

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**WEDNESDAY 5<sup>TH</sup> APRIL, 2023**

**Afternoon Sitting**

**3<sup>rd</sup> County Assembly**

**2<sup>nd</sup> Session**

# COUNTY ASSEMBLY OF BUNGOMA

## HANSARD OFFICIAL REPORT

WEDNESDAY 5<sup>TH</sup> APRIL, 2023

The House met at 2:30 p.m.

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

### PRAYER

### PAPER

1. REPORT BY THE COMMITTEE ON PUBLIC ACCOUNTS AND INVESTMENTS ON THE REPORTS OF THE AUDITOR GENERAL FROM THE BUNGOMA COUNTY EXECUTIVE ON THE DISASTER AND MANAGEMENT FUNDS 2021

**Hon. John Kennedy Wanyama:** Thank you Mr. Speaker Sir. I rise to table the Auditor General's report on the Financial Statements of the Bungoma County Disaster and Emergency Fund for the period ended 30<sup>th</sup> June, 2021.

**Mr. Deputy Speaker:** Thank you Hon. Wanyama Kennedy John.

### NOTICE OF MOTION

1. REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE ON THE REPORTS OF THE AUDITOR GENERAL FOR THE BUNGOMA COUNTY EXECUTIVE DISASTER AND EMERGENCY FUNDS 2021

**Hon. John Kennedy Wanyama:** Thank you Mr. Speaker Sir. I rise to issue a notice of motion for the report by the Committee on Public Accounts and Investments on the report of the Auditor General for the Bungoma County Executive Disaster and Emergency Fund 2021.

**Mr. Deputy Speaker:** Thank you so much Hon. John Kennedy Wanyama. Now that a notice has been moved, I direct that it is circulated to Honourable Members so they can go through and then it will form part of business that will be considered by this Assembly.

### MOTIONS

1. REPORT BY THE COMMITTEE ON PROCEDURE AND HOUSE RULES ON THE RULES GOVERNING PUBLIC ACCESS AND PUBLIC HEARINGS TO MEETINGS OF SELECT COMMITTEES

**Mr. Deputy Speaker:** Hon. Christine Cunera Mukhongo! You know when I call Hon. Mukhongo somebody else who is not a female can stand up.

**Hon. Christine Mukhongo:** Thank you Mr. Speaker. I stand to move a motion that this House adopts the report by the Committee of Procedure and House rules on the rules governing public access and hearing to meetings of select committees.

On behalf of the Committee on Procedure and House rules and pursuant to the provisions of Standing Order No. 248, I wish to present the report of the Committee on the rules governing the access to the Public Assembly committees and Public hearings. This report contains the consideration by the Procedure and House Rules Committee; to facilitate the effective and orderly public access to the County Assembly committees and public hearing.

### **Establishment and Mandate of the Committee**

The County Assembly Procedure and House Rules Committee is established pursuant to the provision of Standing Order No. 211 of the County Assembly of Bungoma. Further, Standing Order No. 211 (3) (4) (5) provides the mandate of the Committee as follows:

- (a) Shall consider and report on all matters relating to the Standing Orders
- (b) May propose amendments to the Standing Orders and any such amendments shall upon approval by the County Assembly, take effect at the time appointed by the County Assembly.
- (c) May, from time to time, propose rules for the orderly and effective conduct of Committee business and any such rules, shall upon approval by the County Assembly, continue in force until amended or repealed by the County Assembly.

### **Committee Membership**

**Hon. Members,** the Committee as currently constituted comprises the following Members:

- i. Hon. Emmanuel Situm (Chairperson)
- ii. Hon. Stephen Wafula (Vice chairperson)
- iii. Hon. Christine Mukhongo Member
- iv. Hon. Benjamin Otsiula Member
- v. Hon. Cornelius Makhanu Member

### **Acknowledgement**

**Hon Members,**

On behalf of the Committee, I wish to thank Honourable Members and the secretariat for their utmost commitment towards the completion of this report. We also thank the office of the Clerk for the willingness to facilitate the Committee during the entire assignment.

I now take this opportunity with honor and pleasure to table this report and recommend it to the House for adoption pursuant to the provision of Standing Order No. 202 (7).

Signed by the Chairperson Hon. Emmanuel Situma, Speaker of the County Assembly/Chairperson

## **Chapter Two**

### **Rules Governing Public Access and Public Hearings to Meetings of Select Committees**

#### **Introduction**

The County Assembly has three cardinal roles of legislation, representation and oversight. Most of the oversight and legislative work is done by the Committees and as such, the work of Committees attracts a lot of interest from the public.

The Constitution of Kenya outlines the national values and principles of governance. Amongst the key values is the principles of transparency and accountability which are required to be upheld by all public institutions. Further, the Constitution guarantees access to information. In line with the need for transparency and accountability; Article 196 of the Constitution of Kenya recognizes the importance of public participation in the legislative and other Business of the County Assembly as well as its Committees. Therefore, it provides that the business of the County Assembly and its Committees should be conducted in an open manner and that they should be accessible to the public.

Further, Standing Order No. 248 stipulates that the entire Committees' proceedings should be accessible to the public unless the Speaker allows them to be held in camera. Transparency is the cornerstone of good governance and as such, the public should be in a position to observe and participate in the business of the County Assembly. However, it is imperative to note that the County Assembly as a Legislative House is a House of rules and procedures thus those who participate in its business must be regulated.

**Mr. Deputy Speaker:** Honourable Members let us follow this report, it is very important. I will request that all of us be attentive, kindly.

**Hon. Christine Mukhongo:** Thank you Mr. Speaker.

The Bungoma County Standing Order No. 211(5) provides that the County Assembly Procedure and House Rules Committee may propose rules for orderly and effective conduct of Committee business and such rules upon approval by the County Assembly continue in force until amended or repealed by the County Assembly. However, the Standing Orders of the County Assembly remain in operation and are supplemented by these rules. It is in this regard that the Committee proposed Rules governing public access and public hearings to meetings of select committees.

#### **Application of the Rules**

##### **Admission to Buildings or Gardens**

The following rules shall govern public admission to buildings or gardens.

- (a) **THAT**, no member of the public shall be admitted into ....

**Mr. Deputy Speaker:** Hon. Leader of Minority, your seat is preserved here Sir. Kindly I want you to shift your position. Hon. Leader of Minority, kindly consult in low tones with Hon. Kawa Zakayo...

**Hon. Christine Mukhongo:** Thank you Mr. Speaker.

- (a) THAT, no member of the public shall be admitted into or allowed to remain in any part of Assembly Buildings or Gardens unless he/she is in possession of –
- a Pass issued pursuant to the provisions of the Speaker’s Rules and bearing that day’s date issued to him/her and signed by a Senior Officer of the County Assembly;
  - or a permanent pass signed by the Speaker or the Clerk.

Where a member of the public is in possession of a temporary pass, he/she shall ensure that the pass is attached conspicuously on his/her clothing;

(b) THAT, the Office of the Clerk may cause to be published, in at least two newspapers of nationwide circulation and/or Assembly website, an advance copy of notice to the public showing the date, time, venue and agenda of a committee meeting and indicating whether the sitting is open to the public or not;

(c) THAT, a member of the public intending to attend a Committee meeting shall be accredited at the Assembly security desk/reception at least half an hour before commencement of the meeting;

(d) THAT, all members of the public intending to attend Committee meetings shall be subjected to security checks;

(e) THAT, accredited members of the public shall be escorted into Committee rooms at least 15 minutes prior to commencement of the meeting;

(f) THAT, accreditation shall be subject to availability of sitting space and on “first come first served basis”;

(g) THAT, accreditation for access to a Committee meeting shall be limited to attendance of that particular Committee meeting and shall not serve to permit members of the public access into other parts of the Assembly Buildings;

(h) THAT, no member of the public shall be allowed to remain in any part of Assembly Buildings or Gardens after conclusion of a Committee meeting unless he/she is attended to by an Honourable Member or an Officer of the County Assembly of Bungoma; and

(i) THAT, all accreditation passes must be surrendered at the security desk/reception when the holder leaves the Assembly Buildings.

### **2.1.2 Restrictions**

Once a member of the public has been allowed into the premises, he or she should adhere to the laid down guidelines. Therefore, these rules provide restrictions to a member who has been accredited by these rules as follows:

## **Restriction of Audience**

That, under these rules, no member of the public shall have right of audience in Committee meetings and with the press while within the precincts of County Assembly.

### **2.1.3 Exclusion from the Committee sittings**

#### **Honourable Members,**

- i. The Committee shall have power to expel any person for disorderliness or contempt and any expelled person may be reprimanded or prosecuted.
- ii. Whenever it is deemed necessary, the Chairperson may order the withdrawal of members of the public.
- iii. Whenever a member rises under Standing Order No. 250 (1), the Chairperson shall have delegated powers to consider and determine an exclusion of the public or any particular person and shall be under an obligation to give reasons in writing to the Speaker of such decision to exclude.
- iv. Members of the public shall not bring cell phones, cameras, computers and writing materials into Committee rooms and any person who does not comply shall be ordered to withdraw from the Committee.
- v. Members of the public shall not applaud during Committee proceedings.

### **2.1.4 Restriction of access to the chamber**

These rules provide that no person other than a Member shall be admitted into the Chamber appropriated to the exclusive use of Members of the County Assembly while the County Assembly or the Committee of the Whole House is sitting. However, this does not apply to the Clerk or other officers of the House when discharging their duties in the service of the County Assembly.

### **2.1.5 Offensive Weapons**

No member of the public shall bring any firearm or other offensive weapons into the Assembly Buildings or any part of the Assembly precincts. All such weapons must be deposited with the Serjeant-at-Arms at the time of entry and collected at the time of exit.

### **2.1.6 Adjournment**

At the conclusion of a Committee sitting, or adjournment pursuant to lack of quorum or for any other reason, all members of the public shall leave the precincts of the County Assembly immediately.

### **2.1.7 In Camera session**

No member of the public shall attend a meeting of a Committee which is scheduled to be held in camera. If a Committee decides that part of its proceedings should be held in camera, the Speaker of the Assembly must give permission for the same. However, the Chairperson may exercise delegated powers if the matter arises outside the County Assembly or in cases where the Speaker cannot be reached.

### **2.1.8 General Provisions**

The provisions of the Standing Orders and the Speaker's Rules shall apply on any matter not provided for under these rules.

## **2.2 PUBLIC HEARINGS**

Public hearings are open Committee meetings that are aimed at obtaining input from the stakeholders, civil society organizations (CSOs), public officials and the general public about proposed or existing Policies, Bills, Regulations and other issues or changes that would significantly affect the public if introduced. During these proceedings, the public is accorded the right to be heard.

The Constitution has made these hearings a requirement under Article 196, unless waived in accordance with Article 196 (2). During a public hearing, the County Assembly acts in a quasi-judicial role for purposes of allowing the public to make representation on matters referred to the public hearing.

### **2.2.1 Purpose of public hearings**

Public hearings attempt to seek information from the public. Almost always, public hearings:

- Inform the public and interested parties about proposed changes and implications of public policy;
- Obtain public views and recommendations on public and policy programmes;
- Facilitate an appreciation of government policies and legislation and, therefore, reduce/eliminate chances of difficulty in policy implementation. This should help to foster future partnerships that bring about change; and
- Sensitize policy makers to popular sentiments and to get first-hand feedback from the public about local concerns, perspectives and suggestions for improvement through open interaction.

It bears emphasis that any hearing held by a public body, and in this case the County Assembly, will necessarily constitute "conducting public business". Many public hearings are required by law on particular matters, such as those that must be held prior to the enacting of a law.

Many others need only be held at the option of a public body, because it may desire merely to gauge public opinion on a matter. Where a public hearing is required by law, the particular

statute governing the subject matter usually sets forth the applicable procedural requirements. The consequent rules provide for the procedures of and the participation in public hearings of Committees:

### **2.2.2 Scheduling of Public Hearings**

A Committee needs to determine, before the hearing, and clearly define its intentions, objectives and purpose of the public hearing. This is necessary to ensure that meetings maintain focus and direction. At this stage, it should be remembered that public hearing:

- (a) Provide an opportunity for members of the public to influence the legislative process; and
- (b) Give Members of the County Assembly of Bungoma an opportunity to collect more information about the details and potential consequences of a matter of public concern.

It is, therefore, imperative that the Committee selects the dates and time for holding the public hearings guided by the business of the County Assembly, among others. When selecting a date for public hearings, the Committee shall:

- (c) Consult the Assembly's diary-of-events for the month, or alternatively, consult the Office of the Clerk regarding the most appropriate timeslots.
- (d) Public hearings shall be scheduled on dates and at times when there are no other significant or important events at the County Assembly that could conflict with the hearings. For example, hearings shall not be scheduled on public holidays and other national or public events.
- (e) The times and dates should be convenient and reasonable for the public to attend.
- (f) The Committee selects a date at least three weeks (21 days) ahead of time to allow for logistical arrangements.

### **2.2.3 Public Notification**

A public notice is required for **all public hearings**.

- (a) The Committee Clerk shall, as soon as the Committee agrees on holding a public hearing, write a memorandum to the Speaker and Clerk of the Assembly stating the following:
  - Subject of the public hearing/Content of Agenda;
  - Proposed date and time of the public hearing; and
  - Venue/location of the public hearing.
- (b) If the statute that requires a public hearing in a particular instance identifies the type of notice to be provided, those notice requirements must be followed. Such



notice requirements may include publication in a newspaper and/or County Assembly website, posting on and/or near real property that may be affected by the matter being addressed in the hearing, and mailing notice to specific parties. The County Assembly may, however, choose to provide any additional notice beyond whatever statutory notice requirements that may exist.

- (c) Where the hearing notice calls for circulation through the media, the Clerk of the County Assembly shall cause such notice to be placed in at least two (2) dailies with wide national circulation and may in addition cause an advertisement in a popular radio or TV station based on the target population.
- (d) Besides the notice by advertisement, the hearing intent may be forwarded to specific stakeholders and persons as determined by the Committee. This communication should be done not less than seven (7) days to the hearing date.
- (e) Persons or representatives desiring to make submissions during a public hearing, other than those notified shall communicate their intention to do so before the hearing date. Written submissions shall be submitted not less than 48 hours before the actual hearing date while those wishing to make oral submissions shall register not less than 24 hours to the hearing day.
- (f) Despite the provisions of rules (e) above, the Chairperson may allow persons who have not registered for oral submissions to make their submissions and may receive unregistered written submissions.

#### **2.2.4 Media Coverage**

- (a) **Pursuant to the Standing Order No. 248 (2)**, the County Assembly or a Committee shall not exclude any person, or any media, from a sitting of the County Assembly or of a Committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.
- (b) **Pursuant to Standing Order No. 250 (1)**, a Member may, at any time, rise to claim that the public or any particular person be, for reasons stated, excluded from the Assembly or from a Committee, and if the Speaker or Chairperson is of the opinion that there are justifiable reasons for the exclusion, he or she may order that the public or such person withdraw from the County Assembly or the Committee.
- (c) In case the Speaker cannot be reached, the Chairperson of the Committee shall consider and determine any request to exclude the public or any person and thereafter give a written explanation of the reasons for the exclusion to the Speaker.
- (d) The Media Relations and Public Communication Services shall facilitate the attendance of journalists to cover the hearing and shall prepare all the necessary logistical support at least seven (7) days to the hearing.
- (e) Pursuant to the provisions of the **Standing Order No. 251**, any media institution whose representative infringes the Standing Orders or any rules made by the Speaker for the regulation of the attendance of the public to the County Assembly or to Committees or persistently

misreports the proceedings of the County Assembly, or neglects or refuses on request from the Speaker to correct any wrong report in respect of the proceedings of the County Assembly to the satisfaction of the Speaker, may be excluded from representation for such period as the Speaker shall direct.

- (f) Broadcasting of public hearings shall be pursuant to the **Standing Order No. 247** and Rules set out in the First Schedule of the Standing Orders.

### **2.2.5 Protocol/Order of Business at Public Hearings**

Protocol at the public hearing shall be as laid down, except as modified by the Chairperson of the public hearing as considered necessary, pursuant to the authority granted by the Standing Orders or other written law.

### **2.2.6 Registration**

- (a) Registration of the attendees by supply of forms to sign-in and indicate whether they would like to speak at the hearing. Registration shall commence at least forty-five (45) minutes to the hearing;
- (b) Persons wishing to speak at the hearing must register in person and must indicate their name, address and other information as may be required;
- (c) For Public Hearings where a large number of participants are anticipated, the Committee Clerk may establish advance registration for the Chairperson's list. Persons wishing to speak must register in person on the participants' list and will be heard in the order in which their names appear;
- (d) The Committee secretariat led by the Committee Clerk shall also provide at the registration desk informational materials that is useful to the public;
- (e) All attendees shall be seated at least ten (10) minutes to the commencement of the hearing.

### **2.2.7 Order of Business during Hearings**

- i. The meeting shall commence promptly at the time stipulated in the notice;
- ii. The subject matter of the hearing as contained in the notice shall be the only business under deliberation by the Committee;
- iii. After the preliminaries, the Chairperson of the Committee shall open the hearing by introducing the subject matter of the hearing
- iv. Opportunity for presentation by the sponsor of the business;
- v. Participants for and against the subject matter;
- vi. Questions by the Committee to the participants;
- vii. Adjournment;
- viii. Closing the hearing.

### **2.2.8 Entering into an Executive Session**

During the hearing, the Committee may by a resolution approved by a majority, enter into an executive session. This resolution must identify the area(s) of the subject(s) to be considered in the executive session. The Chairperson shall direct the public and the press by stating that “The Committee resolves to enter into an executive session to discuss .... (Business to be discussed...)”. The Serjeant-at-Arms shall execute the resolution by guiding the public and the press to leave the venue for such time as directed.

### **2.2.9 Executive Session**

A Committee may only go into executive session if the matters to be discussed:

- (i) will imperil public safety if disclosed;
- (ii) may disclose the identity of a law enforcement agent or informer;
- (iii) relates to a current or future investigation or prosecution of a criminal offense;
- (iv) would imperil effective law enforcement if disclosed;
- (v) relates to proposed, pending or current litigation;
- (vi) relates to public employee collective-bargaining negotiations;
- (vii) involve the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation;
- (viii) pertain to the preparation, grading or administration of examinations;
- (ix) relate to the proposed acquisition, sale, or lease of real property, or the proposed acquisition, sale, or exchange of securities, but only when publicity would substantially affect their value; or
- (x) such other matters that are deemed reasonably privileged.

### **2.10 Time Allocated to each Participant**

- (a) All persons willing to participate in a public hearing shall be accorded a reasonable opportunity to be heard or to provide written submissions;
- (b) Written submissions received prior to the Public Hearing shall be circulated to Committee and recorded as part of the official record by the Committee Clerk. Submissions received during the Public Hearing will form part of the official record;
- (c) Each participant shall be heard according to the order in which they appear in the participants’ list;
- (d) On average, five (5) minutes shall be allocated to each presenter.  
The Committee Clerk shall keep time and guide the Chairperson on the same. Depending on the issue at hand and the number of participants, the Committee may alter the time allocated for submissions. The Chairperson shall set the ground rules for the session;
- (e) Committee Members who are asking questions to a participant shall limit themselves to seeking clarification or additional information directly related to the subject matter under question, and shall avoid engaging the participant in debate on the merits of the subject matter under discussion. The chair shall have the discretion to regulate the persons contributing.

## **2.11 General provisions on protocol**

- (a) If a member of the general public is disrupting a meeting, the Chair may order that such person be removed from the venue and/or may order that the Public Hearing be recessed until the matter has been dealt with.
- (b) If there is no one present to speak on the subject matter, the Committee may hear an introduction of the matter, ask relevant questions and then move that the hearing on that matter be closed.
- (c) When the Chair considers that reasonable opportunity has been provided for all who wished to make submissions and be heard, and there are no other matters to be considered, the Chair may call for a motion to close the public hearing.
- (d) Once the hearing on a matter is closed, the Committee may not receive additional information from the applicant/petitioner or the public regarding any of the matters or applications that were the subject of the hearing, unless it is prepared to hold a further public hearing. The Committee may receive clarification for an issue raised at the hearing; however, the Committee may not receive any new information until after final adoption and approval.

## **2.12 Language to be used during Public Hearings**

Participants may use either English or Kiswahili which are the official languages. If need be, the following forms of communication may be used:

- (a) Communication forms for persons with hearing impairments;
- (b) Sign language;
- (c) Braille;
- (d) Native language;
- (e) Simplified and popular versions; and
- (f) Large print publications.

Where the Committee decides that any other form of communication is necessary, the Clerk shall take up such action as is necessary to facilitate the same.

## **2.13 Joint Public Hearings**

Where it is considered necessary for two or more committees to hold public hearings, the provisions of Standing Orders shall apply. The public hearings of joint sittings shall be conducted in the same manner as that of a Committee.

## **2.14 Recordings of Public Hearings**

- i. All hearings shall be recorded verbatim by the Hansard Department in both audio and video format.
- ii. The Committee Clerk shall minute the proceedings of the meeting.
- iii. Written submissions must be kept as part of the records.
- iv. English shall be the language of record.

## **2.15 Security at the Hearings**

The Department of the Serjeant-at-Arms shall ensure that security is maintained during public hearings. The following rules shall be observed:

- (a) Offensive weapons shall not be brought into the venue of public hearings;
- (b) Use of cell phones, cameras, computers and other information gadgets is prohibited unless the express permission of the Chairperson has been obtained prior to the meeting;
- (c) Smoking is prohibited in or near public hearings;
- (d) Applauding or interrupting the Chairperson, Honourable Members, staff or the press is prohibited;
- (e) Any disorderly or disruptive conduct shall result to the hearing being adjourned or may lead to withdrawal of the individual from the venue. It may be followed by arrest and prosecution;
- (f) Participants shall restrict themselves to matters under scrutiny;
- (g) Participants are not subject to the privilege RULES and shall not enjoy parliamentary privileges pursuant to provisions of the County Assemblies (Powers and Privileges) Act, 2017. Each participant who makes a presentation should be alive to the defamation and slander laws.
- h) Participants shall be decently and modestly dressed.
- i) Any participant with an interest on a matter under scrutiny shall declare such interest before participation.
- j) Participants may be asked to give their evidence under oath Pursuant to the provisions of the County Assembly Act, 2017 Powers and privileges.
- k) giving false evidence refusing to be examined speaking defamatory words of the assembly or its committee and failing to produce required document shall be dealt with pursuant to the provision of County Assembly, powers and privileges Act, 2017.

## **RECOMENDATIONS**

- i) The Committee therefore urges that the House adopts this report by the Committee of Procedure and House rules regarding rules governing Public access and Public hearing to meetings a of select committees
- ii) In compliance with Article 196 of the Constitution, Honourable Members and staff to go through the draft rules governing Public access and Public hearing to select committees and submit written statements and memoranda for the consideration by the Committee through the Office of the Clerk within 21 days from the adoption of the report.

## **ADOPTION SCHEDULE**

We the Members of the Committee of Procedure House and Rules pursuant to the Standing Order No. 202 part five- adopted the reports. We appealed. We appended the signature to affirm our approval of the contents there in.

Members are;

Hon. Emmanuel Situma (chair)

Hon. Stephen wafula (Deputy Speaker)

Hon. Christine Mukhongo (Member)

Hon. Benjamin Otsiulah (Member)

Hon. Cornelius Makhanu (Member)

Attached to this report is an annex containing the specific rules governing public access and public hearing to select committees. I now call upon Hon. Cornelius Makhanu to second the report

**Hon. Cornelius Makhanu:** Thank you Mr. Speaker Sir. I rise to second the motion by the Committee on Procedure and House Rules. I would like to take this opportunity first of all to thank the Committee under the chairmanship of our Speaker Hon. Emmanuel Situma, and Mr. Speaker yourself as the deputy. We went through a lot, we burned the Midnight Oil to come up with this report and as members we all know, since the promulgation of our 2010 constitution, our work as a legislature we cannot legislate without the input of the public.

So this report has come up with the guidelines on how the public will be involved and even for the security of the Committee Members. So I urge this House to support this report because for our work to legislate and oversight, we have to involve the public and these guidelines are there for them to participate in all our legislative duties. So I urge this House to support the report and I support the report.

**Mr. Deputy Speaker:** Thank you The Hon. Cornelius Makhanu for your passionate seconding. Honourable Members the motion having been moved and duly seconded, I now propose the question that this House adopts the report by the Committee on Procedure and House Rules on the rules governing Public access and Public hearings to meetings of select committees.

*(Question proposed)*

Very well now Honourable Members I now put the question on... Oh, sorry, sorry very well. It is not showing very well, but now I can see we have online the Hon. Jackson Wambulwa Ouma, and then followed by the Hon. Ipara Johnstone Okasida.

**Hon. Jack Wambulwa:** Honourable Speaker. I know I am seated at my colleague's space because you were sharing something, when I entered.

**Mr. Deputy Speaker:** It is not that you were sharing, the Hon. Leader of Minority, the Hon. Mukhongo, the Hon. Zakayo were disrupting you. That is why...

**Hon. Jack Wambulwa:** That is why I moved away. Thank you, Speaker. As I say I support the report, I want to support with some reservations. In the area where you the Members talked of parking on a first come first serve basis, I don't think this was fair because this was a team of leadership led by the Speaker who should know about our welfare. You cannot tell me that first come first serve.... then why did we make those parking? I think the parking are supposed to be tagged so that when I come, I should always find my space and wherever we

have had such an arrangement in any public area, you will always make sure that the parking is tagged. That is the area where I am concerned and I feel like it is an area that you should review as members so that we can actually enjoy that parking; because if we had visitors coming early in the morning, it will mean that these Members will end up without any parking, and then what would they use? .

Recently I remember we even proposed to put up more parking spaces on this upper side just because we want to accommodate all our members of staff and Members to be in a conducive area. There are times I have come; as much as I would wish to rush to the Assembly and contribute in the morning sessions, you will find the parking is full. So I wonder where to go and park. So that is the only area I realised that it should be reviewed and especially now that it is led by you being number two in this Committee. You have also been a victim! I don't know why you didn't see that and even the Chair herself; the one who was reading to us has been a victim several times that is an area where we need correction.

**Mr. Deputy Speaker:** The Hon. Jackson, I don't know why you are referring to that the issue of parking? Did you get it somewhere? I think you may have got it wrong. It is not in the report. That is why I said that there was something happening there and I kept on saying this is a very important report; let us follow it and something kept on happening. So you see the results. So Hon. Ouma...

*(Laughter)*

You withdraw what you said because it is not in the report.

**Hon. Jack Wambulwa:** Well it talked of the sitting in the public gallery...

**Mr. Deputy Speaker:** And in committee meetings.

**Hon. Jack Wambulwa:** Yes, and committee meetings. As much as we have the sittings, I think you should also address the parking matter.

**Mr. Deputy Speaker:** It will come at a later date.

**Hon. Jack Wambulwa:** It is also supposed to come under this report.

**Mr. Deputy Speaker:** But it is not part of what we are discussing, so you are supposed to withdraw because it is not part of this report.

**Hon. Jack Wambulwa:** All I am saying is that as much as you want me to withdraw, at the end of the day it was supposed to have been addressed in this Committee

**Mr. Deputy Speaker:** But it is not there Hon. Ouma. You are a senior Member...



**Hon. Jack Wambulwa:** Hon. Speaker I withdraw.

*(Laughter)*

**Mr. Deputy Speaker:** Very well Hon. Ouma; a Senior Member, a Member that I respect so much. We have the Hon. Ipara followed by the Hon. Psero then the Hon. Khanjila in that order.

**Hon. Johnstone Ipara:** Asante sana Bwana Spika Kwa kunipa nafasi hii nipate pia kuchangia katika huu mjadala wa utaratibu na Kanuni za Bunge. Ningependa kwanza kupongeza Kamati kwa kuweza kuangalia hapo na kupeana maelekezo na mahitaji ambayo Kamati inaeza fuata wakati wanaalika wana mkutano ambayo wanaita watu wetu waweze kuchangia. Haya maelekezo yanatusaidia pia sisi kwa sababu katika Kamati zile tuko sisi wote hatuelewi mahitaji, hatuelewi yale mambo ya kindani kisheria vile inatakikana na kwa hivyo vile ameeleza tunajua ya kwamba baada ya sisi kusema kwamba tutakua na mkutano Fulani, tutapeana katika idara ya kupasha habari ipeane na kuelezea watu wetu ni jambo gani litakua siku gani, wakati gani na sehemu gani.

Hio inatusaida kuelewa, nami pia nataka kuomba wakati tunapeana haya maelekezo, pia Kamati hii ya Utaratibu na Kanuni na nyinyi pia mhakikishe kwamba yale yanafanyika katika bunge hili sisi pia tunafuata Kanuni zilizowekwa na utaratibu kuhakikisha kwamba tunafuata tunavyosema. Isiwe tu kwamba tunasema na hatutendi .Hio itatusaidia sisi sote na itakua kwamba hili ni Jumba la kufwata kanuni vile imeandikwa kuanzia mwanzo mpaka mwisho. Sijui kama Bwana Spika unaniskiza au kuna kitu unaangalia kidogo.

**Mr. Deputy Speaker:** Nakufuata kwa kinyerenyere kabisa, kwa utendeti, nimefurahia lugha.

**Hon. Johnston Ipara:** Asante sana bwana Spika. Kwa hivyo naunga ripoti hiyo mkono ikiwa kamati hiyo itaongoza kwa kutenda wanayosema.

**Mr. Deputy Speaker:** Asante sana mheshimiwa Ipara Okasida Johnston. Amejizatiti katika lugha ya Kiswahili; lugha yetu tukufu na nashukuru sana kwa weledi ambao umeonyesha ulipokuwa unazungumza lugha ya Kiswahili, ijapokuwa umesema *assembly* badala ya bunge...

*(Laughter)*

Lakini umesema vizuri sana, maelezo mwafaka kabisa. Mheshimiwa Psero?

**Hon. Jacob Psero:** Asante sana Bwana Spika kwa nafasi hii. Nami naungana na wenzangu ambao wametoa hiyo hoja ya kuhakikisha ya kwamba sheria ambayo inaongoza nyumba hii inafuatwa kikamilifu. Ningependa kushukuru haswa mheshimiwa Christine pamoja na mheshimiwa Makhanu kwa kupendekeza hoja na kuunga mtawalia. Nimefurahi vile umesoma ripoti hiyo, imekuwa safi na ningependa kushukuru.



Bwana Spika, mimi nina furaha leo kwa maana yale ambayo tunayoongelea leo ni yale ambayo yatatuongoza katika jumba hili. Shida iliyoko, angalia tu jinsi watu walivyokaa, wale ambao nimeona wakati mwingi wakitusumbua katika jumba hili ni wale watu wamekuwa hapa kwa muda mrefu. Je, sasa hivi wako wapi?

*(Applause)*

Sijasema ya kwamba hatuwaheshimu, tunawaheshimu lakini wakati mwingine hawawezi kujieheshimu kwa maana Spika amesimama akitoa hoja, wenzetu wanaamka wakitaka kubishana na Spika, na wakati mwingine sisi ambao bado ni wageni tunaabika kidogo.

Tunaomba tu kwamba hii sheria isiwe ya wale wageni ambao wamekuja mwaka huu; wacha sheria hii ipitie kwa watu wote na kila mtu afuate sheria. Tunajuwa wao wanaifahamu sheria hii zaidi, lakini ni vizuri wakuwe hapa watuongoze kwa njia nzuri. Ningependa kushukuru wale ambao wamekuwa hapa kwa muda mrefu, mheshimiwa Wambulwa, naona mheshimiwa Chemion na labda mmoja ambaye sijamuona. Hilo ndilo ombi langu Bwana spika.

*(Applause)*

**Mr. Deputy Speaker:** Asante kwa mchango mwafaka kabisa kutoka kwa mheshimiwa Psero na nichukue nafasi hiyo vilevile kumshukuru mheshimiwa aliyekuwa kiongozi wa wachache katika bunge kwamba ni yeye pekee kwa wale walioweza kupigania kurudi hapa kwa mara nyingine ambaye bado yuko hapa na imeonyesha picha tofauti kweli mheshimiwa; na nimekupata kwa wema mheshimiwa Psero, mchango wako ambao ni wa dhati kabisa. Kwa hivyo tumpate mheshimiwa Khanjila pia aweze kutoa mchango wake. Mheshimiwa Maureen.

**Hon. Maureen Katila:** Thank you Hon. Speaker.

**Mr. Deputy Speaker:** Wewe hutaongea Kiswahili?

**Hon. Maureen Katila:** Asante sana...

**Mr. Deputy Speaker:** You can just proceed in English.

*(Laughter)*

**Hon. Maureen Katila:** Thank you Hon. Speaker. Today I will speak in English because I was not prepared for Swahili but I was a very good student in Swahili. This evening I want to applaud the Hon. Christine for the report that she has read in the House. I also wish to applaud all members of the Committee. Otherwise; whatever I wanted to say Hon. Ipara has already talked about it. What I will say is that I support the motion.

**Mr. Deputy Speaker:** Very well Hon. Maureen Khanjila Wafula. Honourable Members I now call upon the mover of the motion Hon. Cunera to reply.

**Hon. Christine Mukhongo:** Thank you Mr. Speaker. I want to take this opportunity to thank all the Honourable Members in the House for your contribution towards this report of Procedure and House Rules. From the observation, it means that we had great minds sitting

behind this report, because I can't see anything being contrary to what we wrote or what we brought to the House, but I want to thank the Honourable Members who contributed. I just want to assure you that the Committee on Procedure and House Rules shall ensure that all the committees shall follow the laid rules during public hearing; that no step shall be left out when you are planning for this public hearing.

Secondly, as a Committee of Procedure and House Rules, we are also going to ensure that through all mechanism you are the Vice Chairperson of this Committee; look at the House, as we are putting across these rules that are supposed to be followed, is just a handful of Members that are in the House. How sure are we that all these Members are going to follow this? We have to come up with another rule again to ensure that all Honourable Members are in the House till the end of the Session under whatever circumstance; because we need to make Bungoma County Assembly the best of all. Otherwise thank you so much for your contribution. I submit.

**Mr. Deputy Speaker:** Thank you so much Hon. Kunera for your reply. Now Honorable Members the motion having been moved and duly seconded, debate having been ensued, and a reply made by the mover of the motion, I now put the question that this House adopts the report by the committee on Procedure and House rule on the rules governing public access and public hearings, to meetings of select committees.

*(Question put and agreed to)*

*(Applause)*

The Table Clerks will ensure dissemination of information to the relevant offices is done accordingly.

Honourable Members that was our last item but I have to say this, the observations made by Hon. Psero is very passionate and the Hon. Chemion being one of the Chairpersons together with the Hon. Waiti, you are the only two Chairpersons; Hon. Okasida is here; and the Hon. Psero. This is a serious issue that will form basis to be discussed in the Liaison Committee because this report is talking about select committees, and the chairpersons, majority of them are not in the House as observed by the Hon. Psero.

In future, and for us to move on well and actually make this House a robust Assembly, we need to be very passionate on what we came to do; and even if we have some other engagements, such a report was very important. So, going forward let us be passionate about such report so that we make Bungoma Assembly as is said, a good example. Thank you so much, we adjourn, we will reconvene tomorrow 2:30 p.m.

*(House adjourns)*