

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Tuesday, 18th August, 2020

The House met at 10.29 a.m.

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

PRAYERS

Hon. Deputy Speaker: Ring the Bell for five minutes.

(Quorum Bell)

Hon. Mitaa: Point of Order, Hon. Speaker.

Hon. Deputy Speaker: Go ahead.

Hon. Mitaa: Hon. Speaker, I think there is enough quorum because they have not checked outside in the extended Chamber; we have Hon. Members there.

Hon. Deputy Speaker: Okay, we have quorum now. Mr. Clerk, proceed.

STATEMENTS

Hon. Deputy Speaker: We have three businesses to transact; the first is by Hon. Majority Leader or a Member of the House Business Committee, the second by Hon. Mwanthi and the third by Hon. Fredrick Muthoka. I request a Member of the HBC Hon. Moses Mitaa to come and read the Statement on behalf of the Majority Leader.

BUSINESS FOR THE HOUSE FOR 18TH TO 25TH AUGUST, 2020

Hon. Mitaa: Thank you, Hon. Speaker, Hon. Speaker, I stand under Standing Order 41(2)(a) where during the Statement Hour, a Member of the House Business Committee designated by the Committee for that purpose shall for not more than ten minutes, present and lay on the Table, a Statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met on Monday, 17th August, 2020 to review and ballot business for the House pursuant to the provisions of the Standing Order 151. The Committee balloted business as follows:

Tuesday, 18th August, 2020

Morning at 10.00 a.m.

- a. Report of Agriculture Committee on Petition by Donkey owners by Hon. Moses Mitaa, Chairperson, Agriculture Committee.

- b. Statement on extension of time on presentation of Machakos County Finance Bill 2020 from 18th August, 2020 to 29th September, 2020 by Hon. Stephen Mwanthi, Chairperson, Finance and Revenue Collection Committee.
- c. Statement of extension of time on response to a Statement requested by Hon. Tariq Mulatya on the implementation of House resolutions in a report on human-wildlife Conflict in the County by Hon. Fredrick Muthoka, Chairperson, Implementation Committee.

Afternoon at 2.30 p.m.

- a. Report of *ad hoc* Committee on CASA games 2019 by Hon. Paul Museku, Chairperson CASA, *ad hoc* Committee.
- b. Response to a Statement requested by Hon. Dominic Ndambuki (MCA, Kathiani Central Ward) by Hon. Cosmus Masesi, Chairperson, Health and Emergency Services on:

1) What the Department of Health and Emergency Services was doing to ensure that the CHVs were paid their stipend and arrears without delays.

2) Whether the Department of Health and Emergency Services had an existing policy on terms of engagement of the CHVs.

Tuesday, 25th August, 2020

Morning at 10.00 a.m.

Report of Committee on Selection on Nomination of Members to Committees by Hon. Mark Muendo, Chairperson, Selection Committee.

Afternoon at 2.30 p.m.

a) Motion by Hon. Irene Mbivya (Special Elect, MCA) that the House discusses and approves that:

1) All the Level III and IV health facilities in the County should have a desk and specified personnel to handle victims of gender based violence.

2) The County Government of Machakos should establish rescue centers to take care of gender based violence victims.

b) Response to a Statement requested by Hon. Moffat Maitha on what the County Government of Machakos was doing to engage entities like Law Society of Kenya (LSK) in order to protect the vulnerable groups within the County who are victims of domestic violence, gender-based violence and sexual offences witnessed during this Coronavirus epidemic as part of the collaborative effort to support the National Government in dealing with Coronavirus by Hon. Moffat Maitha, Chairperson, Justice and Legal Affairs Committee.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moses. Just a slight correction read by the Member, the Report of *ad hoc* Committee on CASA games 2019 to be read by Hon. Daniel Kiilu, Chairperson CASA, an *ad hoc* Committee. That is the correction everything else is okay. Thank you, Hon. Moses Mitaa. Hon. Stephen Mwanthi.

EXTENSION OF TIME FOR PRESENTATION OF MACHAKOS COUNTY FINANCE BILL 2020

Hon. Mwanthi: Thank you, Hon. Speaker. Hon. Speaker, pursuant to Standing Order 40 which provides for the procedure of Members to make general statements, I wish to request for extension of time to present the Machakos County Finance Bill 2020 from 18th August, 2020 to 29th September, 2020.

Hon. Speaker, a draft proposal of the Machakos County Finance Bill 2020 was committed to the Finance and Revenue Collection Committee on 21st July, 2020. The Chair, gave the Committee 30 days to process the Bill and table it in the House. The Committee has not been able to meet this deadline as outlined.

Hon. Speaker, the Committee noted that the bill was not properly formatted as it did not have memorandum of objects as required by Standing Order 110(1). In addition, several clauses were not in the proper legislative language and figures were missing in some of the main revenue sources like quarrying just to mention a few.

The Committee had to undertake a pre-publication scrutiny whereby it invited the Department of Finance and Economic Planning and the Chief Officer, County Legal Office to get their views on the clauses. The exercise of the pre-publication scrutiny was interrupted on 31st July, 2020 by a public holiday to mark Idd-ul-Adha, 2020.

Hon. Speaker, the Committee is aware that most of the previous Finance Acts have attracted Petitions in Court and some judgements have nullified parts of the Acts. The most recent was Petition No. 3 of 2020 which declared section 17 of Schedule 3 of the Machakos County Finance Act 2020 on quarrying illegal. The Committee is keen to ensure the coming Finance Act does not attract Petitions and if it does, the County Government to win the cases.

Hon. Speaker, it is out of these concerns the Committee is seeking for an extension of time to present the Bill in the House. The Bill was forwarded to the Government Printer for publication on 14th August, 2020 pursuant to Standing Order 110(4) in readiness for first reading. I hope the Bill will be published in time for First reading before the House goes on recess on 25th August, 2020 so that the Committee can facilitate public participation.

Hon. Speaker, the Committee has made the following workplan for consideration of the Bill which stretches all the way to 29th September, 2020; the last day of enacting the Bill pursuant to Section 133 of the Public Finance Management Act, 2012.

- 1) Retreat on 30th July, 6th and 7th August, 2020 for pre-publication scrutiny. This has been done and the Department of Economic Planning and the Chief Officer – County Legal Office was involved.
- 2) Publication of the Bill in the Gazette on 14th August, 2020. This was done on 13th August, 2020. A request to the Department of Finance and Economic Planning to pay for the bill Ksh. 200,000 has been done and we hope they will pay soon.
- 3) First reading of the Bill on 25th August, 2020.
- 4) Advertisement in Newspapers and other media for public participation in Sub-Counties on 26th August, 2020.
- 5) Public participation in Sub-Counties on 14th and 15th September, 2020. The Committee has ensured there was adequate notice of at least 14 days between the day of advertisement in newspapers for public participation and the date of the exercise.
The public participation is being conducted at the sub-counties to avoid many contacts for Members. The participation will also be conducted in accordance to the Covid-19 guidelines of social distancing.
- 6) Retreat to compile views of public participation and receive views of CECM Finance and Economic Planning on 16th to 19th September, 2020.
- 7) Retreat to compile report on the Bill on 22nd to 26th September, 2020.

8) Tabling of the Bill for the second reading, Committee of the Whole House and Third reading on 29th September, 2020.

Hon. Speaker, the Committee requests that the Executive fast tracks payment for the publication of the Bill. The workplan heavily relies on the timely publication of the bill which depends on the payment. Hon. Speaker, I lay the Statement in the House. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you Hon. Stephen Mwanthi. This Statement Hon. Members is self-explanatory and as far as the its details are concerned, it is a request by the finance Committee for extension of the presentation of report which was supposed to be presented before this House on 28th August to now go to 29th August They have given a detailed outline of events and what they intend to do, a work plan and the days they intend to do them.

To me it is just a procedural Statement but the key thing is that there seems to be dependency on Executive fast tracking payment of the publication of the Bill so that the rest of the activities can follow as they are. I therefore request that committee to put it in writing to the Executive that they should pay for the publication of this Bill as quickly as possible and attach the workplan which you have done here so that they can be able to know that it is all dependent on their payment of the bill. Thank you very much, for the Statement Hon. Steve Mwanthi. Hon. Fredrick Muthoka.

EXTENSION OF TIME ON STATEMENT RESPONSE ON HUMAN-WILDLIFE CONFLICT

Hon. Muthoka: Thank you, Hon. Speaker. Hon. Speaker, Standing Order 40 provides for the procedure of members to make general statements. A statement was sought on 5th May, 2020, in this Hon. House on what the County Government was doing to ensure, the House resolutions on Human-Wildlife conflict were implemented.

Hon. Speaker, this matter was committed to the Committee on implementation pursuant to Standing Order 188(2) as it relates to the mandate of the committee. Hon. Speaker, this Hon. House approved a Joint Committee Report of Environment, Lands, Energy and Natural Resources and Justice and Legal Affairs on Human-Wildlife Conflict within the County. The following entities were notified of the considerations and recommendations of report of the Joint Committee and resolution of the House by a letter dated 17th December, 2019.

- a) The County Secretary, County Government of Machakos.
- b) Law Society of Kenya (LSK) South Eastern Branch.

Hon. Speaker, Standing Order 181 states that "within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Executive Committee Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 183(3) of the Constitution."

Hon. Speaker, the committee wrote to the above mentioned entities requesting for the implementation status of the recommendations made in the said report but did not receive any response. The committee has written a second reminder and is awaiting response which will be submitted by 20th August, 2020. The response submitted will enable the committee to provide a proper report to this Hon. House.

It is in view of the above that I wish to request for extension of time for one month from today to present the response to the statement that is the Committee to give a response on 22nd September, 2020. This will enable the Committee finalize and report on the above task. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Fredrick Muthoka, Chairperson Implementation Committee. Again that statement is self-explanatory; they are seeking for extension of time to be able to present the report on Human-Wildlife conflict to this House. The only question I wanted to ask the Hon. Member is; the committee has written a second reminder and is awaiting response which will be submitted by 20th August, 2020. Do we have a commitment from the entities that they will give us the letter by 20th?

Hon. Muthoka: Yes, Mr. Speaker.

Hon. Ndawa: Point of order, Mr. Speaker.

Hon. Deputy Speaker: Go ahead Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker. I want to object some of the requests which are being brought by our chairpersons of Committees and I am opposing these extensions on the following grounds;

The extension of this report of human-wildlife conflict and giving more time means we are giving or creating more room for more lives to be lost. So, the matter was brought and it was very urgent. I am a neighbour of Masinga Central Ward, Ekalakala and Ndalani wards where we are getting cases of people being killed by these wild animals. So I am objecting the issue of extension because if we extend it means another person will be---

Hon. Muthoka: Point of information, Mr. Speaker.

Hon. Deputy Speaker: Hon. Fredrick, let him finish then I will give you time to respond.

Hon. Ndawa: Secondly, the House has several committees and each committee has the work it is supposed to do. I am also requesting that we have independence of the committees so that when a Committee is given a certain task to perform there is no interference. Mr. Speaker, I am now on the issue of Selection Committee; we have heard what has been read by Hon. Mitaa. We were expecting the Selection Committee to table its report today so that Members can be placed in Committees and now it has been pushed to the following week.

Mr. Speaker, this is a very serious matter and as you are aware, most of the Members are in one committee and others do not have responsibilities. So---

Hon. Deputy Speaker: Hon. Judas Ndawa, I think you are out of order in as far as the second one is concerned; the matter on the floor of the House is a Statement of Hon. Fredrick Muthoka on Human-Wildlife conflict. You should have raised that issue at that time when the Statement was being done but during the motion which is going to be read, I will give you time to air on the same so that we do not mix what the Hon. Member is presenting with other issues which are not before the House. So, please let him address on the issue on postponement and then from there I will give you time to address that other issue.

Hon. Ndawa: Thank you Mr. Speaker and I believe the message has reached its target. Thank you, Sir

Hon. Deputy Speaker: Thank you. Hon. Fredrick Muthoka, please go ahead.

Hon. Muthoka: Hon. Speaker, I always stand for the truth and the truth shall set us free. Hon. Judas Ndawa mostly belongs to the side of the government and we have the Minority Leader here. Leave alone this Statement we are seeking or this issue of wildlife; we have been writing to

the Executive to respond on issues and it has been delaying all through since we came. Let us be genuine and we speak the truth; we have projects of Ksh. 10 Million which were committed two years ago and they have never been implemented. We have documentary---

(Loud consultations)

Hon. Deputy Speaker: Let the Hon. Member finalize submission please.

Hon. Muthoka: We have the supplementary budget where each ward was committed Ksh. 3 Million and it has never been implemented. We have a budget of Ksh. 50 Million and we do not know the way... (inaudible) so, this has been a norm, we are living with it. So, Hon. Ndawa, through the Chair; we have the Minority Leader here so can you talk to the Executive and tell them when this House seeks some documents from them, let them submit.

Since the budget committee asked for IFMIS balances, the Executive has never ever provided and it has become a norm and we have to live with it. Thank you, Mr. Speaker.

(Laughter)

Hon. Deputy Speaker: Thank you, Hon. Members. Let me make a ruling on this; the key issue here is that; there are two sides on this and it is critical for us to note. The County Secretary county Government of Machakos was a respondent and the Law Society of Kenya, South Eastern branch notified of the considerations and recommendations of the Joint Committee and they have not responded.

One of them like the Law Society of Kenya, South Eastern branch is not within our control, it is outside the Committee's control and I would like to say that the Committee has done the right thing; if they have received a firm commitment from the Executive and also from the other party on when they will get a response to this, which is supposed to be submitted by 20th August, 2020. The only thing we could be requesting them to do is to give a response on 22nd September which is a little bit far.

I know we have a recess of two weeks which is going to go up to 8th of September; so we should be talking about giving them one week after we resume. So from 8th, you need to bring this report forward instead of giving the response by 22nd September you give it by 15th because during the short recess which we go, normally committees are at work. So we will expect the report to be tabled before the House as quickly as possible and I rule it be brought before the House on 15th September, 2020. Thank you, very much, Mr. Clerk, proceed.

Hon. Kiteng'u: Point of order, Mr. Speaker.

Hon. Deputy Speaker: Point of order on the same or is it something different?

Hon. Kiteng'u: Yes. Hon. Speaker, I suggest you give me time I air my views. First I would like you to give the guideline; each Committee once it has been given time to perform a certain job, we always give a timeline and the same time line is in consideration with trying to consult with the Executive where we have enough time. If the Executive is not giving the right direction, we also have a procedure, as a House, on the way to go.

If the Executive is not cooperating, as an Assembly we have the guidelines of the way to go and the Hon. Speaker, in the person being the Chair of chairs should guide the Chairs that, they should always honour the timeline of each and every work they have been given.

Secondly, on recess, in this House we had a House leadership meeting. Due to Covid-19, remember that Members have been away, we are sitting once a week and we all agreed that there is

no recess for this year until December so that Members can continue with their work because we had like three months without conducting any business.

Unless something else changed and we have the Clerk of the Assembly Mr. Mbiuki who took the minutes in the meeting and we agreed that there is no recess because of the lost three months because of Covid-19. Again, we have been sitting only once a week; as a House we should not advocate for any recess. Members should continue with business as usual and that is what was agreed by both Minority and Majority Leaders of this House, I being a Member. Thank you, Hon. Speaker.

Hon. Maitha: Point of order, Mr. Speaker.

Hon. Deputy Speaker: Go ahead.

Hon. Maitha: Mr. Speaker, when the Chairs are being vilified for not honouring timelines, it is not because the Chairs would wish to extend time but sometimes, facts on the ground need for them to seek extension because when you do not get responses from the Executive, do you bring a report without the sense of which the Statement was sought.

I am just asking the Members to be patient because a Chair cannot just wake up and request for an extension. What we would wish to do is to request the Executive to be on their toes that when a Statement is sought and information is being sought from the offices, they should rise to the occasion so that the committee can finish the Statement on time and bring it on the floor of the House. Thank you.

Hon. Kiteng'u: Point of order, Mr. Speaker.

Hon. Deputy Speaker: Let me just give some information Hon. Member. Two things; one on the issue of recess, the House Business Committee tabled a report in this House, giving the timetable of the Assembly and this House approved that timetable and that timetable took into consideration the total number of sittings which we do in a year, what we have done and what is remaining to be done and by so doing, extended the sittings of this House up to the 15th of December but that did not mean that we do not have recesses because of various issues which arise as a result of the same.

For example, this recess which is going to be done now was specific, would have coincided with public participation for the Finance Bill for example. It is already predetermined based on that. When the Finance Bill is finally brought before the House, public participation will need to be done at that time and we will have to slot in a recess of a week or so to be able to facilitate that to do.

So, the timetable which was brought here has taken to consideration the total number of sittings which we are supposed to do in a year and has also taken into consideration how we are going to catch up on lost time, it is all included in that calendar which was brought here.

Secondly, when we go on short recess and a short recess is not for more than two weeks, we are not closing shop; we are going to committees, we are actually going to full time work on committees and as you all know, a House in committee is a House at work, a House in the plenary is a House to the public. So, we will have two weeks and during those two weeks you will be doing our normal eight sittings per week and therefore in the current scenario, I do not see how this Hon. Members are not putting their very best to ensure they provide what they are supposed to do in their mandates.

Instead of sitting for four committees during the recess, they will be doing eight committees now to ensure that they catch up on lost time in as far as report writing is concerned and as far as the workload which we are supposed to do for the public is concerned.

So, all that has been taken into consideration, Hon. Deputy Majority Leader and when you hear us talking about a recess, it is all in the plan and it has all been well articulated in the House

during the presentation of the House Business Committee. There is the issue we are talking about here---

Hon. Ndawa: A point of information on the same.

Hon. Deputy Speaker: Hon. Judas, let me finish.

Hon. Ndawa: Yes. I just want to---

Hon. Deputy Speaker: I will give you time.

Hon. Ndawa: Okay. Thank you, Sir.

Hon. Deputy Speaker: On the issue of the deadlines which are submitted to the various committees, I know there is the issue of the Selection committee which was supposed to bring its report before this House, today and decision was made last evening by the Speaker of this House, in conjunction with the Clerk, the Majority Leader and the Minority Leader to push the report to Tuesday next week because there are some considerations which the House leadership needed to make in that report considering that it is a report which is touching on committee membership and it is also touching on the leadership of committees and touching on responsibilities in the various committees.

There is nothing which is going to change because once a certain committee has done a report, it has done a report but they requested that the report was only presented to them yesterday and they said they wanted to have a look at it as leadership before it is presented before this House and that is why you can see it has already been balloted for Tuesday next week. The selection committee is not retreating so the report which was prepared by the selection committee will come as it is. It is only that there is that clarification they needed to make before the report is brought before the House and remember that every report which is brought before the House procedurally must be approved by the Clerk and must be approved by the Speaker of the House and therefore if the Speaker of the House has said the report will come on Tuesday next week, then the report has been balloted for Tuesday next week.

We need to ensure that we give the leadership especially the Speaker that prerogative to be able to say this report hold it, bring it, it is within her mandate, it is within her right to say so and therefore rule that that decision was procedurally made by the Speaker and that report will be tabled as it was presented to them on Tuesday next week.

I know that we have been having various pressures on various Chairpersons to meet deadlines. Hon. Moffat has come out very clearly and said, we need to look at the circumstances which are making the Chairperson request to push forward. If now, for example, if they do not get this report by the 20th of August that is why I asked for a commitment from him that do you have a commitment that they will give you on the 20th of August? If they fail, then now the normal process of the House of summoning that specific Officer to be brought before that specific committee and the normal channels followed shall be instituted but for now, if the County Secretary and the Executive have said they will give them the report by 20th of August, then we have a commitment on when the report is going to be presented to them.

I know there are lives at stake as the Hon. Member has said and I know the longer this thing is delayed, the more exposure is there but we have to do things the right way so that we can be able to get long lasting solutions to some of these very sensitive issues especially the human-wildlife conflict. So, I say that he is in order in seeking for that extension let us give them that extension and as I have said that report needs to come before the House on the 15th of September, 2020 and not on the 22nd of September, 2020.

Hon. Kiteng'u: Hon. Speaker, you have not tackled my point of order and I would like to raise it so that you can address together with the rest of the Motion.

Hon. Deputy Speaker: Which point of the order have I not tackled?

Hon. Kiteng'u: On the two issues, one the extension of time and the second issue still on the extension of time and you have not addressed. Allow me to address that so that you can address it together.

Hon. Ndawa: Point of information.

Hon. Deputy Speaker: I want to understand, I do not seem to get your question Hon. Member.

Hon. Kiteng'u: I had raised on a point of order but you told me to wait and you have not tackled it. Can I raise it?

Hon. Deputy Speaker: Yes, please go ahead.

Hon. Kiteng'u: Thank you, Hon. Speaker. My point of order was because of Hon. Maitha and Hon. Speaker, we have a procedure in this House and the extension of time is allowed but giving the timeline of the executive as I had said, that the only issue we can be able to handle here is when we are requesting for any information from the executive, we are mandated to write the first letter and then the second letter and then our Standing Orders allow us to the third letter then we summon the executive and then we can be able to bring up the report.

The executive may choose not to answer or give information; are we going to wait for a whole year and all the maximum of the time extending the time all the time because the executive has not honoured to feed the Assembly with the report?

The second point of order is on the selection committee. I belong to the leadership of this House, I contacted several Members of leadership from last night until this morning because the Hon. Speaker wrote to our wall that giving out the direction. Hon. Speaker, when there is a deliberation of the Majority side and the Minority side, and the point was raised by the Majority Whip. He was not aware of why we are extending the selection committee report.

Members of the selection committee all belong to the leadership of this House and then we need to again have a meeting of the leadership to discuss the same we discussed at Eka Hotel and we have the report. When we are deliberating to give out the guidelines of this House because as leaders we need to guide the House, we need to have the proper information. One, I saw Madam Speaker giving us directions on the consultative meeting which was held between the Majority side and Minority side.

This morning I spoke to the Minority Leader and he was not aware, he just received a call on deliberations on why we should extend the selection committee report and the selection committee received a message yesterday to have a meeting at 8.30 a.m. today. I was here having come for the meeting but there was nobody; the meeting was not honoured, that was all and it was canceled.

Hon. Maitha: Point of information, Mr. Speaker.

Hon. Deputy Speaker: Point of information from Hon. Moffat Maitha.

Hon. Maitha: Mr. Speaker, the Member on the floor he is saying he was here at 8 a.m and there was no one; *Mheshimiwa* Kamulu and I were here at 8.30 a.m. Is he in order to say there was nobody?

Hon. Deputy Speaker: Thank you, Hon. Moffat.

Hon. Kiteng'u: Thank you, Hon. Speaker. What I mean is that there was no meeting and as the selection committee we did not get information that the meeting has been canceled. Again Hon. Speaker, my point here is, when there is any consultative meeting of leadership, let it be done with the entire leadership not two or three people and make decisions of 59 Members of this House.

(Applause)

Thank you.

Hon. Ndawa: Point of information Mr. Speaker, Sir, kindly.

Hon. Deputy Speaker: Thank you. Let me just---

Hon. Ndawa: Kindly.

Hon. Deputy Speaker: Let me first of all just give guidelines on the....

(Hon. Mark Muendo, the Majority Leader entered the House)

Thank you, Majority Leader and I acknowledge you have come to the House. As I have said and I think I have said it again and I repeated that point. Why I am saying this, is because you are requesting that I did not address that issue, I addressed the issue because I said for example, in his case, I requested him whether he has a firm commitment that on 20th of August, 2020 they are going to respond and he told me he has a firm commitment from the executive then I said, if they do not respond by then, then the procedure you are talking about which is spelled out in our Standing Orders, kicks in and we are able now to give the summons to the officer to appear before that committee and give an explanation as to why they have not been able to present their report.

So, that procedurally, I said they are following the procedure because once you contact them and they tell you, we will give you by a specific date, then you cannot say there is no response from the executive, you cannot issue summons when you already have been given a timeline on when they are going to give you the response.

Secondly, and I want to make this very clear because I am not going to open this debate. Hon. Ndawa just switch off the mic first. I am not going to open this debate; I am moving on to the next item after I finish with what I am saying. If the Speaker---

(Hon. Ndawa spoke off record)

Judas Ndawa, let me finish what I am saying and I told you I will give you time during the debate on the Motion. If the Speaker makes a ruling on any item, if the Speaker does not approve a report for it to appear before this House, believe you me it will never see the light of the day; that is the rule, that is the order, that is the procedure. You can make a report as a committee and present it to the Clerk and the Speaker seeks for more time to go through that report and approve it, then they need more time to go through that report and approve it, then they need more time to go through that report and approve it.

The onus is on the Speaker to approve every single report which comes before this House and we cannot now go and start questioning why Madam Speaker or the Chair did not approve a report to come before the House. So, once a ruling has been made by the Speaker that a report is going to be brought before the House next week, then the ruling has been made by the Speaker and there will be no more debate on that issue. Mr. Clerk, proceed.

MOTION
REPORT ON PETITION BY DONKEY OWNERS

Hon. Deputy Speaker: Thank you, Mr. Clerk for that. The next order is on a Motion and this is on a report of the Agriculture committee on the petition by donkey owners of Machakos County to be done by the Hon. Moses Mitaa, Chairperson, Agriculture Committee. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. Report of Agriculture committee on the petition by donkey owners of Machakos County. I think there is a mistake somewhere Hon. Speaker.

Hon. Deputy Speaker: I think it should be a report of the Agriculture committee on the petition by donkey owners of Machakos County. So, you need to make a correction on your statement. It should be on the petition by donkey owners of Machakos County.

Hon. Mitaa: Thank you, Hon. Speaker. Report of Agriculture committee on the petition by donkey owners of Machakos County.

Hon. Speaker, that aware that the Mission for the Department of Agriculture, Livestock and Fisheries in Machakos County is to promote innovative, commercially oriented and modern Agriculture through development and enactment of enabling legal framework:

Further aware that Article 119(1) of the Constitution provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing any legislation;

Cognizant that the Donkey Owners of Machakos County in November 2019 petitioned the Assembly to consider their grievances such as rapid decrease on the population of donkeys, bush slaughtering, theft, depriving families of their income among other grievances. Informed that the petition was received in the Assembly and committed to the committee on Agriculture pursuant to Standing Orders 190, 196(1) and 203 (1);

Aware that pursuant to Standing Order 190 (5) the committee discussed the petition, conducted site visits and consequently compiled a report;

Hon. Speaker, I wish to move the Motion that this Hon. House discusses and approves the report for the committee of Agriculture on Petition by Donkey Owners in Machakos County.

Hon. Speaker, I wish to call upon Hon. Michael Mutiso who is in the extended Chamber to second the Motion.

Hon. Deputy Speaker: Let us go on the extended Chamber. Hon. Micah Mutiso.

(Applause)

Hon. M.N. Mutiso: Thank you, Hon. Speaker. I second the report.

Hon. Deputy Speaker: Thank you, Hon. Mica Mutiso. Hon. Moses Mitaa you may read the report, please.

Hon. Mitaa: Thank you, Hon. Speaker. I want to read the report by Agriculture on the petition by donkey owners in Machakos County.

Introduction

Hon. Speaker donkeys play an important role in Kenya's agricultural economy whereby donkey keepers and users have a high potential in contributing to poverty reduction through income generation (The Brooke, 2019). Donkeys have mainly been perceived as a source of draft power for domestic and commercial purposes hence popularly referred to as 'the beast of burden.'

In the recent past, recognition of the potential contribution of donkeys in improving livelihoods has resulted in initiatives to promote the donkey sub-sector. Most of these initiatives focus on donkey welfare in particular their health and general management.

Mandate of the Committee

Hon. Speaker, the Committee on Agriculture is established pursuant to the Second Schedule of the Standing Orders with specific mandate to deal with all matters related to agriculture, including crop and animal husbandry, cooperatives, livestock sale yards, county abattoirs, plant and animal disease control, irrigation, fisheries, cooperative societies and veterinary services (excluding regulation of the profession).

Committee Composition

Hon. Speaker, the committee on Agriculture comprises of the following Hon. Members;

1. Hon. Moses Mitaa - Chairperson
2. Hon. Michael Mutiso – V/Chairperson
3. Hon. Benedette Musyoka
4. Hon. Eric Musembi
5. Hon. Geoffrey Kamulu
6. Hon. Joshua Nzuki Muli
7. Hon. Constance Nzioki
8. Hon. Antony Mulu
9. Hon. Nicholas Mutuku
10. Hon. Paul Nyanzi
11. Hon. Rozina Kanini
12. Hon. Tariq Mulatya

Background Information

Hon. Speaker, in Kenya, the donkey was gazetted as a food animal in the year 1999 (GoK, 1999) with the aim of curbing backyard slaughter, improving food safety and stimulating donkey production in response to market availability. An increase in global demand for donkey meat and skin led to establishment and licensing of donkey slaughterhouses.

To this end, four export donkey slaughterhouses were established, licensed and operationalized within the period 2016 to 2018, namely Goldox Kenya Ltd in Baringo County, Star Brilliant Donkey Abattoir in Nakuru County, Silzha Ltd in Turkana County and Fuhai Machakos Trading Co. Ltd in Kithyoko, Machakos County (The slaughter House being petitioned in this Assembly).

Licensing of these slaughterhouses was envisaged as a potential avenue to increase the commercial value of the donkey and create job opportunities thus contributing to improved livelihoods. It was understood that full operations of the four slaughterhouses required a steady flow

of donkeys beyond the current population.

(Hon. (Ms.) Mutuku entered the House)

(Hon. (Ms.) Mutuku sat on a seat previously occupied)

Hon. Deputy Speaker: Just a minute. Hon. Member, I think you might need to sit right at the top there, I think Serjeant at Arms, there is somebody who has already sat there so seat on the sit at the top there and I do not think Serjeant at Arms that is the job I should be doing. Go ahead Hon. Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker.

Donkey Business in Kenya

Hon. Speaker, the advent of donkey slaughterhouses in Kenya elicited hope of better fortunes among keepers of the domestic animal. However, a recent study paints a gloomy picture of the owners losing much more than what they would have earned should they have not sold their beasts of burden for slaughtering.

A report published by the Kenya Agriculture and Livestock Research Organization (Kalro) and Brooke East Africa reveals that farmers lose Ksh. 11,390 on every working donkey that is offered for slaughter. More than 98 percent of the donkeys that are slaughtered are destined to China with high demand for the animal skin leading to high cases of theft and smuggling.

Many of these exported donkeys end up in the Eastern town in China called Dong'e, where most of the world's *ejiao*, a traditional medicine made from gelatin extracted from boiled donkey hides is made. *Ejiao* was in the past prescribed primarily to supplement lost blood but today, it is sought for several uses, such as delaying ageing, increasing libido, treating side effects of chemotherapy, preventing infertility, miscarriage and menstrual irregularity.

Donkey meat is also a popular food for Chinese but a huge drop in the number of Chinese donkeys and the fact they are slow to reproduce has forced suppliers to source donkeys from other areas of the world.

Legal provisions related to petition

Hon. Speaker, Article 119(1) of the Constitution provides that every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation. Section 88(1) and (2) of the County Governments Act 2012 states that Citizens have a right to petition the county government on any matter and the Citizen petitions shall be made in writing to the county government.

The County Assembly of Machakos Standing Order 196 provides for the procedure of admitting a petition that:

- (1) A petition to the Assembly shall be—
 - (a) Submitted to the Clerk by a petitioner and reported to the Assembly by the Speaker; or
 - (b) Presented by a Member on behalf of a petitioner, with the consent of the Speaker.
 - (c) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing orders and of the law.
 - (d) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.

- (e) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the Assembly.
- (f) Standing Order 203 (1) states that every petition presented or reported pursuant to this Part, shall stand committed to the relevant Sectoral Committee.

The Petition

Hon. Speaker, the petitioners raised concerns on slaughtering of donkeys by Fuhai Machakos Trading Co. Ltd abattoir in Kivaa Ward and raised the following grievances:

1. That Article 40 of the Constitution provides that the state or any person shall not arbitrarily deprive a person off property of any description or of any interest in or right over any property of any description;
2. That the National Government gazette donkey as food animal in Legal Notice 146/1999 'Declaration of Slaughterhouses' in order to curb backyard or bush slaughter and improve food safety thus leading to establishment of a donkey slaughter house in Machakos County by Fuhai Machakos Trading Co. ltd Abattoir.
3. That, Fuhai Machakos Trading Co. Ltd Abattoir was issued with a license to slaughter donkeys on condition that they slaughter donkeys I humane way, established donkey breeding farms to sustain their stock and supply, observed high sanitation standards in their facilities;
4. That Fuhai Machakos Trading Co. Ltd Abattoir has disregarded all legal conditions set out in the trading license which is mainly not to slaughter pregnant donkeys and to establish own breeding farms for purposes of sustainability of the animal numbers in Machakos County and Country as a whole;
5. That the number of donkeys slaughtered in the last three years in Machakos County has increased drastically leading to theft and illegal slaughtering of donkeys in the bush thus depriving Machakos families of their main sources of income.
6. That if no action is taken to stop the wanton slaughter of donkeys in the County it will lead to extreme poverty and donkey population will fall below effective productive numbers since the mean rate of donkey slaughtered per year was 5.1 percent between 2016 to 2018 against a reproductive rate of 1.04 percent recorded between 2009 to 2016.

8.0 PRAYERS OF THE PETITIONERS

Hon. Speaker, the petitioners were humbly praying that the Assembly does the following;

- a) That Machakos County Executive revokes the operating license of Fuhai Machakos Trading Co. Ltd Abattoir and permanently stop the slaughter of donkeys in Machakos County.
- b) The Machakos County Executive issues orders/ communication to the public to caution against butchering donkeys in the bush and unlawful sale of stolen donkeys; and
- c) County laws and regulations are increased to improve county Government's supervision, inspection and monitoring of all abattoirs to ensure that no donkeys are slaughtered in the County.

9.0 COMMITTEE MEETING WITH THE ADMINISTRATION OF FUHAI MACHAKOS TRADING CO. LTD, THE PUBLIC AND OBSERVATIONS

Hon. Speaker, in November 2019 and in February this year the committee conducted site visit to the petitioned abattoir and held a meeting with the administration and members of public to collect their views and also observe the constructional standards of the facility. This is in line with Article 196(1)(a) and (b) of the Constitution that mandates County Assemblies to conduct their business in open manner and facilitate public participation and involvement in

the legislative and other business of the Assembly and its Committees. The following were the observations:

1. That Fuhai Machakos Trading Co. Ltd Abattoir is a fully registered abattoir licensed to slaughter donkeys through a Gazette Notice 146/1999 on Declaration of Slaughterhouses.
2. The company started operating in November 2018 and temporarily stopped its operation in May 2019 in order to complete its renovation work to meet the standards required by NEMA and public health. The abattoir was slaughtering an average of 400 donkeys per month.
3. That donkeys slaughtered in this abattoir is sourced from Turkana and Garissa Counties and not from Machakos County as stated by the petitioner's grievance No. 5 and the company pays fees for animal transportation to the County Government of Machakos.
4. That all donkeys brought to the facility are covered under a verified Transportation Permit and so cases of donkey theft and bush slaughtering are well controlled. This is contrary to Petitioner's grievance No. 5.
5. Slaughtering of donkeys is done in humane way by doing single shooting at the entry of the slaughter yard as provided in the animal rights regulations. This is contrary to petitioner's grievance No. 3.
6. The company on arrival inspects all the donkeys brought to establish the pregnant ones if any. Such donkeys are returned to the owners and changed with others which are not pregnant. This is contrary to what the petitioner stated in grievance No. 4. The Director informed the committee that they witnessed only one case of a pregnant donkey which they later returned to the owner for exchange. On this matter the company is very strict as required by law.
7. High standards of sanitation is observed through frequent washing of the abattoir floors, provision of well managed sewerage canals and large waste pods. This observation addresses the agreement in the license as stated in the Petitioners grievance No. 3.
8. That officers from Kabete Veterinary Institute often visit the facility to check compliance of abattoir rules and standards, hence the Petitioners grievance No. 3 on the required sanitation standard is addressed.
9. As a way of corporate social responsibility, the company has supplied electricity and water to the neighboring homesteads. Further, the company had made plans to sponsor the best three (3) students from Kivaa zones which is a good move in promoting education within the rural communities. The plan addresses the petitioners grievance No. 5 on source of income and No. 6 on extreme poverty.
10. The company had developed a plan of establishing a donkey breeding stock in the area in order to increase donkey supply and maintain the required donkey stock. This helps to keep the slaughtering rate below the reproductive rate as required by law. This plan addressed the Petitioner's grievance No. 6 and No. 3 on maintenance of breeding stock.

10.0 RECOMMENDATIONS

Hon. Speaker, the committee in making the recommendations relied on the above observations and the prayers of the Petitioner and arrived at the following recommendations:

Prayer No. 1: That Machakos County Executive revokes the operating license of Fuhai Machakos Trading Co. Ltd Abattoir and permanently stop the slaughter of donkeys in Machakos County

Hon. Speaker, the National Government lawfully granted Fuhai Machakos Trading Co. Ltd. License to slaughter donkeys through a Gazette Notice 146/1999 on Declaration of Slaughterhouses.

Further, the National Government through the Ministry of Agriculture, Livestock, Fisheries and Cooperatives, CS Hon. Peter Munya on 24th February, 2020 issued a statement on ban of donkey slaughtering. The statement was issued following complains and protests from the

Association of Donkey Owners in Kenya. Matters of backdrop of dwindling numbers of donkeys due to rampant theft, disenfranchised farmers who use donkeys for domestic purposes and massive unemployment to residents were stated as grounds for the ban.

Following the statement, the owners of Goldox Kenya Ltd in Baringo, Star Brilliant Ltd in Nakuru, Silzha Ltd in Turkana and Fuhai Trading Co. Ltd in Machakos County were given one Month's Notice to transform their slaughterhouses for purposes of handling cattle meat (cows, goats, sheep and chicken). Their licenses to slaughter donkeys were revoked immediately (*See a copy of the Statement*).

Hon. Speaker, in line with the above Statement and the pillar on Industrialization that falls under the Big 4 Agenda without forgetting that Fuhai Machakos Trading Co. Ltd is a vital facility of Machakos County that has been paying Tax besides providing employment to our residents, the committee therefore recommends:

1. That Fuhai Machakos Trading Co. Ltd transforms its slaughter house from handling donkey meat to handling cattle meat (cows, goats, sheep and chicken). This is very possible because Masinga Sub County where the company is situated is one of the leading livestock keeping areas in Machakos County and just opposite Kitui County and Mwingi which are also known for indigenous livestock keeping.

This will maintain the operations of the company so that it can continue offering essential services to residents of Machakos and actualize its plans on corporate social responsibility stated in the committee's observations.

Further, the above recommendation was made pursuant to Article 189 (1) of the Constitution that provides for the two levels of government, the National and the County Governments and they are required to work in consultation and cooperation.

2. That County Government of Machakos revokes the donkey license and issues a new trade license of handling cattle meat.
3. That County Government of Machakos implements the above recommendations through its officers who should supervise strict compliance and adherence.

Prayer No. 2: The Machakos County Executive issues orders/ communication to the public to caution against butchering donkeys in the bush and unlawful sale of stolen donkeys

Hon. Speaker, the committee in its observations confirmed that the company has laid strict measures to control receiving of stolen donkeys. However, the committee was informed of cases of donkey theft and bush slaughtering in some areas of Mwala Sub County. On this prayer, the committee recommends that;

The County Government of Machakos should caution its residents on illegal donkey trafficking, theft and bush slaughtering. Instead, the residence should be sensitized on how to improve donkey production within the County since donkeys is a source of farm power and income. This could be done through public meetings as provided in Section 95 of the County Governments Act 2012.

Prayer No. 3: County laws and regulations be enacted to improve county Government's supervision, inspection and monitoring of all abattoirs to ensure that no donkeys are slaughtered in the County

Hon. Speaker, without County laws and regulations to govern livestock production, matters of meat, slaughtering and handling of animals; it will be difficult for this County to exhaustively utilize the potentials and opportunities that go with livestock production. On this prayer, the committee recommends that:

The County Government of Machakos makes laws and regulations to govern livestock abattoirs, supervision, inspection and monitoring of stock. This will prevent entry of un warranted meat, unlawful livestock related activities and conservation of genetic stock.

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11.0 CONCLUSION

Hon. Speaker, a sustainable livestock system cannot be implemented without constant innovation and it can also not be implemented in isolation but should bring together the views of policymakers and relevant stakeholders while being supported by informed consumer choices.

It must also be noted that policy choices should seek for balance among the different pillars of sustainability. The demand-driven transformation of livestock agriculture provides unprecedented opportunities for sustainable development of the Kenyan economy. Livestock owners can improve their livelihoods and the development of the sector could generate major socio-economic benefits, such as job creation in both rural and urban areas and increased availability of affordably priced animal source foods.

Hon. Speaker, it is my pleasant duty and pleasure to table before this Hon. House, the report of the Committee of Agriculture on Petition by Donkey Owners in Machakos County. Thank you Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, very much Hon. Moses Mitaa, Chairperson Committee on Agriculture and the Majority Whip of this House.

(Question proposed)

Hon. Deputy Speaker: Hon. Agatha Mutunga.

Hon. (Ms.) Mutunga: Nashukuru, Bw. Spika, kwa kunipa nafasi hii kwa kuchangia msawa wa kamati ya kilimo. Bw. Spika, nilikuwa mmoja wa wale walienda mashinani kwa ajili ya kuchunguza kilichokuwa kinaendelea na kweli wanaojiita wenye punda, ama kwa kimombo *donkey owners*, nina kila sababu kuwajulisha kwamba tamaa na heshima haziishi chumba kimoja. Walioamua maendeleo, waliamua heshima. Kwanini nasema hivyo? Kulingana na ushauri wa kamati ya kilimo, tulijulishwa kwamba wale waliokuwa maeneo yale ama majirani wa kampuni ya punda wanapewa maji bure. wakati tunajua maji ni adimu kwenye kaunti ya Machakos. Ukiona anayekupa maji bure ni sawa na aliyetumwa na Mungu baba.

Pili, ninachosema, walichukua watoto wa eneo lile, nimemsikia mwenyekiti wa kamati ya kilimo akisema watatu; nilisikia wakisema tano na kila mwaka unasomeshwa kuanzia darasa la nane unapofanya mtihani mpaka utakapokuta kibao kimeandikwa hakuna elimu endelevu. Wakati kila mmoja utakubaliana na mimi alioko mahali hapa anajua gharama ya elimu. Wengi wetu tutakubaliana tumekuwa hatuna maendeleo kwa anjili ya elimu. Kwa hivyo inamaana walipopewa ile elimu inamaana wafaa washukuru kuliko malalamiko.

Namba tatu; wanapewa umeme. Si wote tulioko mahali hapa wamebahatika kupata umeme ila wale wamepewa umeme bure. Kila mmoja wetu hapa atakubaliana na mimi kuna kiasi fulani ama kuna kiwango fulani cha umeme anaolipa kwake lakini wale wamepewa bure. Lakini hali kadhalika ninachosema ni hivi Bw. Spika; hiyo ni siasa na hata ingawa walipokuwa wanaleta malalamishi, ile kampuni ilikuwa imefungwa kama miezi sita kabla walete malalamishi. Kwa hivyo walileta wakati hata kampuni ilikuwa imefungwa, ilikuwa haiendelei.

Kwa hivyo, ninaweza kusema wale ni adui wa maendeleo ndani ya kaunti ya Machakos. Kwasababu basi wale tulijulishwa kwamba walikuwa wameajiri zaidi ya watu 700 ama wenye eneo lile 700 kama nakumbuka walivyosema. Kwa hivyo inamaana waliloleta ule msawa kujiita wenye punda na Bw. Spika, naomba niseme hivi; kama kulikuwa na wakulalamika kwa ajili ya punda mmoja wao kwasababu nafahamu na notaka ile eneo, ambaye najulikana mimi ndio tajiri wa punda eneo lile.

(Applause)

Na lile eneo Bw. Spika hakuna aliye na punda zaidi ya wawili na zaidi ya yote walituambia kana kwamba hawachukui punda aliyechinjwa, wanachukua punda mzima mzima na hawachukui chini ya punda ishirini. Kwa hivyo ninachosema wale waliojiita wenye punda ningependa sana wangukuwa hapa ndio wajue hii ni nyumba ya sheria na haifai kuchezeza, inafaa kila mmoja aielewe kila kinachoendelea hapa ni wenye wanajifahamu na wenye wanajitambua wanachokifanya.

Kwa hivyo basi ninapotimiza hili Bw. Spika tulipokuwa tunakua nilikuwa nasikia, ukufanya kosa la jinai kama ile waliofanya waliojiita wenye punda ulikuwa unaenda kufungwa, nilisikia kulikuwa na viboko viwili, kimoja cha umeme na kingine kilikuwa cha mkono. Ningeshuri hii Bunge iweze kushauri vyombo vyote vya dola ikiwezekana wale walioleta ule mswada wachukuliwe hatua kwa ajili ya kuleta udanganyivu kwenye hii Nyumba na kama inawezeka wapewe nidhamu ya *design* hiyo ama ya namna hiyo. Ikiwezekana viboko viwili kila mmoja asubuhi na jioni ndio waweze kujua kana kwamba siasa mbaya ni maisha mabaya.

(Laughter)

Bw. Spika, nikitimiza ninachasema ni hivi; yeyote aliyekuja mahali hapa alikuja kwa ajili ya kutetea mwananchi na kusema kweli kwa sababu kweli inadumu na kweli inatuacha huru. Kwa hivyo basi tukiendelea kudekeza watu wa namna hii watatuchukulia kawaida, watatuchukulia hatuelewi, na wataona kwamba ni Nyumba ya kuchezeza. Kwa hivyo naomba hii iwe ni somo kwa wengine wanaoleta miswaada kutetewa kwenye hii Bunge waelewe kana kwamba tuko tunamaanisha. Kwa hivo nashukuru Bw. Spika kwa hilo ila nasimama kwa ajili ya kuunga mkono mswada ulioletwa na kiongozo wa kamati ya kilimo. Ahsante, Bw. Spika.

Hon. Deputy Speaker: Thank you, Hon. Agatha. Hon. Geoffrey Kamulu.

Hon. Kamulu: Thank you, Mr. Speaker. I am a member of the agriculture committee. Mr. Speaker I happen to have gone to the site and I would like to congratulate those members who brought the petition to this Assembly because Mr. Speaker, it was an eye-opener to us and that is how we came to discover through their petition that there is donkey slaughtering in the county and in Kenya.

Mr. Speaker I would also like to congratulate them because in their endeavor they have given kick back to the community through provision of water to the people within that locality. As it has been said by Hon. Agatha, they have also provided electricity to the people and also bursaries in promoting education in that area. Mr. Speaker, they have also created employment, which is actually good and beneficial to that community.

However, Mr. Speaker, according to our findings and our recommendations as a committee, actually we do not want slaughtering of donkeys to continue because those donkeys are not many and they are likely to get extinct. Therefore, Mr. Speaker, I really support the fact that the county government revokes the donkey meat license so that the process should not continue.

(Applause)

Mr. Speaker, in order not to stop the process of the company, Mr. Speaker, we have recommended that they transform, they change slaughtering of donkeys to cows. Mr. Speaker, I don't know whether I am right because I am not a pastor, but I think donkeys actually according to some people faith they are not supposed to be eaten. So, Mr. Speaker as an Assembly and as a committee, we don't want to commit ourselves to mislead the faithful by recommending that they continue eating donkeys according to their faith.

So, Mr. Speaker, we will not be accountable if they continue slaughtering and eating donkeys against the faith as per Christianity, then the Assembly and the committee is not part of the same. Otherwise, Mr. Speaker, thank you very much.

Hon. Deputy Speaker: Thank you very much, Hon. Geoffrey Kamulu. Hon. Hellen Ndeti.

Hon. (Ms.) Ndeti: Thank you, Mr. Speaker. I congratulate the committee of agriculture for taking the responsibility of listening to the petitioners with regard to the slaughter of donkeys in our county. Mr. Speaker, I have listened to the report and I feel that it is justified for this slaughter house to be closed. We cannot just because of small, small goodies be blind to the fact that donkeys have been used in our homesteads in helping with domestic work and if the production of donkeys takes long, we will end up with no donkey to assist our people in this domestic chores that it has been helping with.

I am sure it is just fight for closure because even the national government, if I heard well, the Cs in charge of agriculture had banned the slaughter of donkeys in Kenya; not just in Machakos County. So I see it justified to get this slaughter house closed for good; let them slaughter sheep, goats, cows and chicken. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Hellen. Hon. Musau.

Hon. Musau: Thank you, Mr. Speaker. Mr. Speaker first and foremost allow me to thank the chair and the entire committee for a work very well done, thank you for their scrutiny and realizing what is and what is not. Mr. Speaker, according to evaluation that had been done it was thought donkey slaughter would be more advantageous than more disadvantageous, Mr. s[Speaker, but despite the so many goodies coming with the slaughter houses and the slaughtering of these animals, it turned to be chaotic.

Mr. Speaker, I want to differ with the opinion that, donkey should not be slaughtered again, Mr. Speaker. Why Mr. Speaker? In Baringo right now, despite the stop that was put by the Cs agriculture, a firm has come up with modern ways of producing these animals faster and if the same skills, if the same modern knowledge can be applied in producing more donkeys, then there should be a room.

I want to differ with my brother Hon. Kamulu, that according to a certain faith others should be denied to slaughter these animals, Mr. Speaker, while our brothers and sisters the Muslims don't believe in slaughtering and eating the pigs while we Christians are very happy and it is a delicacy to us the pig meat, Mr. Speaker. My opinion is that; modern ways be employed to enhance reproduction of these animals. Let us use the modern science, let us all bench mark in Baringo that farm what they are doing right now, because they are reproducing faster and if we can reproduce these animals faster and we have a threshold that can be butchered to the advantage of our local community, then there is nothing wrong with that Mr. Speaker.

If the animals we have the cattle we have is not slaughtered and we have excess of it, then it is wastage to our community. I want to read the politics that have been cited by my sister *Mheshimiwa* Agatha. I want to believe there was an ill motive from day one of the untimely presentation of this petition. Why should it come after the CS has already stopped the butchering of these animals all over the country?

So I want to thank the committee because they came out with the truth. The truth is that the allegations the petitioners made, many of them were proven wrong by the committee and as per the response by from the executive, Mr. Speaker. So, this being a House of honour, I think it was a motive primarily aimed to taint one of us, but Mr. Speaker, I want to agree with the committee that ours is a fact-finding mission during the site visits and hence and therefore say thank you to the

chairman the committee members and the entire House believing we shall approve this motion, Mr. Speaker. Thank you so much, Mr. Speaker. Thank you, Hon. Members, for your audience.

Hon. Deputy Speaker: Thank you, Hon. Jacqueline Nziva and then from there I want to go to the outside where I have some Members who want to contribute. Hon. Jacqueline Nziva.

Hon. (Ms.) Nziva: Thank you, Mr. Speaker and Hon. Members present. I wish to thank the Chair of agriculture committee for this report and wish to join the previous contributors who have really supported this report. Our women's backs will really and will continue to be saved because at the end of the day donkeys serve a great purpose in transporting water even if people do not go long distances but donkeys really help a lot.

They also help in transporting our goods so I wish to believe that and say that donkeys should not be slaughtered because they do a great job to our *mamas* and even our people in this county. So thank you so much, Mr. Speaker.

Hon. Deputy Speaker: Thank you. On the extended chamber, I have Hon. Francis Kioko Kalumu.

Hon. Kalumu: Thank you, Mr. Speaker. I would like to thank the committee for the petition but my view is different because in Kenya we are supported by the economy and when we do not have a good economy and investors investing in our country, our survival will be wanting. A good example is in Yatta in Kithimani where we have schemes; if you want to grow beans you unite farmers and give them seeds to plant beans and then start an operation of exporting that. Why are we exposing our economy? Why are we blinded by people who are serving their own interests?

Here Mr. Speaker, we have donkeys that are very good yes, but if it can be a lucrative business for our people why are we closing it? Mr. Speaker, our economy needs more factories than what we have now. Any other place and any other country in the First world and in other Third world countries, I tell you everything is consumed but here because of our faith, we do not consume but why close selling? Because that is closing our economy; yes you are saying the donkeys are good, they do manual work and they assist us in doing home chores but my question is if a donkey gets old and I want to exchange with money, should I go and bury it?

If there is no buyer who wants a donkey should I throw it or give it away for free and I need money but when there is an investor who is buying this for meat and the meat is respected in selling in Kenya, why are we... what we should do as a county is put a donkey policy or a donkey law. Put in place a policy which will enable that business to be conducted in our county and put controls whereby donkeys will not be slaughtered in bushes.

I will not be part of a County Assembly that losses business because if we dare say, okay, let us close and say now this slaughter has been used for slaughtering cattle and everything, if this rearing of donkeys becomes a lucrative business for Kenya, we will start tracing back what we said and legitimize this activity?

Let us be open for whoever wants to rear donkeys and sell to other countries because it might be in Masinga and Yatta it is the only place in our world where we have a good climate for keeping donkeys. If God has given us that gift, why are we throwing it? Mr. Speaker, although there is a ban by our national government on banning the slaughtering donkeys in our country, I am of a different opinion that we should not follow suit just because of sentiments of a...what we should seek is our opinion and also add on how we can do that business in line with control of people who are saying we are losing this and we are being affected.

Can we solve this problem of losing donkeys and make that business continue because we will be losing employments, we will be losing all that water that was being given to our people? We will be losing that education that was being given to our people so I do not want to be blind. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Let me have Hon. Constance Mbula.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker. Mr. Speaker, I acknowledge that the committee has done a very good job through its Hon. Chairman and very hardworking chairman and Mr. Speaker, I want the Hon. Members to look into the fact that culturally, donkeys were supposed to be domestic animals and they carried very good works within our families and those are animals we love and we still love them.

Mr. Speaker, as we went for sight visit all of us in the committee we met with them and we had discussions and deep discussions and by the end of it you have all heard the prayers of the petitioner which became null and void because we sourced the truth and we got the truth. It is true Mr. Speaker, this trading company had given our people work and every person wants to earn a living but you look at it in a different angle that we are killing domestic animals and if we continue doing this the family of donkeys will be extinct.

Mr. Speaker, there is an example of an extinct tribe somewhere in North Eastern (?). I do not know what happened they do not give birth, they do not reproduce, this is not a case of our animals. Our donkeys are reproducing and we need that reproduction to keep us going in relating to works and assisting families. Mr. Speaker, I want to say the report was clear and the findings were clear and the factory is not closing. Some Hon. Members think there is beyond what we are seeing or what we discussed when we went there but Mr. Speaker, what we have done is what we have seen to be the truth that one is not closing we have not said it closes. We only have said it changes business from donkey slaughtering to other edible animals.

I have no idea when donkeys became food in Africa. So I do not think it is wise from us just to emulate other peoples' culture because we want money. Money you can find it in other means and so Mr. Speaker, I want to support the report and say that company changes from donkey slaughtering to other edible animals for our living. Thank you, Mr. Speaker. I support.

Hon. Deputy Speaker: Hon. Angela you wanted to have a point of information?

Hon. (Ms.) Mutunga: Nataka nimfahamishe mheshimiwa mwenzangu tulipokua pale tuliambiwa kwamba wana hawamu tatu. Ya kwanza ilikua nikunchinja punda lakini walisema baada ya miezi ama mwaka walikua waanze na ng'ome na mbuzi. Na hata walikua na mategemeo ata ya kuchinja pia kuku. Kwa hivyo si eti kwamba walikua wanachinja punda tu bali walikua na tegemeo ama walikua na kusudio la kuendelea kuchinja mbuzi na ng'ombe. Asante, Bw. Spika.

Hon. Deputy Speaker: Now I will have Hon. Justus Kiteng'u, Hon. Cosmus Masesi and then I will have the mover of the motion respond; we only have about 15 minutes. Hon. Member from Kivaa where this issue is coming from. Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Hon. Speaker. First I would like to applaud the committee for the good job and attest that I accompanied the committee. I got the invitation and this slaughter house is situated in my ward actually in my village and I would like to tackle three issues on the same. Firstly, I would like these Hon. Members to know that a donkey is a domestic animal just like a cow, a goat, a sheep like any other domestic animal and traditionally us, for example, where it is located is Kamba land we do not eat donkeys.

Once donkey dies, we just bury them like any other animal but here we have an investor who does or rather who consumes the same meat. Hon. Speaker, this Chinese company called Fuhai used not to sell the meat locally they used to export the meat to their country China and when they started the factory in my ward back in 2015 but it was implemented in 2018. It only ran for six months.

I have seen the petitioner try to explain that for the last three years the Machakos donkeys have been getting lost and all that. The committee visited the Chiefs Camp there was no single theft which had been reported in the area.

Secondly, the investor had not buying or was not requesting for the donkeys from around Machakos; actually he was getting the animals as far as Garissa, Isiolo and even Ethiopia and locally the company had employed more than 200 workers. Right now, unfortunately, we had stopped the factory which had run for only six months and they had not followed some of the measures when it comes to cleanliness and we had a negotiation with the local leaders and we told them they have to meet this and that.

Hon. Speaker, when it comes to the factory changes its business to a different one, I am opposing that. This is a domestic animal, you can source it wherever you want if it is about selling the donkey you can sell it wherever you want because it is yours and it is a domestic animal but directing that the factory closes or changes the business to a different one; Hon. Speaker, when you put up a business you do sales of cement and somebody else comes and tells you that know this cement business is not in hand what you need now is to start selling groceries and that is not the right direction.

In Kenya we have freedom; there was a complaint and it was because of the cleanliness which came in the enter country and the CS gave out the direction that you have to close until...because the factories were four, you have to close until you meet the measures given by the ministry of health and the ban has been lifted so far. It doesn't exist now. The investors have been now bared from coming back because of Covid-19. I have more than 200 youth back there in Kivaa and those youths need jobs back.

So, Hon. Speaker, the committee visited and got the views of the people and changing the business to a different, one that is the view of the committee, but the view of the people of Kivaa ward is that as long as the business has followed the measures, they are ready to have the business run. Fuhai Company has not been sourcing the donkeys from Machakos; it has been sourcing the donkeys from as far as Ethiopia that is a different country.

Now when we are going to direct them to change to slaughter maybe cattle or goats then we are now giving them the wrong direction as far as we have pour constitution which leads and guides this country. So Hon. Speaker, it is my prayer that the committee has done its mandate, visited the site and seen the investment is over Ksh. 2 billion.

That is an investor who has invested over Ksh. 2 billion in my ward; what if now the investor chooses to close down completely and stop the running of the business and I had gotten opportunity to even look for color jobs for my youth. Is the committee or this House giving a different solution because we have cattle slaughter houses in the entire country and this investor was interested in slaughtering the donkeys and is the choice of the owner of the donkey to choose whether to sell his donkey the same way I choose whether I am going to sell my cow or I am going to keep it.

So Hon. Speaker, I pray to this House that we give investors as long as legally they are following the legal guidelines of the country of the place and public participation has been done we allow the investors to invest and continue investing in different businesses in our county. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kiteng'u. Hon. Cosmus Masesi?

Hon. Masesi: Thank you, Hon. Speaker. Mr. Speaker, I want to appreciate the report by the agriculture committee chaired by Hon. Moses Mitaa and Mr. Speaker, I want to go on record today that so far the health committee has not received any complaint whatsoever in terms of matters health from the said company. Mr. Speaker, I have gone through the report and I have seen that most of the report comprises of the goodies from the company. I have not seen any complaints by the area residents.

In fact, Mr. Speaker, even the report indicates that the company goes for donkeys from Garissa and Turkana not in Machakos *per se* and Mr. Speaker, the good thing is that the company also pays fees for transporting these donkeys from the neighborhood. Mr. Speaker, again the company is supplying electricity and water to the neighborhood. Mr. Speaker, the report also says that the company had some good plans to sponsor the best three students within the zone thus promoting education.

Mr. Speaker, again it is a source of employment to the community. Mr. Speaker, we have not been told it came all the way with workers but it has employed the locals. Mr. Speaker, I want to echo the sentiments of the previous contributor that we are owners of cows, sheep, goats and Mr. Speaker, we have the autonomy of selling or slaughtering them. Mr. Speaker, I would like this House to be fair enough and also allow the owners of donkeys to have the mandate over their donkeys.

Mr. Speaker, if the owner of the donkey wants to sell it let the owner wants to kill the donkey Mr. Speaker, he will kill the donkey. Mr. Speaker, from where I sit I do not see why we should discriminate the owners of the donkeys and give our views otherwise. Mine Mr. Speaker, as long as the company follows the laid down guidelines and protocols Mr. Speaker, for that business kind Mr. Speaker, let the business continue. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. May I call the mover of the motion to respond please?

Hon. Mitaa: Thank you, Hon. Speaker. I appreciate Hon. Members for their contributions. Hon. Speaker, I think we have all spoken one thing, this company, we cannot afford to lose this company Mr. Speaker, first of all and I want to be very clear under recommendation No. 1; down there this committee has actually stated, 'Hon. Speaker, in line with the above statement and the pillar on industrialization that falls under the Big 4 Agenda, without forgetting Fuhai Machakos trading company limited is a vital facility of Machakos County.'

The bottom line is 'vital facility of Machakos County' that has been paying tax besides providing employment to our residents. I want to state that Hon. Speaker, the reason there is some sort of confusion is because of the directive from the CS. Again another challenge which has faced every sector is the Covid-19 pandemic Mr. Speaker, because our feeling is, we went there, we are actually encouraging companies to relocate to rural areas. This facility is in a very prime place and we can attest that it has transformed that area.

So our view was against the national government when they say these facilities close we could not let the facility close because of its importance to Machakos residents. Mr. Speaker, we must all agree that we work under the national government. They are more superior than the county governments and as much as we would want to undertake the guidelines they are giving, we should also protect our people, we should also protect our investors, and whatever wealth our county has.

So the feeling of the committee is we cannot afford to close this company. We are proud of it because of the kind of changes it has brought Hon. Speaker. Until now when the national government gives the directive on the way forward on this industry of donkey slaughtering, this company must continue operating because it is employing people, this company has transformed that area through giving electricity and water. They were actually expanding that it, they were bringing new machines. That time there were expecting a shipment of a next to align on what Hon. Agatha stated to align so that they can expand.

If it is about the challenges which they had faced initially, they had actually corrected their site so Hon. Speaker, I want to be very clear that we are not recommending closure of this facility. What we have recommended by the time the national government decides who is supposed to play this role, who is supposed to play this issue of donkey slaughtering, the facility must continue operating because closing this facility is bringing back the development of Kivaa residents.

So we are in agreement Hon. Speaker, and I believe Hon. Speaker, once the national government gives a clear directive we will again protect the industries which we have in our county.

They are not sourcing the donkeys from the locality of that area; it is only that they got land prime from their business at Kivaa. They stated very well and Hon. Speaker, they took us through the files, source of market and head of the market Hon. Speaker.

Whatever they do they take the products to China; nothing is consumed locally. Even the skins, bones they are shipped to China. So, Hon. Speaker, our main mandate was actually to protect this company because we could see the importance it had to the residents of Machakos County. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, very much Hon. Moses.

(Question put and agreed to)

Thank you, Hon. Members. Just to give one brief comment before we close on this specific motion. Some of the issues that I have noted is that and I think which is important to note is that the petition was brought in November of 2019 whereas the ban came in February, 2020 so by the time the petition came and issues were being raised by the petitioners the ban had not being put in place. The ban came in February 2020 while the petition brought the petition in November of 2019.

I do believe the issues raised by petitioners are the same ones that had being laid by the donkey owners who made the minister to close or to give a ban on donkeys and they have given specific conditions and I believe what the chairman is saying is that if the conditions are met, then there should be no reason whatsoever why donkey business should not be resumed.

As we know pursuant to Article 189(1) the two levels of government, the national and county governments have to work together so if a ban is a direction of national government, then the same applies to the county government. This company would need to, because of its importance to Machakos County, I would recommend that the committee also advises the company to be able to present and defend its case with the national government, with the ministry of agriculture and they can be able to defend their business by showing how they have mitigated on issues which were raised during the ban.

In the meantime, as the chair has recommended let then implement the second phase, *awamu ya pili* of slaughtering cows, chicken and when the conditions for handling of donkeys are met, then they resume their prime business of handling donkeys.

ADJOURNMENT

Hon. Deputy Speaker: Thank you, very much Hon. Members. This House stands adjourned now to Tuesday the 18th Day of August, 2020 at 2.30 p.m. Thank you.

The House rose at 12.28 p.m.