

Tuesday, 7th August, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly - Second Session

Tuesday, 7th August, 2018

The House met at the County Assembly Chamber at 2.30 p.m.

[The Temporary Speaker (Hon. Madialo) in the Chair]

PRAYER

PAPER

COUNTY INTEGRATED PLAN 2018/2022

Hon. Olasi: Thank you, Mr. Temporary Speaker, Sir; I wish to lay on Table of the House the Report on the Siaya County Integrated Plan 2018/2022.

STATEMENT

ALLEGATION OF THREATS TO MEMBERS OF ROADS COMMITTEE

Hon. Mboha: Thank you, Mr. Temporary Speaker, Sir; I wish to get a Statement from my able Chair on Roads on regards to the allegations that were claimed against me that members of the Committee were threatened.

Hon. Opanga: Point of Order! Mr. Temporary Speaker, Sir; unless we have a different Order Paper because as per the Order Paper I don't see any Statement that the Hon. Member is trying to read in this House.

The Temporary Speaker: Hon. Mboha.

Hon. Mboha: I wish to get back Mr. Temporary Speaker, because it's my violation of my right to be mentioned without facts. Some of these allegations against me to be formally done away with because other Members fear me---

The Temporary Speaker: Hon. Mboha; your intention to seek this Statement was it given to the Speaker for purposes of notification to the House Business Committee?

Hon. Mboha: No, Mr. Temporary Speaker.

The Temporary Speaker: Hon. Opanga, could you please approach the Speaker. Members the Hansard has us raising this issue, debating it, it also has us having the Speaker's ruling and stating that the allegation is substantiated or otherwise withdrawn but that notwithstanding the Member for South East Alego;

I rule you out of order for the following reason and I wish to remind you of the strength of our Standing Orders that touches on Members regarding Statements and this

Disclaimer: The electronic version of the official Hansard Report is for information purposes Only. A certified version of this Report can be obtained from the Hansard Editor.

Tuesday, 7th August, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

is what it says;

(1) Notwithstanding Standing Order 27 (*Hours of meeting*), the Speaker shall interrupt the business of the House every Tuesday at 6.00 p.m. to facilitate Members to make general Statements of topical concern.

(2) A Member who wishes to seek leave to raise a matter under this Standing Order shall, before 3.00 p.m. on the day the Statement is to be made, hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the request unless satisfied that the matter may properly be deliberated in the House.

(3) No Member making a Statement under this Standing Order shall speak for more than three minutes, unless with permission of the Speaker.

The Temporary Speaker: I advise that there was no notification by Hon. Mboha; I'm not satisfied that the matter will be properly be debated in the House given that the Speaker had already ruled on it.

Hon. Mboha: I will bring it in a formal way but at least it should be clear---

Hon. Olasi: Point of Order!

The Temporary Speaker: Yes!

Hon. Olasi: Mr. Temporary Speaker, Sir; I believe you have made a ruling; why is the Hon. Member still commenting on the same thing.

The Temporary Speaker: Hon. Mboha; you are out of Order!

Hon. Odongo: Point of Order, Sir!

The Temporary Speaker: Hon. Odongo please be seated. He has raised an issue that there is a Motion by the Hon. Otiato.

Hon. Odongo: Sorry, it's not a Motion but a Statement.

The Temporary Speaker: If my memory serves me right at one point we read the Order paper under Statements and nobody rose to present it. In any event that Statement is not part of the Order paper today---

Hon. Odongo: On a point of Order, I wish to seek clarification; there were some changes that were made immediately after order paper. It means the Statement came late, so I think it is a mistake that can be corrected.

The Temporary Speaker (Hon. Madialo): Mheshimiwa Otiato, you are in the House, and Mheshimiwa Oduor Odongo is not having your Statement?

Hon. Otiato: Mr. Speaker, my Statement was a short one, and we were ready, if I would be given a leaf of 3 minutes then I would better just get it, because I gave it out yesterday, and I thought it would be appearing today.

The Temporary Speaker (Hon. Madialo): When the House Business Committee determined, and it was in consultation with your side, that the Statement will come tomorrow, you are aware?

Hon. Otiato: Mr. Speaker, our last agreement on the matter was that I bring the matter today, that is why when I was talking to the table clerk, I was promised that it would be there, because I was not very sure if I will be available tomorrow due to some other matters of the petition, so we were seeking the leaf from the House.

The Temporary Speaker (Hon. Madialo) No! We shall go by the Order Paper. The Order paper does not include your Statement, and so this House shall not listen to your Statement. Mheshimiwa Omwende?

Tuesday, 7th August, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Omwende: Thank you, Mr. Speaker, over the same, on the issue of the Statement, there is a table, when you enter the Clerk's department; I saw one of the order papers conflicting this one of ours, today, because the other Order Paper, on the overall statement, my name was within that Order Paper, but here, the name is not indicated.

The Temporary Speaker (Hon. Madialo): Order! Mheshimiwa. The Order paper you are talking about, do you have it in the House?

Hon. Omwende: Mr. Speaker it is here.

The Temporary Speaker (Hon. Madialo): Give it to the Sergeant at Arms. Hon. Omwende, your other name is Andrew; do you see any Andrew here?

(Laughter)

Hon. Omwende, you say you have an Order Paper. This is yours?

Hon. Omwende: Mr. Speaker, it is not my fault, I saw it there.

The Temporary Speaker (Hon. Madialo): Order! Hon. Omwende. What is not before the House is not for us to discuss. We don't know between you and the person who placed it there printed it, but the Order Paper that we deal with this afternoon, is the Order Paper that all the Members have, and it does not include the Statement by Hon. Andrew Omwende.

Hon. Otiato: Point of Order Mr. Speaker sir.

The Temporary Speaker (Hon. Madialo): Hon. Otiato?

Hon. Otiato: Mr. Speaker, now I stand guided, because we were given notice, of what was supposed to be appearing today on the Order paper. Equally attached, I think my Statement was supposed to be coming today.

Hon. Odongo: Point of Order Mr. Speaker Sir.

The Temporary Speaker (Hon. Madialo): Order! Mheshimiwa Oduor Odongo. Mheshimiwa Otiato, you are saying you have a notice from the House Business Committee? Mheshimiwa Odero, could you clarify?

Hon. Odongo: Mr. Speaker, I think you are confusing the House.

The Temporary Speaker (Hon. Madialo): Mheshimiwa Odongo, the Speaker never confuses the House.

(Laughter)

Hon. Odongo: Sorry Mr. Speaker. Let me withdraw the statement. I would like to clarify the reason. That since there is a confusion in the Order Paper that we have, there was an Order paper that was prepared for the Business of today and you being one of the panelists of this of this House, I think you are supposed to define the Order Paper that we are supposed to use.

The Temporary Speaker (Hon. Madialo): For purposes of clarification, please acquit yourself with the pre note, within which you are supposed to give the notice that notice is supposed to be a fortnight old. The Notice that you talk about, how old is it? Hon. Mboha you are grunting?? I give the floor to Hon. Adala.

Tuesday, 7th August, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Adala: Thank you Mr. Speaker. It is very clear that the purported document doing rounds in the House is a Notice Order, but the rules of engagement are contained well in the Order which has no Statement by Hon. Otiato. So we do not need to waste more time, let us go by what is in the Order Paper.

The Temporary Speaker (Hon. Madialo): Hon Shirley, then I will come to Hon Oriaro. Just a minute Hon. Shirley, Hon. Opanga, laugh in English!

(Laughter)

Hon. Oyuago: Mr. Speaker, I think you are becoming unfair to Hon. Otiato; I sit in the House Business Committee that prepares the Business that comes before this House. One of the Businesses that we made was the Statement that was to be requested by Hon. Otiato.

So I think that when you are doing your ruling, just do it fairly, because you are becoming unfair to Hon. Otiato, because we have the Notice paper from House Business Committee, and one of the Business was the Statement request by Hon. Francis Otiato.

Hon. Temporary Speaker: Hon. Shirly, sit down!
Now am going to make a ruling and before that we can hear from Hon. Judy and Hon. Oriaro.

Hon. Oriaro: Thank you, Mr. Temporary Speaker Sir for having decided to be fair with me. Mr. Temporary Speaker Sir, to allowing an exception is not to creating precedence. The plain truth is, we have just graduated from our embryonic stages, most of us, and majority of us who are rubbing you in the wrong way are just parliamentary toddlers.

(Laughter and loud consultations)

Hon. Temporary Speaker: Hon. Opanga, what is it? Hon. Shirly, take your sit!

Hon. Opanga: Mr. Temporary Speaker Sir, is the Hon. Member allowed to use a term that is not parliamentary? Who is a toddler hear? We are people who represent a community.

Hon. Temporary Speaker: Order Hon. Members!
Hon. Winnie! Hon. Mboha, take a sit.

Hon. Otieno: On a point of Order Mr. Temporary Speaker Sir. I think going by what Hon. Mboha members for West Alego rose with he was told that his request was not within the statement. So how can we say now that Hon. Otiato is in Order to make a statement while what is in the Order paper is not included?

(Applause)

Hon. Temporary Speaker: Hon. Mboha!

Hon. Mboha: Thank you, Mr. Temporary Speaker Sir. I think that the Order paper is very clear, and if the statement that Hon. Otiato has will not kill everybody in Siaya today then we can have it tomorrow. So in your ruling maybe if the matter is not really that urgent and there are no people who will be affected tonight then we can deal with it tomorrow.

Hon. Temporary Speaker: Hon. Shirley.

Hon. Oyuago: Mr. Temporary Speaker Sir, I think based on what we discussed earlier I am reading something that is going to come from your ruling and you might interfere with our business tomorrow because we have scheduled for tomorrow while Hon. Otiato's statement was in the business for today.

We didn't see anything concerning Hon. Mboha's statement in the today's business and I am talking based on what we said in the House Business Committee. Do your ruling fairly!

Hon. Temporary Speaker: Hon. Shirley, the word fair shouldn't be rallied around. Number one, from where the chair is sitting the chair is not aware of what the House Business Committee discussed and I will advise you to restrain yourself from telling the House what has not arrived on the Floor of the House that you deliberated on it in the Committee.

What you deliberated in the Committee is Committee business until it reaches the floor of the House. I am blind to what was said in the Committee until it reaches the Order paper of the day that's when I know.

Hon. Adalah.

Hon. Adala: I want to agree with Hon. Oriaro.....

Hon. Temporary Speaker: What is your point of Order, Hon. Adalah?

Hon. Otiato: Mr. Temporary Speaker Sir, is Hon. Adalah properly dressed?

Hon. Temporary Speaker: Hon. Adalah, kindly withdraw from the chambers and dress properly.

Hon. Adalah: Thank you...

Hon. Temporary Speaker: Do not contribute!

Hon. Adalah: Am not contributing, I am withdrawing. The rules say you dress in an official way and as I look at myself I am officially dressed. So unless the Standing Orders have changed to the effect that it means that I must have a coat on.

Hon. Temporary Speaker: That is the Standing Order, Hon. Adalah, kindly withdraw from the House.

Yes Hon. Oriaro.

Hon. Oriaro: My remarks were that most of us are parliamentary toddlers and that which has transpired here can confirm that. I was brought down on a point of Order which I am yet to see that point of Order and you can see that they were contributing as they were speaking.

What am saying in short is that you just allow an exception for today and only that it will not be creating precedence.

Allow them they are still young they still have primitive ...

(Laughter)

Hon. Temporary Speaker: Hon. Audi.

Tuesday, 7th August, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Audi: I have just risen up on a point of Order. May the Hon. Member Hon. Oriaro verify those that he calls as toddlers, toddler is another name we call folks at a certain stage of life therefore, I don't expect a human being to be referred to as a toddler.

Hon. Temporary Speaker: Hon. Audi, what constitutes toddlers?
Yes, the Chair could be tempted to give an exception except for this;
That Standing Order 35 states that if there is going to be an exception then there must be a supplementary Order paper. That would mean that we adjourn so that a supplementary Order paper is prepared to accommodate the statement by Hon. Otiato.

Between now and 9.00 am tomorrow when have not seen the statement but I don't think from where I sit that I know when he is very serious but today he is not. Hon. Otiato's intentions would have been thwarted to the extent that they are negated. For those reasons, the Chair rules that the statement by Hon. Otiato be part of the Order paper tomorrow in the morning.

MOTION

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, there being no any other business can we be upstanding for adjournment? Hon. Members the House stands adjourned until tomorrow at 9.30 a.m. in the chamber.

The House rose at 2.58 p.m.