIAL SERVICES ON THE THARAKA NITHI COUNTY
GENDER MAINSTREAMING POLICY

Hon. Speaker: Yes, honourable Majority leader.

Hon. Kathenya: Thank you honourable Speaker. I seek the leave of the House to move the Motion. I request honourable Kithinji and honourable Njeri to support.

Hon. Speaker: Yes, honourable member for Magumoni.

(Hon. Kithinji stood in his place and bowed to indicate support)

Hon. Speaker: Yes, honourable member for Igambang'ombe.

(Hon. Njeri stood in her place and bowed to indicate support)

Hon. Speaker: Honourable members, pursuant to standing Order number 3 and there being two members in support and there being no objection from any member the leave of the House is hereby granted. Kindly proceed to move.

Hon. Kathenya: Thank you honourable Speaker. I beg to skip the membership of the committee, the committees' mandate and acknowledgement.

Hon. Speaker: Kindly proceed.

Hon. Kathenya: I will go directly to the policy objectives. The overall goal of this policy is to achieve gender equality and equal empowerment of both men and women by creating equitable society and development environment for Tharaka Nithi County.

Objectives of the Policy are to:

- a. Provide guidance on implementation and realisation of the Constitutional provisions on gender equality and empowerment; Mainstream Gender in County development planning as well as resource allocation;
- b. Promote the nationally aspired rights-based approach in achieving the gender equality goals at the County level;
- c. Define institutional framework and performance indicators for effective tracking, monitoring, evaluation and reporting implementation of gender equality and women empowerment at the county level;
- d. Promote the development of guidelines and enforcement of standards against sexual and gender-based violence and gender insensitive language and actions in the workplace;

- e. Develop a Gender Management System (GMS) within the county and promote its adoption throughout the county;
- f. Address gender-based barriers to the free movement of persons and goods across the county throughout the country;
- g. Promote equitable access for both women and men to and control over resources, knowledge, information, land and business ownership, and services such as education and training, healthcare, credit, and legal rights; and
- h. Facilitate the implementation of remedial measures to address existing inequalities in access to and control over factors of production including land.

Guiding Principles;

In cognisance of intersectionality and the differences between men and women within Tharaka Nithi County, this policy is guided by the following principles:

- a) Equality, equity and non-discrimination;
- b) Recognition of differences, diversities and inequalities among women and men in Tharaka Nithi County;
- c) The inseparability of public and private spheres of life;
- d) Public participation, consultation and co-operation;
- e) Protection, inclusion and integration of the marginalized and special interest groups.

Honourable Speaker, the Policy Approach

The following approaches will be used in realizing the objectives of this Policy:

- i. Gender mainstreaming and integration in all planned interventions in different departments and sectors; Use of positive discriminatory measures to address historical injustices;
- ii. Empowerment of women, men, boys and girls to facilitate equality, equity and non-discrimination;
- iii. Engaging men including the informal community leadership as key stakeholders in addressing gender equality issues;
- iv. Gender responsive development planning and gender-aware resource allocation;
- v. Generating data and indicators that are disaggregated by sex, age and disability including other special interest groups

Honourable Speaker, Policy Outcomes

The anticipated outcome of this policy include but not limited to:

- 1) Equality and economic empowerment for men and women in the county;
- 2) Diversity and intersectionality become grounds for evaluating inclusivity in county operations and programming;
- 3) Women and men will have equality of opportunity to participate in decision making and to contribute to the political, social, economic and cultural agenda;
- 4) Sexual and Gender based Violence will abate and men, women, boys and girls will live with dignity.

Honourable Speaker, the Committee's Observations and Recommendations;

1. The committee observed that the name Ministry as used in pg. 27 should be substituted with the word Department to fit the County Administrative setting.
2. The Committee Observed that the implanting organ as seen in the first column on pg.28 should remain as Tharaka Nithi County Assembly as indicated in the column of roles and responsibilities.
3. That, the County Government should identify Gender Working Groups immediately after passing of the policy for quick and easy implementation process.
4. That, the boy-child should be given equal consideration with the girl-child. More campaigns should be made on this issue to bring back the boy-child who is lost in the discussion of promoting the girl-child.

In conclusion honourable Speaker, upon consideration of the Policy, the Committee recommends that the County Assembly adopts the Tharaka Nithi County Gender Mainstreaming Policy,2020.

It is the Committee's humble submission that the House adopt the report on Gender Mainstreaming Policy ,2020.

I now move that; this County Assembly adopts the report of the Sectoral Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Gender Mainstreaming Policy.

I request honourable Kithinji to second.

Hon. Speaker: Thank you honourable Peterson Mwirigi. Yes, honourable Justin Kithinji.

Hon. Kithinji: Thank you Mr. Speaker. I rise to second the Motion. Many times when people hear the word gender they rush to conclude it is the girl-child or women but gender talks of both men and women. Before this House is a policy that touches on both men and women. In the society that we live in you will realize that in many instances men are given preferential treatment and sometimes it is like them only who are supposed to own property yet when you observe what is happening in the current society it is like men have left their duties to women and when it comes to the issue of recognition they want to be recognized. This is a policy that is setting the standards. All people should be treated equal. As much as we have said that there is a danger to the boy-child it did not just begin abruptly. It was a process that started when men started neglecting their responsibilities and therefore focus shifted to women and everybody thought that they could be better substitutes. But they forgot that they are also...

(Loud Consultations)

Mr. Speaker protect me from these members that are consulting loudly.

Hon. Speaker: Honourable members lets consult quietly.

Hon. Kithinji: Thank you Mr. Speaker. So in support I was saying that it is a policy that should be embraced. It is a policy that is encouraging everybody to own property. I am one of those people who encourage women to own property. Sometimes you realize that when women are buying land and at that particular time they are in love with their husbands they just give okay to the husbands to own the property yet we have provision where they can have these properties under joint proprietors so that they can avert any eventuality which may be detrimental to their interests.

Considering that this House need time to debate on this policy, it is what they have been looking for because the policy is dealing with issues to do with genital mutilation and that affects the girl-child and everything that affects the boy-child is dealt with in this policy.

Mr. Speaker I request the House to support the Motion and therefore I do second.

Hon. Speaker: Thank you honourable Justin Kithinji. Honourable members allow me now to propose the question that; this County Assembly adopts the report of the Sectoral Committee

on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Gender Mainstreaming Policy.

The floor is now open for debate. yes, honourable Godfrey Muchiri, member for Karingani.

Hon. Muchiri: Thank you honourable Speaker. Allow me to first of all to say that this is a good policy at this particular moment in our county. Second, I want to thank the committee for having time to go through the policy and also bringing the recommendations in this House. Third honourable Speakers allow me to say that personally I went through the policy it is good as honourable Kithinji has said about it. I think when we use the word gender what comes to mind is women.

Maybe after 2030 honourable Speaker what will happen the current gender situation will be reversed; we will be talking about where to get men. When the boy child is mentioned sometimes I feel sorry for myself because personally I am a boy. We talk of the girl child always, when it comes to FGM, when we discuss about women, but we are not even aware that boys are supposed to undergo a certain stage but nobody cares. This should be taken with a lot of seriousness as we take with seriousness of FGM. We need to discuss, encourage and even ask whether we are financing the boy child so that he can undergo that stage.

Also we are talking about implementation; if we implement this policy well it will help our people and lastly Mr. Speaker as I end allow me to say that learning is a process and in this House we are very few members and its good for a policy before it comes to this House the committee can be extending their generosity to other members when it comes to learning process so that we can be going through the policy together with those that are bringing it in this House.

When I went through the policy, it has been brought up by the executive and I thought it could have been very good, because when I went through it I saw that somewhere they had experts on it. They had even the issue of their lawyer and honourable Speaker we also have lawyers in the Assembly. We need to go through it together as members so that as we bring it in this House we are certain that what we are bringing is what is needed by our people. That is a simple request that I make to other committees. I may talk about my committee; when we were doing the budget we invited members to bring their views, to discuss it together so that everybody can be aware of what is happening instead of some us are aware others are not. Some of us are professionals in other fields and we are not lawyers all of us, we are not

surveyors all of us, we are not teachers all of us but some of these issues they touch every sector.

That is my request and I do support thank you.

Hon. Speaker: Thank you honourable Godfrey Muchiri, member for Karingani. Honourable member the floor is still open for debate. Yes, Honourable Wilson Nyaga, member for Muthambi Ward.

Hon. Derebia: Thank you Mr. Speaker. I rise to support the adoption of this policy and as we adopt this policy I want also to thank the committee members for the work well done. This Assembly, as honourable Muchiri has stated, we are very few members. We should not be saying that we are lacking activities to do. After we have passed this policy we are mandated to ensure that we go do a public participation to ensure that our electorate understands what is going to be implemented in this policy.

Because as they have said, I don't need to repeat their words, that when gender is mentioned people think about only women; the boy child is left out. As honourable Muchiri has said the boy child is neglected by the society. They assume they are non-existent but even if they take care of that girl child she will be married by the notorious boy who was left there in the village without getting any civic education. It is my humble request as this policy is going to be implemented we ensure that the people of Tharaka Nithi know what it contains and pertains in this policy.

Thank you I support once again.

Hon. Speaker: Thank you, honourable Wilson Nyaga member for Muthambi. Yes, honourable Margret Gitari member for Chogoria.

Hon. Margret: Thank you Mr. Speaker for giving me this chance to comment on this very important policy. First of all, I want to thank this committee because of coming up with such a policy which should have come many years back in fact when this county was being put in place.

Unless we make sure that all are included men, women, boys and girls and other concerned groups we may not be able to move as a team. I want to thank honourable members because of stating that this, being a very important policy, all the honourable members should have the knowledge of what is contained and not only this policy. In future because our clerks are

there we need to be put in the picture of what is contained in this document so that we can be able to contribute and pass a document that we own fully.

In that policy draft there will be a gender desk because people in this county need to be educated on what gender is. All the members have talked about how people think about women only when we talk about gender. But the most endangered species are men and if we are not careful by making sure that we are doing all inclusive activities and positions at the end you find that women are owning all the important positions and it is becoming very evident in this country we can see what is happening. When a gender desk is put in this county everybody from the tea buying centres committee to the water committee out there and other committees that will be elected by the electorate of this county will be making sure that gender considerations are made.

We need the young people to be incorporated in these committees. We need the young people to be incorporated in so many other areas because that is gender. If we leave one section they will start complaining saying that they are being left out but it is because when we are out there we just think that its common sense those who are there are the ones who will get positions.

This policy should be implemented to the letter because when we talk of gender we don't talk of gender when it comes to other small positions we should start from the top seat. If the top seat is owned by a woman the deputy should be a man, if it's owned by a man the deputy should be a woman so that we may walk the talk.

As I support this policy we need to be taken through so that we can also be able to understand what is there so that we can also be telling our people. In most cases the honourable members are the ones who are with the people right there. As we pass the gender policy in the county and in the County Assembly offices we need to recommend up to the bottom of this county.

I support, it is a good policy.

Hon. Speaker: Thank you, honourable Margret Gitari, member for Chogoria. Honourable members the floor is still open for debate. Yes, honourable John Njagi Mucee member for Ciakariga.

Hon. Mucee: Thank you Mr. Speaker Sir. I do stand to support the policy gender based issue. Gender does not mean sex as honourable members have defined it. It's a socially set of roles

done by a man or a woman or a girl. From the anatomy of man and woman a number of things can be done by both so instilling the various laws of this country or this Assembly or this county is important.

But we cannot mislead, sex which is an organ of substance in a man or a woman because I cannot give birth but I can sire or give particles that can bring up a child. Some of the things if we define them according to how we are created it is not acceptable. But in terms of roles, what one does, it is acceptable. It's good in every line to have a fair ground of both men and women, boys and girls because everyone needs to live, eat and care for himself or herself so I say it's good.

Although we are saying this, because am very observant to nature, if you look today in Kenya and all over the world and within, where we come, the youth we have today or the men who are married today they are siring more girls than boys so nature will control itself no matter what we say.

Thank you Mr. Speaker, I support.

Hon. Speaker: Thank you honourable John Njagi Mucee member for Ciakariga. Yes, honourable Anita Karimi.

Hon. Anita: Mr. Speaker I rise to support. But I really wanted to maintain my silence but as honourable Muchiri and honourable Margaret have said it would have been very cheap for the committee to invite members so that they can give their views.

What has made me rise is a Bill that was passed in parliament I think in 2011 where the members put a rope on their necks where they passed a Bill requiring them to have a university degree where later a woman discovered that this was wrong and she went to complain that is why it was suspended and now its eating into our eyes and into our heads.

I have gone through this policy and I can assure you that even three quarters of the committee members have not gone through it completely because I have seen somewhere where it is talking about the university. On page eight if you go through the involvement "collaboration and networking to build synergies and utilise available expertise within and outside the university." I believe they mean "the county" and if we had they time to go through this policy all of us as a House we could have given the corrections and the recommendations before the report is tabled.

I believe, as the budget committee does, it would be very wise they be involving us. Let the policy be looked into so that when we do some things it will not be done to the university but to the people of Tharaka Nithi County because that is where it is intended to be utilised.

If you look at the whole of that area, it is talking of collaboration and networking to build synergies and utilise available expertise within and outside the university, participatory approach in the implementation of the various programs and activities. Then the last academic programs include research, documentation and publications i.e. advocacy and sensitisation. Its good even as we approve it be looked into very keenly.

I don't have a reason not to support because the committee saw it worthy to bring it in the House.

(Laughter)

Hon. Speaker: Thank you, honourable Anita Karimi. Honourable members the floor is still open for debate. Yes, honourable Erastus Kinyua, member for Mariani.

Hon. Kinyua: Thank you Mr. Speaker. I stand to support this policy though I have not come across the paper. I want to support the sentiments of honourable Muchiri that in case of a policy like this let all members be invited for considerations. Having gone through the report I stand to support having seen the goal of the policy that is to give gender equality and empowerment.

Mr. Speaker I support the policy.

Hon. Speaker: Thank you, honourable member. Honourable members the floor is still open for debate. Honourable members regard being taken to the mood in the House and pursuant to Standing Order 106(4) allow me to call the mover to reply.

Hon. Katherinya: Thank you, honourable Speaker. I want to thank the honourable members for supporting the policy. Some of them have talked about the issue of inclusivity. The policy talks about including men and women and everybody in this gender mainstreaming policy it is also important to all committees not only budget.

I want to thank chairman budget because he has been including all of us but in other committees it has not been so. It is important to be included and in that case honourable Speaker I want to invite honourable members, I have a Bill on road Marshals, those people

maintaining our roads. I officially invite every one of you so that we can talk about this Bill together.

In that regard thank you, honourable Speaker.

(Loud Consultations)

Hon. Speaker: Honourable Members allow me now to put the question.

(Question Put and agreed to)

Next Order.

ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE,
LIVESTOCK AND FISHERIES ON THE STATUS OF TEA BUYING
CENTRES IN THARAKA NITHI COUNTY

Hon. Speaker: Yes, honourable Minority leader.

Hon. Derebia: Thank you Mr. Speaker. Before I proceed to move the Motion I want to seek the leave of the House to move and I have two supporters, honourable Mutegi Rugia and honourable Njagi Mucee.

(Hon. Mutegi and Hon. Mucee stood in their places and bowed to indicate support)

Hon. Speaker: Honourable members, pursuant to Standing Order number 3 and there being no objection by any member and having two members in support the leave of the House is hereby granted.

Hon. Derebia: Thank you Mr. Speaker. Mr. Speaker I seek your permission to skip the committee constitution, the committee mandate and to just give the highlight of the introduction before I proceed to the description.

Hon. Speaker: Kindly proceed.

Hon. Derebia: Thank you Mr. Speaker. Everyone knows the genesis of this report. It was due to the statement sought in this House by two members. first it was sought by honourable Denis and secondly from honourable Muchiri where he wanted clarification on the construction of the tea buying centres.

Tea growing in Kenya started in 1903 where farmers were allowed to pick just two leaves and one bud. After that the farmers would take the tea to collection centres called tea buying centres. Having said that, the members know because they have the report in their gadget... they can use that term tea now before they meet a European who does not understand tea. You can call it in its botanic name *camellia sinensis*. That one is okay they will be able to understand.

Having said that I will go direct to description.

The decision to visit the tea buying centres was informed by a Statement that was sought on the floor of the House on Wednesday 10th February, 2021 from the Chairperson Committee on Agriculture, Livestock and Fisheries.

There was public outcry that some facilities that were enrolled for improvement were either not properly done or were not done at all.

The committee conducted its site visits as shown in the table below.

Date	Wards	Rehabilitated Tea Buying Centre
15 th April 2021	Karingani ward Mitheru ward	Mwema, Munguuni Kamatumu, Weru
16 th April 2021	Mugwe ward Magumoni ward	Kiereni, Kiamuriuki Kangoro, Mubukuro
17 th April 2021	Chogoria ward Muthambi ward	Girira, Kamu, Kajiunduthi

The committee reiterates on the need to consult the user public e.g. the regional director in-charge of Tea buying Centres, the centre committee and/or the farmers to establish the nature of works they would so wish be done at which of their facilities.

Mr. speaker sir, the committee did establish that the spirit of Article 174 of the constitution was violated as the preliminary information got from stakeholders of almost all the centres visited indicated that, there were no consultations done, and that the management of the centres virtually had no idea what works were to be done or the bill of quantities involved.

The committee's attention had been captured by the concerns of two centres: Mwema and Mubukuro tea buying centres, which were an outlier in the improvement process.

Committee Observations Mr. Speaker;

Extensive consultations were conducted and the stakeholders' views were received, alternatives weighed and agreements sought either through consensus, or some other way of determining the more popular option. Thus, implementation of the "improvement of cash crop" project should, henceforth, be considered in conjunction with the views that would otherwise have been generated from key stakeholders.

The works done in most of the tea buying centres was up to standards and the stakeholders were happy about it.

Going by what stakeholders reported, no consultations done by the department on the stakeholders to establish what they wish would be done for them.

Some contractors literally used stakeholder's property. For instance, in Mubukuro, the contractor used timbers and building block belonging to the local stakeholders and the contractor did not compensate them. This is a great problem. When a contractor is given a contract in a certain area and he finds materials on site which are not meant for that work but the work of the farmers. The contractor then goes ahead and uses those materials and writes a letter asking to be paid when they used materials belonging to farmers. The Bill of Quantities was not revealed to the stakeholders. They only saw works being done, which was very hard to interrogate. Trenches constructed at Mubukuro had already developed cracks and the wire mesh reinforcing the concrete is very weak.

Mwema tea buying centre was funded in financial year 2017/18 Budget. No works at all had taken place at the tea buying centre by the time the committee visited. That was the bone of contention. We went to Mwema and found that nothing was done yet the contractor was paid. Stones for the hard-core had been brought, which with time, had disappeared at Mwema. Imagine, you give somebody tea and after they turn back you take that tea and now it is not visible anymore. The sand provision at Mwema could not be established as the site where it was piled had already grown grass. Remains of few pieces of ballast were noticed.

Mr. Speaker, the Resolutions;

After extensive consultations and deliberations, the stakeholders made the following resolutions:

1. There is need for active sensitization and community engagement in the legislative and policy development processes related to Agriculture.
2. Improvement of Cash crop (tea buying centres) should be done based on spatial-temporal factors before implementing.
3. Publicizing of information such as name of the contractor or Bill of Quantities should be made public and easily accessible.
4. Payment of any contract should be made based on the approved certificates by the ministry of works and not on favouritism basis.
5. That the Assembly does consider and come up with a policy setting guidelines and consequences on the accounting officers for paying shoddy work or paying without any works done.

(Phone rings)

(Loud consultations)

Mr. Speaker I need your intervention because there are some people making noise and there is a phone ringing.

Hon. Speaker: Honourable members consult quietly.

Hon. Derebia: Even that is not consulting because she is alone.

6. That Mwema contractor be recalled to complete his work with immediate effect.

Recommendations of the Committee Mr. Speaker;

1. The department should fast track improvement of Mwema tea buying Centre and consider recalling the contractor involved to complete the works required.
2. Retention money of any contract should not be paid to contractor before thorough verification of completion of the contract is done.
3. Improvement of Cash crop (tea buying centres) should be done based on spatial-temporal factors before implementing.

Conclusion Mr. Speaker,

It is the committee's humble submission that the House adopts the committee's report on the on rehabilitation and renovation of tea buying centres in the county.

Mr. Speaker I now move that; this County Assembly adopts the report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the status of tea buying centres in Tharaka Nithi County.

I move and request honourable Anita Karimi to second the Motion.

Hon. Speaker: Thank you, honourable member for Muthambi. Yes, honourable Anita Karimi.

(Hon. Anita stood in her place and bowed to second)

Hon. Speaker: Honourable members allow me now to propose the question, that; this County Assembly adopts the report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the status of tea buying centres in Tharaka Nithi County.

The floor is now open for debate. Yes, honourable Samuel Muthini.

Hon. Karangi: Thank you Mr Speaker. First of all, I want to thank the Committee and also the Vice Chairman. I know the Chairman is the deputy Speaker, for the job well done. On the same, if you allow me, I will seek for some clarification from the Chair to report who is this contractor, who paid the contractor and how much money was paid. Thank you.

Hon. Speaker: Thank you Honourable Samuel Muthini. Yes, honourable member for Karingani.

Hon. Muchiri: Thank you honourable Speaker. I think this is a good opportunity for me now to respond to the Chair who has brought this report to this honourable House. I think this is a joke of the year. Having gone through the report, and adopting this report, it is just suicidal not only to this House but also to the tea farmers. Allow me to say that in the report, the committee only said that there was a violation of Article 174. After saying that, I have not seen the repercussion to the person who did that. Let me say that I have not heard a response from the concerned CEC since the CEC could have tackled some of the queries that we are asking before the report is brought to this honourable House. In the committee's resolutions, number four, five and six, allow me to say that when the committee brings this report to the House and states that payment of petty contracts should be made based on approved certificate and they say that when they visited the tea buying centre, the contractor was paid. That shows that the certificate was raised by may be a professional.

When I brought a statement in this honourable House, I wanted to know the contractor, and if there is any other job that he/she has been given in this County so that we can be able to reclaim the money that has been lost. The committee cannot tell us that the contractor to go back to the site, yet the committee belongs to the same cluster with the public accounts committee (PAC). They could have told us in the report, that they are already investigating the contractor, the one who procured, the one who paid and the contractor is on the ground doing the same. I believe that this is something we should take with a lot of seriousness. When in number five they say that we come up with a policy setting guidelines and the consequences to the accounting officer. Already, these are guidelines that are there when it comes to professionalism, when it comes to the Government itself and also when it comes to payments, we cannot be coming up with policies for people to stop stealing. If they steal, they are supposed to be jailed. When they say that the contractor to be recalled to complete his job with immediate effect, this is a joke. He has already been paid, and we are saying he be recalled. What about others? This could have set a good example to others who are intending to do the same. One of our roles is oversight. That is why I brought a statement in this honourable House and the statement was very clear. When we talk of something that was in 2017/2018 budget and it was actually not the budget but a supplementary budget and we allocated money to Mwema tea buying centre and we have not even heard the CEC responding to the statement.

In the committee's recommendations, they have said something that cannot work. Whereby they say that retention money for any contract should be paid after going through a thorough verification. If I only go with the violation of Article 174 of the constitution, I think we should not be having the CEC in the office as we talk. Personally, I reject the report in totality. Thank you honourable Speaker.

Hon. Speaker: Thank you, honourable member for Karingani. Yes, honourable Karen Karimi.

Hon. Karen: Thank you Mr Speaker. I would like to respond to a few issues raised by honourable Murithi who seems to be very much aggrieved by the report from the committee on agriculture. I wish to tell him that this is a report we have brought to this House. There is nothing that prevents him from taking action as a member for Karingani and as a member of this honourable House. This is just a report and it is not the final. I believe we have time to work on this. We have already given recommendations as a committee. We are also in public

accounts committee as he said, but this is a report from the committee on Agriculture because we have brought a report and it has highlighted on all the issues that we found on the ground. We have a part to play as PAC and we are working on it so he should not castigate us on issues of a report by the committee on Agriculture by connecting it to PAC.

If you look at this report, we have stated everything that we found on the ground. I do not think it is fair for honourable Muchiri to term our report as a joke. He is actually the one who is bringing comedy on issues that are very serious.

(Laughter)

(Interjection)

Hon. Speaker: Yes, Honourable member for Magumoni.

Hon. Kithinji: Mr Speaker, I call upon the Chair to protect the dignity of this House because a report should be discussed as a report and an honourable member cannot just respond to another honourable member not unless a direction is given.

Hon. Speaker: Kindly let's stick to our Standing Orders.

Hon. Karen: Thank you Mr Speaker. I believe this committee brought a report on whatever we found on the ground. Of course we found some issues which we are going to deal with as PAC. Therefore, we still have time to deal with that. Thank you.

Hon. Speaker: Yes, honourable member for Chogoria.

Hon. Margaret: Thank you Mr Speaker. First of all, I want to appreciate the work that has been done by this committee after a statement was brought in this House by one honourable member, and we are now talking about a report that has been tabled in this House. That is what we are discussing. When we discuss about a report, we have to honestly scrutinize it so that as honourable members, we can be able to know the way forward. The report has been brought and it is now a property of the Assembly and that is why we are scrutinizing it so that we can be satisfied or dissatisfied with facts that are already here.

Mr Speaker, before I proceed, I want to ask a question through you because the way I am seeing it, this is a complete committee and I am glad that they are all present but the honourable member who has presented this report, he is in an acting capacity, before I

proceed, I need to know who is the Chair for the agriculture committee in this honourable House.

(Loud Consultations)

Hon. Speaker: Honourable members, let us stick to the debate before this House.

Hon. Margaret: Thank you Mr Speaker and I will do exactly that.

(Laughter)

The committee went out to check on the work that has been done for our constituents using money or using revenue that has either been collected here or the one that has been given by the National Government. So, when a report is brought in this honourable House, not only for Mwema tea buying centre, but for other tea buying centres and even if the honourable members visited other tea buying centres, we also need to know the status of all tea buying centres that has been done by the County Government, the status and if the public participation was done on all these tea buying centres because there is an outcry. When a question has been asked by one honourable member, when we start now talking about my ward, it may not add value to this Assembly that is why I am asking in general because so many tea buying centres have been allocated money that was negotiated by the committee on agriculture. We would want to know the status because the outcry is not only in Mwema tea buying centre in Karingani but the outcry is also in other tea buying centres. Unless we now start seeing that there is a very big problem with the Executive especially when they go to implement projects. They do not involve the oversight arm of this county i.e. the MCAs. They just go and start working haphazardly on projects. This is now the repercussions for not involving the honourable members when projects are being implemented. When the work is being done by the contractors in all the wards. I do not know whether the honourable members have been satisfied by the work being done. We are unable to do the oversight because most of the times we are not aware. It is quite possible the honourable member for Karingani honourable Muchiri was not even aware when this contractor was going to start the work so that we can be able to do the oversight and assist the farmers. The report has been given, we have gone through it, although the Chair, and that is why I was asking who is the Chair, because the Chair who has read the report, maybe he has read a report which is not a copy that we have in our gadgets. He has read other things according to the way I am following it

(Point of order by Honourable Derebia)

Hon. Speaker: Yes, honourable Wilson Nyaga.

Hon. Derebia: Mr Speaker, I need clarification from honourable Margaret whereby she has said that I have read a report that is not a true copy of what they have, because I remember I sought for permission to highlight on the introduction and I mentioned on whatever it contains Mr Speaker. I also believe they said that they have the reports in their gadgets.

(Loud Consultations)

Hon. Margaret: Mr Speaker I thought the honourable member was going to respond, and when he was going through the report, I was going through the report in my gadget what the honourable member was reading is not in the report we have. That is the fact. As I conclude and as I sit down, this should be an eye opener that we have a problem in implementation of projects in our wards. Honourable members in most cases, we hear that the contractors are working. We are not involved. So that we are able to do the work that we are supposed to do.

I rest my case there Mr Speaker. Thank you.

Hon. Speaker: Thank you, honourable member for Chogoria. Yes, honourable member for Mariani.

Hon. Kinyua: Thank you Mr Speaker. I believe we are deliberating on a report and one of the committee member has confessed that they need time to work on the report. We cannot sit here to deliberate on a half-baked report. We can give the committee more time to go and bring a more comprehensive report.

I therefore do not support this report. Thank you Mr Speaker.

Hon. Speaker: Honourable members, I will be giving a chance for one member from one side and another member from the other side for the interest of equity. Yes, Honourable Charles Nyaga.

Hon. Charles Nyaga: Thank you Mr. Speaker. Let me start by congratulating the committee for the work they have done, but they have a lot of unanswered questions because these contractors who siphoned money from our County and they have not worked, I do not know how many white elephant jobs that they have acquired and how many of these that have been paid. Secondly, Mr. Speaker let me say that I don't know at what time we as an assembly can

second this contractor to the credit bureau because there are certain controls that the government has so that this contractor can be pinned down to be an example to the others. I don't think he was in probation when doing this I believe they are the few people messing the name of this country and also messing up the name of our county. Let me rest my argument there but I support the report but we need to scrutinize. As PAC we need more scrutiny from the committee.

Hon. Kithinji: Or by another committee and probably we could have refunded back. When they start they report by saying that the constitution has been violated.

Reading from the previous judgement where even the president was told that he is in contravention of chapter six. That happens only when people decide to contravene sections of law. Reading from the mood of this house I will refer the house to our standing order number 78 where it is very clear that after you put the question the motion before us no longer belongs to the committee but it belongs to this house.

Now that this motion belongs to this House I feel that it should be withdrawn. The same Standing Order if I may read it "*After the question has been proposed on a motion the motion shall be deemed to be in the possession of the assembly and such motion shall not be withdrawn without the leave of the assembly.*" Mr. Speaker I want to seek the leave of the Assembly to withdraw this Motion and I request honourable Godfrey Muchiri to and honourable Erastus Kinyua to second me. Thank you Mr. Speaker.

(Laughter)

Hon. Speaker: Thank you honourable Justin Kithinji member for Magumoni. Yes, honourable Godfrey Muchiri.

Hon. Muchiri: Honourable speaker I think I stand to support and second the proposal of withdrawing this report. Having put my statement very clearly the committee could not even verify if there were BQ's that were issued to them by either the procurement or the CECM concerned.

I think it is also good we have a full baked cake in this house. I do support Thank you Mr. Speaker.

Hon. Kinyua: Mr. Speaker I also stand to support the withdrawal of this report. Having said earlier that a member of the committee has confessed that the report is not all good but they

are fast tracking it. Why we are saying it is half baked the committee has not explained the money allocated to this project, the money paid and the one which is not paid.

Let us give them time to go and research more as one of their committee members said. I support.

Hon. Speaker: Honourable members the provisions of Standing Order number 3 are very clear that leave of the Assembly means there being no objection by any member, either with the sympathy of the speaker or with at least the support of other two members. Is there any member who has an objection to the withdrawal? Allow me to ask again is there any member who has an objection to the withdrawal of the Motion?

Therefore honourable members pursuant to the request placed by the honourable member for Magumoni seeking to have the motion before the house motion on the sectoral committee on agriculture livestock and fisheries on the status of the tea buying centres in Tharaka Nithi county and having sought the leave of the house in accordance with the provisions of standing order number three and there being no objection from any member and there being two members in support the leave of the assembly is hereby granted and consequently the motion on the report of the sectoral committee on Agriculture, Livestock and Fisheries on the status of tea buying centres in Tharaka Nithi county stand withdrawn.

ADJOURNMENT

Hon. Speaker: There being no other business in the Order Paper the House stands adjourned until our next sitting.

****The House rose at 10.40 a.m.****