

Wednesday, 7th November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Second Session

Wednesday, 7th November, 2018

The House met at the County Assembly Chamber at 9.30 a.m.

[The Deputy Speaker (Hon. Odongo) in the Chair]

PRAYER

PAPERS

QUARTERLY REPORTS AND FINANCIAL STATEMENTS

AMENDMENTS OF THE STANDING ORDERS

Hon. Oyugi: Mr. Deputy Speaker, Sir; I would like to lay on the Table of the House the County Government of Siaya Quarterly Reports and Financial Statements for the Quarter ended 30th September, 2018.

The Deputy Speaker: The Report will stand committed to Committee on Finance. Hon. Omwende.

Hon. Omwende: I wish to lay on the Table of this House a Report of the Committee on Procedures and Rules on amendments of the Standing Orders.

NOTICE OF MOTION

REPORT OF THE PROCEDURE AND RULES COMMITTEE

Hon. Omwende: I wish to give a Notice of Motion:

THAT this House adopts the Report of the Procedure and Rules Committee on Amendments of the Standing Orders laid in this House on Wednesday, 7th November, 2018 at 9.30a.m.

STATEMENT

TENTATIVE BUSINESS FOR THE HOUSE

Hon. Oyugi: Thank you, Mr. Deputy Speaker, Sir; I would like to present the tentative business for the House from Wednesday, 7th November to Tuesday, 13th November, 2018 pursuant to Standing Order no. 41 (2) (b).

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It is notified that the House Business Committee in their last meeting approved the following tentative business to appear in order paper for the week commencing Wednesday, 7th November, 2018 to Tuesday, 13th November, 2018.

Wednesday, 7th November, 2018 (Morning Sitting)

Tabling of the Siaya County quarterly and financial statements for the quarter ended 30th September, 2018.

First reading of the following Bills:

The Siaya County Anti-pornography Bill, 2018

The Siaya County Gender Equality and Women Empowerment Bill, 2018

The Siaya County laws, Inspectorate, Compliance and Enforcement Bill, 2018

The Siaya County Solid Waste Management Fund Bill, 2018

The Siaya County Village Administrative unit Bill, 2018

The Siaya County Equitable Development Bill, 2018

Report of the Committee on procedure and rules on amendments to the Standing Orders

Wednesday, 7th November, 2018 Afternoon Sitting

Report of the Committee on Selection on nomination of Hon. Charlton Andiego, MCA Central Sakwa, to Committees of the Assembly

Motion by Hon. Francis Otiato, MCA, Yimbo East Ward on presentations of all procurement plans for all departments by the County Executive to the Committee of General oversight

Thursday, 8th November, 2018 (Afternoon Sitting)

Report of the Committee on Justice and Legal Affairs on petition to the County Assembly of Siaya to find the Chairman of the Siaya County Public Service Board, Hon. Joe Aketch Donde in Contravention of the law

Response to Statement request by the Hon. Francis Otiato, MCA, Yimbo East Ward on Conversion of Siaya Agricultural Training Centre to Barrack Obama University

Tuesday 13th November, 2018 (Afternoon Sitting)

Response to statement request by the Hon. David Audi on the operational status of Asembo-Ndori Water project in South Gem Ward started in FY 2015/16 with pipe extensions to Kaudha and Malele areas that was awarded to Lulu Auto Works.

BILL

THE SIAYA COUNTY ANTI-PORNOGRAPHY BILL, 2018

(BILL NO. 14 OF 2018)

Hon. Deputy Speaker: The Bill stands committed to Education, Youth Affairs and Gender Services.

Hon. Olasi: Point of Order, Mr. Deputy Speaker; you are committing a Bill that we don't have with us. We haven't seen it.

The Deputy Speaker: Thank you, Whip; I thought the Bills had been circulated. Maybe there is a confusion; let's confirm with Clerks.

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THE SIAYA COUNTY GENDER EQUALITY AND WOMEN EMPOWERMENT BILL, 2018 (BILL
No. 16 OF 2018)

The Deputy Speaker: The same Bill stands committed to the Committee on Education, Youth Affairs and Gender equality.

Hon. Ochola: Point of Order!

The Deputy Speaker: What is your Point of Order?

Hon. Ochola: My point of Order is I would rather you confirmed that we have received all the Bills that are tabled here so that when you are committing them, it is something that we are familiar with.

The Deputy Speaker: Thank you, Hon. Member I said this earlier that serjeant -at -Arms are circulating Bills just be patient.

Hon. Oyuago: Thank you, Mr. Deputy Speaker, Sir; I just wanted to know the research that you did to assign the Committee of Education, Youth Affairs and Gender Equality the Anti-pornographic Bill.

The Deputy Speaker: You wanted to know the procedure that was used?

Hon. Oyuago: Hon. Booker, what is wrong with you?

Hon. Deputy Speaker: Hon. Shirley, this is a Hon. House, I think it is out of order to question Hon. Booker on what is wrong with him. He speaks on behalf of the House. I have heard your question and the dates you are asking have been signed by the Chair if we can confirm.

Yes, Hon. Booker.

Hon. Booker: Thank you, Mr. Deputy Speaker, Sir. I would like the Bill to be taken to Committee on Education and Sports because porno is sports. It is not wrong for that Bill to be taken to that committee.

Hon. Deputy Speaker: We can proceed. The Serjeant-at-Arm is distributing the copies of the Bills, so we should proceed.

Hon. Wandera: Point of Order!

Hon. Deputy Speaker: Yes, Hon. Wandera.

Hon. Wandera: Thank you, Mr. Deputy Speaker, Sir, the Order Papers are inadequate. Each time they are distributed they don't reach my desk. Even the current one, I don't have it.

Hon. Deputy Speaker: Hon. Wandera, your concern already sorted itself out.

Hon. Adala: Point of Order!

Hon. Deputy Speaker: Yes, Hon. Adala.

Hon. Adala: Thank you, Mr. Deputy Speaker, Sir. My concern is linked to a concern as regards the Bill on pornography.

In your ruling you are saying that it is rightly committed to the Committee on Education and Sports. From where I sit, sports is not on Committee on Education, Youth affairs, Gender and Social Services. So I don't know which could be the most relevant committee to handle this Bill because from your explanation I am left at a loss. I don't really understand which of these two shall handle this Bill

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Hon. Deputy Speaker: Thank you, Hon. Adala. We are aware that Sports was removed from Education but as we are seated here we know that they have not adopted the Bill that allowed us to remove Sports from Education so I think since the Bill has been signed by the Chair of Education it stands committed to that committee

Hon. Adala: Point of Order!

Hon. Deputy Speaker: Yes, Hon. Adala

Hon. Adala: Thank you, Mr. Deputy Speaker, Sir. As part of the items listed in the agenda I can see a Report on the amendments to the Standing Orders and I know for sure part of the agenda will be aligning sports to the relevant Sectoral committee. Since it is already listed here for a Debate, I know for sure that we will resolve as a House.

When we referred to the situation with the Executive that removed sports out of Education then it makes sense that we will go by that. I am left wondering if this day we commit this to Education, then when we are handling this Motion on the amendment then we plaster sports to be on the other side which is this committee that now will have the moral authority to work on this thing. I just wanted to know so that we avoid mix-up where we started because time is not on our side.

Hon. Deputy Speaker: Thank you, Hon. Adala. Since the Bill is still on the First Reading let it be. Then we will consult with our Clerks.

Hon. Olasi: The Bill is already committed to the Committee on Education, Youth Affairs, Gender and Social Services. As far as I am concerned that is the right committee to handle the anti-pornographic Bill because when we talk of pornography we talk of social welfare and I believe it affects this class of the youth and affairs and already signed by the Chair of Welfare and Education

Hon. Deputy Speaker: Yes, Hon. Ochola.

Hon. Ochola: Thank you, Mr. Deputy Speaker, Sir. I humbly request that this House be guided accordingly. As far as we are concerned, we are having First Readings of these Bills and what I expect is that the Bills are read for the first time.

Once it is read, I am not sure but I stand to be guided whether it is up for Debate because we will be having a Second Reading and a Third one. It is not time to allocate committees because already we want to debate and enact them as law.

I don't know what the committee is going to do and yet all the details are with us. I was just expecting the First Readings of these Bills and we proceed to the next Business.

Hon. Deputy Speaker: Your concerns will be taken but as we are all aware that when a Bill is brought to the House for the first time for the First Reading it must be committed to a certain Sectoral Committee. We can proceed.

THE SIAYA COUNTY LAWS INSPECTORATE COMPLIANCE AND ENFORCEMENT BILL 2018
(BILL NO. 17 OF 2018)

(Order for First Reading read- Read the first time and ordered to be referred to the Committee on Governance and Administration)

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THE SIAYA COUNTY SOLID WASTE MANAGEMENT FUND BILL 2018

(BILL NO.18 OF 2018)

(Order for First Reading read- Read the first time and ordered to be referred to the Committee on Health)

THE SIAYA COUNTY VILLAGE ADMINISTRATIVE UNIT BILL 2018

(BILL NO. 19 OF 2018)

(Order for First Reading read- Read the first time and ordered to be referred to the Committee on Governance and Administration)

THE SIAYA COUNTY EQUITABLE DEVELOPMENT BILL 2018

(BILL NO. 20 OF 2018)

(Order for First Reading read- Read the first time and ordered to be referred to the Committee on Finance)

MOTION

AMENDMENTS OF THE STANDING ORDERS

Hon. Deputy Speaker: Yes, Hon. Omwende

Hon. Omwende: On behalf of members of the of Committee on Member's Procedure and Rules, pursuant to the provisions of Standing Order 236 it is my pleasure and duty to present to this House the Committee's Report on the amendments of the Standing Orders. Each Member has the Report, so you can read by yourself about the Committee's mandate; you can also read about the Members of this Committee.

Hon. Deputy Speaker: Hon. Omwende, are you moving the Motion?

Hon. Omwende: Yes, Mr. Speaker. So I think the Membership is clear, I will just go straight to the proposed amendments, to the Standing Orders.

Mr. Speaker Sir,

1. Section 14 of the County Governments Act, 2012 stipulates that a County Assembly may make Standing Orders consistent with the Constitution and the Act, to regulate the procedure of the County Assembly including, inter alia, orders for proper conduct of proceedings.

In addition, the County Assembly of Siaya Standing Orders contemplates that; amendments to the Standing Orders may be initiated as follows:

Standing Order 236: Proposals for the amendment by the County Assembly Procedure and Rules Committee.

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The County Assembly Procedure and Rules Committee may at any time propose amendments to these Standing Orders.

Standing Order 237: Amendment on the initiative of a Member

A Member may, with the support of at least two other Members, request the County Assembly Procedure and Rules Committee to consider an amendment to the Standing Orders.

Standing Order 238: Periodic Review of Standing Orders

Provides that at least once in every term of the County Assembly, not later than six months, to the end of the term, the County Assembly Procedure and Rules Committee shall review the Standing Orders and make a report to the County Assembly, recommending the Standing Orders if any, to be amended.

2. The Procedure and Rules Committee of the Second Assembly having noted the foregoing have resolved to make urgent amendments as per the Standing Order number 236, pending a full review of the Standing Orders as required by Standing Order 238.
3. This Report then deals with urgent amendments to the Standing Orders under Standing Order number 236.

The County Assembly Procedure and Rules Committee has considered these amendments and do recommend that the County Assembly do adopt this report to enable necessary and urgent amendments to the Standing Orders to be carried out.

PROPOSED AMENDMENTS TO THE COUNTY ASSEMBLY OF SIAYA STANDING ORDERS

THAT a new Committee on Member's Services, facilities and welfare be created, thus;

Committee on Members Services, Facilities, and Welfare

There shall be a Select Committee to be designated the Committee on Members Services, Facilities and Welfare. The Committee shall be responsible for:

- a) Receiving and considering views of Members on the services and facilities provided for their benefit and well being
- b) Advising and reporting on all matters connected to the services and facilities provided for Members welfare.
- c) Any matters that shall be referred to the Committee by the resolution of the House, by the Speaker.

The Committee shall consist of a Chairperson and not more than six other members who shall be nominated by the Committee on Selection and approved by the Assembly and shall serve for the entire term of the Assembly.

RECOMMENDATION

The Committee moves that the County Assembly does adopt this report on the amendments to the Standing Orders.

I will call Hon. Peter Otero to second.

Hon. Oor: I second

(Question proposed)

Hon. Deputy Speaker: Yes, Hon. Oriaro.

Hon. Oriaro: Mr. Speaker Sir, on the matter at hand, I say amend.

Hon. Deputy Speaker: Yes, Hon. Otiato

Hon. Otiato: Thank You Mr. Speaker. I would like to thank the Committee for working hard and ensuring that we have welfare. I want to congratulate them on that. On the same line, you realize that while creating some of these Committees, you put into interest some other allowances that are not properly coincided.

You realize that as much as the procurement as a process is under finance, it has had a lot of its own free will of not being handled carefully, and I am happy that soon we will be discussing this to come out clearly, but in the National Assembly, we have got that Committee of dealing with the National procurement process.

This is a call to us on how procurement should be done in this County so that those who will be back in the year 2022 will ensure that we have got a procurement Committee.

Hon. Deputy Speaker: Yes, Hon. Opanga.

Hon. Opanga: Thank you Hon. Speaker. Allow me also to thank the Committee for the job well done, I remember in our last Liaison meeting when we were distributing resources to the various Committees, and we would not distribute funds to these Committees simply because the House had not passed, and I am happy that the Committee has fast tracked and now we can move ahead.

Just as my colleague has said, there are other issues that need to be handled within other Committees, but that can be left for the members to decide at an appropriate time. Thank you.

Hon. Deputy Speaker: I now call upon the Mover to reply.

Hon. Omwende: Mr. Speaker, I need to thank those Members that have picked on something very important in this Report, and those that have not contributed, it is not your fault, because the report is good, you have no problem with it.

(Laughter)

There are issues that are very important. I remember what Hon. Otiato has said. We are going to consider it, because this is our first time to do amendment to the Standing Order. It is very historical. I believe that other amendments will still follow. I need to thank all Members sincerely for their contributions and the concerns. Thank you.

(Question put and agreed to)

Hon. Deputy Speaker: Next Order!

MOTION
ADJOURNMENT

There being no other Business Members would you be upstanding for adjournment. After adjourning the House, Selection Members to meet in Boardroom 3.

There being no other Business, this House adjourns until today afternoon at 2.30pm in the Chamber.

The House rose at 10.15am.