

REPUBLIC OF KENYA

MANDERA COUNTY ASSEMBLY

THE HANSARD

Tuesday, 2nd June, 2020

*The House met at the Assembly Chambers
County Assembly Buildings, at 2.34 pm*

[Deputy Speaker (Hon. Farah Abdi) in the Chair]

PRAYER

Deputy Speaker (Hon. Farah Abdi): Sergeant-at-arm, ring the bell for 10 minutes.

(Quorum bell rang)

Hon. Yakub Hassan (Derkale): Mr. Deputy Speaker, we have quorum.

Deputy Speaker (Hon. Farah Abdi): Clerk, confirm.

Deputy Speaker (Hon. Farah Abdi): Honorable Members, I think we do not have quorum because even those who are participating from Committee Room 1, we will count them as they are in the Chamber. So, we will not count the 24 members that are supposed to be in the plenary.

Hon. Yakub Hassan (Derkale): Mr. Deputy Speaker, I think the Speaker's communication is valid because it is also gazetted. It is kind of statutory notice. With our Standing Orders, then if we cannot follow a third of 24, we are only 8. If you will not allow that then the Speaker's rule is null and avoid. Give us direction.

Deputy Speaker (Hon. Farah Abdi): Order! Honorable Member, please get back to your seat first. I think, Honorable Yakub, your concern is very genuine. But the Speaker's guideline has not changed the quorum of the House. He said 24 members should be in the plenary and the other members should be seated in Committee Room 1 and take part in what is going on in the plenary of the House. Hon. Adan, what do you want to say?

Hon. Adan Maalim Mohamed (Elwak North): I think, as per the guidelines of the Speaker that the Chamber that we are in now is the main Chamber that is going to have the 24 members. Members in the extended Chamber will just follow the proceedings of the Main Chamber. So, they are not part of the quorum of the House. They cannot constitute quorum of this House. The 24 members who will be seated in this House, according to my understanding of the guideline of the Speaker, are the members who will constitute quorum. So, a third of the 24

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members seated in this Chamber will be 8, and I think we are proper. I do not know whether we can go back to the Standing Order and change it for a short term, if possible, for this COVID-19 issue the way we changed the calendar of the Session today, we are also going to review the number of the members who will sit in the Chamber.

Deputy Speaker (Hon. Farah Abdi): Hon. Abdi.

Hon. Abdi Hassan Ali (Malkamari): Thank you, Mr. Deputy Speaker. I think as per the guidelines we are given we are in order. The direction of the Speaker is that the 24 honorable members will be in the plenary as others are watching from the boardroom. So, whoever is not here will follow the proceedings of the House. We do not have quorum of the 16 as per the Standing Order. Others might come in when we need them since the Standing Order has not been changed. I think we are in the right process.

Thank you.

Hon. Abdullahi Siyad (Lafey): Thank you, Mr. Deputy Speaker. There is a lot of confusion on this matter, we need clear ruling.

Secondly, we are talking about committee room 1, is it part of this chamber and are the members there going to contribute or debate? We also need a direction on that.

Hon. Kullow Alio (Rhamu): Mr. Deputy Speaker, these are new gadgets and I am unable to operate. It is not the issue of age but technology which has failed. Mr. Deputy Speaker, I want to say this, the Speaker's guideline has not been followed in the first place because the Speaker specifically said the House Majority and the House Minority to nominate 24 members to sit in this House. I know they have not done that because of the number of the honorable members who are here and if they have done as the honorable said, it can only accommodate 24 which I know contradicts the Standing Order. But if you tell us that those who will be fully in the proceedings from committee room 1, then we need to constitute members of this House on how we ascertain the number of people in committee room 1 then constitute the members of these House so that we are sure to get the quorum. If that is not possible then it means a third of 24 is 8 and we are fit to do our business. I think that is very clear Mr. Deputy Speaker.

Hon. Abdinoor Dakane (Khalalio): Thank you, Mr. Deputy Speaker. On the issue of quorum and members staying in the next room, there is an issue which is technical here. The members in the committee room 1 are more disadvantaged because if a very important issue is going on in the chamber, they cannot contribute and do any transaction in this House, then we cannot say they are in the House. If the members are reduced to eight or 24 in this House, then the views of the members in the next room should also be considered by taking some of the microphones there. They can be heard inside here contributing, but if they just listen, sit and watch screen it will not work and those members will not be representing their electorates. We need a brief on this guideline.

Thank you.

Hon. Abass Abdille (Nominated): On this issue we are guided by rules. If you check the national Assembly and the Senate, the issue of quorum is a third of members who are allowed in the chamber. Mr. Deputy Speaker, we should do a replica of what the National Assembly and Senate are doing. If we say 24 members are allowed in and the quorum is 16 it is not fair, a third of 24 is 8 and the quorum should stand at 8.

Deputy Speaker (Hon. Farah Abdi): Honorable Members, it is true that this House is a House of rules and procedures. We always follow our Standing Orders and other laid rules. For

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this one of quorum, it needs further clarification because even in the guideline, it has not been clarified whether the quorum of the House will be a third of the twenty four Members or not or whether Members in the committee room 1 will participate in the Business on the floor of the House or not. What we are going to do is we have to do further consultation and see the best way that we can to sort this issue of quorum in our next sitting. This thing is new and all these are happening because of this situation that we are in and as we speak I am not sure whether the National Assembly and the Senate their quorum is the Members who are sitting in the Chamber but still we are going to confirm if the case is like that, then the County Assembly is the replica of the National Assembly and the Senate and we have to do it but before that let us do proper consultation.

Hon. Kulow Alio (Rhamu): Point of order Mr. Deputy Speaker!

Deputy Speaker (Hon. Farah Abdi): No! Get back to your seat honorable Kulow. If you want to talk about this issue, I think this issue has already been done.

Hon. Kulow Alio (Rhamu): Not on this issue Mr. Deputy Speaker.

Deputy Speaker (Hon. Farah Abdi): Okay.

Hon. Kulow Alio (Rhamu): There was a ruling that you are supposed to give in the afternoon because you said in the next sitting. We expect a ruling on the issues we discussed in the morning.

Deputy Speaker (Hon. Farah Abdi): Order honorable Members! Let me give the last chance to honorable majority then I will respond to you honorable Kulow.

Hon. Abdi Adan (Neboi): Thank you, Mr. Deputy Speaker. You have already ruled on that matter and the way you said these are just temporary measures and it is not a permanent thing. So, for us to change the quorum we need to change the Standing Orders. I do not think whether it is going to take us long. About the ruling, I want to also request you to take your ruling to tomorrow so that we consult over that issue.

Secondly, I want to say something about the Covid-19 committee. Mr. Deputy Speaker, you remember I moved a Motion here on 4th May when we formed an Ad Hoc Committee on Covid-19 and we said that we should report to the House in a month's time. So, this afternoon we are going to sit as a House Business Committee to deliberate on Business of next week. We want the report. I know the committee has been going round several institutions collecting the report. I want the response from the chair.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Thank you, leader of majority. I think to start with honorable Kulow, you are all aware that Mandera County is one of the counties which has been stated as hotspot and this morning I said we are going to do further consultation when we are doing further consultation we are consulting with the ministry of health, leadership of the House and other stakeholders. We have already started that and the consultation is still ongoing but one thing that I want to confirm to you honorable Members is that if we are doing a test it is not only for those who are coming from a hotspot area like Rhamu because there was a case in Rhamu, Wargadud and some part of Mandera East and there are other Members who are coming from Nairobi. We will not only restrict ourselves only to those areas because we are neighboring Beled Hawa and I was told a number of people have tested positive of which some of them have died. So, what we are thinking is, if we are doing a test we are going to test all our Members and also the staff. That is what we are thinking. Order honorable Members! Honorable Abdullahi

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order please we have not reached a conclusion but that is the best if we are going to do the test. We cannot restrict ourselves to only those who are coming from Nairobi and other Members who are from hotspot areas but still we are consulting and maybe from tomorrow I will give out a clear direction. Order honorable Member! Get back to your seat. By tomorrow you will get a clear direction on that.

The issue of Ad Hoc Committee, it is true that we said at end of every month the committee must table a report and I think still they have time and the time is elapsing on 5th June and today is second. That business will be discussed at House Business Committee level and I think the chair is there and I am sure his team is capable of doing what they are mandated to.

ADJOURNMENT

Deputy Speaker (Hon. Farah Abdi): Honorable Members, having no other business before the House, we are going to adjourn the House to tomorrow afternoon at 2:30 p.m.