

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 19th February, 2019

The House met at 2.33 p.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

Hon. Speaker: The chair at this time is supposed to ensure quorum and I have asked the Clerk Assistant and he says we are not having quorum. Serjeant at Arms, ring the bell.

(Quorum Bell rung)

So Hon. Members we can now commence our sitting this afternoon.

COMMUNICATIONS FROM THE CHAIR
RECONSTITUTION OF POWERS AND PRIVILEGES COMMITTEE

Hon. Speaker: There is a communication from the chair as follows:

Hon. Members, Standing Order 189A provides that there shall be a select committee to be designated the Powers and Privileges Committee pursuant to Section 15(1)(b) of the County Assembly Powers and Privileges Act. The committee shall consist of the Speaker who shall be the chairperson, the chairperson of committees and not more than three other Members who shall be nominated by the Assembly parties and approved by the House taking into consideration the relative majorities of seats held by each of the Assembly parties in the Assembly and taking into consideration the interests of independent Hon. Members.

You are aware that we are in a new session- the third session and so you need to reconstitute that committee and the slots are shared out as follows:

NASA.....2 Members
Maendeleo Chapchap.....1 Member.

So, I call upon the two Assembly parties to forward their nominees to the office of the Clerk by 10 a.m. tomorrow, 20th February, 2019 because you need to have that committee up and running.

MEETING WITH THE GOVERNOR

Hon. Members, there is proposed meeting with the Governor on 21st February, 2019 at 12 noon. You recall that on 12th February, 2019, the Assembly held a prayer day for purposes of creating unity and peace in the county and later the Governor addressed this Assembly and in his speech, he requested for a retreat with the Hon, Members and also in the discussion of the Governor's speech, the Members resolved to have a meeting with him.

Pursuant to that, the Governor wrote to the Clerk with a copy to the Speaker on 13th February, 2019 and he proposed the Assembly meets him, led by the Speaker and the Clerk on 21st February, 2019 at noon at his offices. You are reminded to prepare for that meeting and I am also aware there is going to be a House *Kamukunji* after this sitting, part of which will be a preparation on what you will be discussing with the Executive when you meet them. Thank you, Members.

PAPERS LAID

Hon. Speaker: We have business as listed by Hon. Geoffrey Kamulu and Hon. Moffat Maitha.

VISITATION TO SPECIAL SCHOOLS

Hon. Kamulu: Hon. Speaker, I beg to lay the following Paper on the Table of the House today, 19th February, 2019; the report on Youth, Women, PWDs and Sports committee on visitation of special schools. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Kamulu, Hon. Moffat Maitha.

REVIEW OF BUNGE MASHINANI PROGRAMME

Hon. Maitha: Madam Speaker, I wish to lay the following Paper on the floor of the House today, 19th February, 2019; the report on review of *Bunge Mashinani* programme held in Kithimani ward on 17th October, 2018. Thank you, Madam Speaker.

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

NOTICES OF MOTION

Hon. Speaker: We have two businesses and again it is by Hon. Geoffrey Kamulu and Hon. Moffat Maitha.

VISITATION TO SPECIAL SCHOOLS

Hon. Kamulu:

Hon. Speaker, that aware that special schools are vital in the empowerment of persons living with disabilities as they cater to students who have special educational needs due to learning difficulties, physical disabilities or behavioral problems;

Recognizing that the Youth, Women and Sports committee is mandated to deal with all matters related to youth welfare, women affairs, matters of equality and affirmative action;

Appreciating that the committee conducted fact-finding missions to select special schools with an objective of understanding the challenges faced by persons living with disabilities with regard to their education and more so the impact of devolution to the development of the special schools;

Hon. Speaker, I wish move the motion that this Hon. House discusses and approves the Youth, Women and Sports committee report on the visitation to special schools.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kamulu. Hon. Moffat Maitha.

REVIEW OF BUNGE MASHINANI

Hon. Maitha: Thank you, Madam Speaker.

Madam Speaker, that aware the parliament is fundamental in the development and building of democratic governance since it provides checks on the exercises of the Executive, in addition to influencing governance by contributing to policy making process; Further aware that Article 196(1)(a) of the constitution provides that a County Assembly shall conduct its business in an open manner and hold its sittings and those of committees in public;

Informed that on 17th October, 2018, the County Assembly of Machakos held *Bunge Mashinani* programme in Kithimani ward which was convened via gazette notice 10513 dated 12th October, 2018;

Aware that on 28th October, 2018 a motion to discuss disruptions that were witnessed during the *Bunge Mashinani* program held in Kithimani on 17th October, 2018, was tabled in the Assembly by Hon. Cosmus Masesi;

Further aware that the motion was committed to justice and legal affairs committee for investigations and reporting;

Cognizant the Justice and Legal affairs committee is mandated to investigate, inquire and report all matters related to its mandate pursuant to Standing Order 192(5)(a);

Madam Speaker, I wish to give the notice of the motion that this Hon. House discusses and approves the report on review of *Bunge Mashinani* program held in Kithimani ward on 17th October, 2018.

Thank you Madam Speaker.

(Applause)

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

MOTION

REPORT ON INSECURITY AT GROGAN AREA OF MACHAKOS

Hon. Speaker: Hon. Members, we have one business by Hon. Jeremiah Munguti. It is your time.

Hon. Munguti: Thank you, Madam Speaker.

That aware that Article 6(2) of the Constitution of Kenya 2010 states that the governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation;

Aware that, after promulgation of the new Constitution, there are those functions which were devolved but security matters were not devolved;

Further aware that security of citizens and their property is paramount and deserves protection;

Cognizant that insecurity breeds fear and as a result economy of a country or a county is highly affected;

Informed that in June, 2018, a Statement was sought in this House regarding Insecurity at Grogan area in Machakos town and the same was tasked to the committee on Devolution and Intergovernmental Relations for investigation and reporting back to this House;

Madam Speaker, I wish to move the motion that this Hon. House discusses and approves the report of Devolution and Intergovernmental Relations Committee of the Second Assembly on insecurity at Grogan Area in Machakos County.

Thank you, Madam Speaker. I call upon Hon. Johanna to second the motion.

Hon. Speaker: Thank you, Hon Jeremiah. Hon. Johanna.

Hon. Munyao: Thank you, Madam Speaker. I second the motion.

Hon. Speaker: Thank you, Hon Johanna. Hon. Jeremiah and very soon Hon. Members, we will do it differently so that a Member will not have to read their report; you will be given on time, you read so that at this point I just propose the question. That is how the National Assembly does it.

(Applause)

Thank you, Madam Speaker, for that point. Actually, it is tiresome and it is good that we move to another level.

Hon. Speaker: Sure.

Hon. Munguti: I am here to read the report on devolution and intergovernmental relations committee and the task is report on insecurity at Grogan area in Machakos County.

Preamble

Madam Speaker, security of citizens and their property is paramount and deserves protection. Insecurity breeds fear and as a result economy of a country or a county is highly affected.

Madam Speaker, after promulgation of the new Constitution there are those functions which were devolved but security matters were not devolved.

Further, pursuant to Article 6(2), the governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.

Further Article 189(1)(a),(b) and (c) Government at either level shall:

- a. Perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level and respects the constitutional status and institutions of government at the other level and, in the case of county government, within the county level;
- b. Assist, support and consult and, as appropriate, implement the legislation of the other level of government; and
- c. Liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

Background Information

Madam Speaker, on 26th June, 2018, a Statement seeking to know what the County Government is doing to curb insecurity at Grogan area in Machakos county was sought by Hon. Betty Nzisa Nzioki and the Hon. Speaker directed the matter to Committee on Devolution and Inter-governmental Relations to investigate and report back to the House.

Mandate of the Committee

Madam Speaker, pursuant to County Government of Machakos Standing Order 189(3)(a) to (f), the Committee on Devolution and Intergovernmental Relations is mandated to:

- a. Liaise with institutions of the National government on matters of devolution.
- b. Liaise with institutions of the National government on non-devolved functions.
- c. Coordinate activities of the Assembly with the County Assemblies Forum.
- d. Coordinate activities of the Assembly with International bodies.
- e. Promote inter-county relations on matters of common interest.

Committee Membership

Madam Speaker, the membership of the aforementioned committee is as follows:-

- | | |
|---------------------------|----------|
| 1. Hon. Jeremiah Munguti | - Chair |
| 2. Hon. Johana Munyao | -V/Chair |
| 3. Hon. Benedette Musyoka | - Member |
| 4. Hon. Francis Ngunga | “ |
| 5. Hon. Phoebe Mawa | “ |
| 6. Hon. Daniel Kiilu | “ |
| 7. Hon. Justus Katumo | “ |

Meeting with security organs in Machakos County

Madam Speaker, the Committee held two sittings with top security organs in the County that is the County Commissioner, Divisional Criminal Investigations Officer (DCIO), Deputy District Administration Police Commandant (D/DAPC), Officer Commanding Police Division (OCPD) and Deputy-Officer Commanding Police Division (D/OCPD) and the following information came out very clearly:

1. That the county is calm on security matters apart from very few isolated cases.
2. That security organs are aware of insecurity at Grogan area in the county and several people have been arrested in connection with trying to extort money from travellers.
3. That, when arrests are done and before the culprits are arraigned in court, compensation is quickly done to the affected people and therefore no one is prosecuted.
4. The committee was informed that a crackdown on the offenders was done in the beginning of the year 2018 and some culprits were profiled. The DCIO had photos of 20 culprits who are known to be notorious.
5. The committee was informed that the security organs had a meeting with Grogan mechanics and among them chose a chairman who reports to the DCIO on weekly basis on the progress of the culprits and any other irregularities in the area.
6. The committee was also informed that there is a police patrol car which patrols the area after every two hours to monitor any case of irregularity and they confirmed that insecurity cases around Grogan have reduced by 70 per cent.

Meeting with members of public at Grogan area in Machakos County

Madam Speaker, on 9th July, 2018 the committee had a meeting with some mechanics working at Grogan area in the presence of security organs at the office of Divisional Criminal Investigation Officer and they gathered the following information:

1. That it is true that there were some malpractices at Grogan area by some mechanics.
2. That the mechanics had a register of all members and they were in the process of conducting fresh elections of office bearers to replace the previous regime.
3. They agreed that they had been shown another place to carry on their business but they were not comfortable since there were no basic facilities on site like toilets, shades and the ground was soggy during rainy season.
4. The mechanics were proposing that some posters be made to show direction of garages to avoid the habit of standing by the roadside.
5. They promised to relocate given a favorable alternative to carry on their daily business.

Meeting with Chief Officer – Decentralized Units

1. The Chief Officer, in response to availability of land to relocate the Grogan mechanics, informed the committee that the department had secured a prime government land within the town to relocate the said mechanics.
2. He further said that they had moved them but within a short period they went back to the previous site on the road side.
3. The chief officer informed the committee that the department had constructed a toilet on site and the ground had been graveled to the best level and gave assurance that the place is in good condition to be used by the mechanics.
4. Chief Officer informed the committee that his staff were in constant patrol but when they arrest culprits the complainants fail to appear in courts and therefore the case is terminated.

Committee observations

1. Madam Speaker, the committee observed that there is a lot of congestion around Grogan area and as a result there is a lot of obstruction by the mechanics who purport to be offering services yet they had different agenda.
2. Further, Madam Speaker, the committee observed that there is great danger to the same mechanics since they have encroached to the roadside and in case of a vehicle losing control, it can easily cause an accident.
3. Insecurity cases are very rampant in the said place and many unsuspecting travelers have lost their money and if the matter is left unresolved, it would tarnish the good name of Machakos County.
4. Madam Speaker, many travelers have suffered silently in the same place since they did not know the procedure of reporting to recover their lost money.
5. The committee observed that the place identified by the county government is strategic and favourable for the mechanics to carry out their duties.
6. The security organs in Machakos County are very much aware of the activities around Grogan and they have put stringent measures in place to ensure that there is security in the area.
7. Madam Speaker, currently most of the mechanics have moved to the secured area and congestion at the roadsides has drastically reduced.

Committee recommendations

1. Madam Speaker, the committee recommends that the County Government of Machakos constructs several sheds in the secured area to enable the mechanics working in Grogan area to do their work in conducive environment.
2. There is need to register all mechanics working at Grogan area and also erect sign boards showing direction of the authorized garages within the secured area.
3. The department of decentralized units needs to work closely with security organs to ensure that security within Grogan area is fully restored and stringent measures be taken against those people caught with malpractices.
4. Further Madam Speaker, the County Government needs to create awareness so that innocent citizens do not fall prey. This can be done by broadcasting through local stations, during public participation and also in Churches and Mosques.

Conclusion and acknowledgement

Madam Speaker, the Devolution and Intergovernmental Relations Committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report.

Madam Speaker, it is therefore my privilege, on behalf of Devolution and Intergovernmental Relations Committee to table this report for deliberations and approval by this Hon. House. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Jeremiah Munguti. Hon. Members I will propose the question and in doing so I will put the name for the area, the correct name because the name that is written on the report is not the name for the area.

(Question proposed)

Hon. Musau, you want to contribute? Alright, go ahead.

Hon. Musau: Thank you Madam Speaker for the opportunity. Madam Speaker, my first and foremost, is to congratulate the House for emerging with ideas how to curb this. Madam Speaker, it is in this House where the cries of mwananchi were heard, Madam Speaker. May I also thank the committee for the good observations they made at that time. I have a business premise in that area and this is true, what was happening in that area.

Thirdly, I would wish to thank the County Government of Machakos Executive for the move they have made. As we talk right now, sanity has come back to that area, the mechanics have been moved and relocated to the site the County Government has proposed and actually sanity peace and harmony is in the Grogan area, Madam Speaker.

If we were to work like this, we could go into the books of history. I cannot forget to thank the National Police Service because of the swift action they took against the malpractice that was being done in the Grogan area, Madam Speaker. I personally attended a meeting by the OCS Machakos who saw to it that no more malpractices, no more fraud by those guys and now normalcy is returning back to that area Madam Speaker.

I would also wish to appreciate our County Government again; in allocation of the temporary kiosks in the new area, actually they considered the mechanics first.

(Applause)

They have almost 90 percent been allocated temporary kiosks for their little merchandise and their storage, Madam Speaker. I think at this rate, we are moving in the right direction. Thank you, waheshimiwa so much; actually you pointed what was to tarnish the whole name of Machakos. Sanity is coming back to Grogan. Thank you so much.

(Applause)

Hon. Speaker: Thank you, Hon. Musau. I just wonder Hon. Members, the way Hon. Musau has put it is like the issue has been resolved. Then do you need to proceed and discuss it? Hon. Mueni, what do you have to say?

(Laughter)

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I think those thieves they have come to my place at Kenya Israel so, now as we talk, I found them they have opened my house when I was in church at 9 a.m. They carried everything.

(Laughter)

When I went to the police, they came but they did not come with anything. They did not help me. They did not come with the dogs or whatever. Up to now, nothing I have seen. So, I think you are laughing but it is a serious matter. I even went the Speaker to tell the Speaker how can be helped by the police. But up to now, I go there they take me round and round. I thought they will come with the dogs and go get those thugs.

(Laughter)

Up to now, have not getting sleep because even nobody is is looking out for at me when I go to church; what about when I sleep? Thank you, Madam Speaker.

(Laughter)

Hon. Speaker: Hon. Museku.

Hon. Museku: Thank you, Madam Speaker. I just wanted to highlight one.....Thanking the chairman and committee members for the report; it is well done. Yes it true that they have been relocated; the mechanics are no longer here. They have been relocated to a ground which is further down on the way to Machakos Girls.

What I would urge the committee and the executive to do, remember these mechanics are our brothers and sisters. These are the people who come from our wards. who provide themselves a livelihood through repairing our vehicles. I have been down there personally taking the vehicle and yes they have been given areas for them to put sheds or kiosks on their own wares but my suggestion is that if the county government would provide, could construct sheds, actually construct a shed where the mechanics can be able to work under the shade. These kiosks which they have been given as stalls---

(Applause)

They are just normal stalls but they are in burning, they are in that heat. They are repairing vehicles in the open in that heat and exposed to all these elements of the weather. So, the same way we provided for market sheds for our ladies in various markets, the county government should come up and construct sheds so that these mechanics will be repairing the vehicles in a more humane way. Provide running water in tap so that they can be able to wash themselves and feed themselves.

(Applause)

These are human beings repairing vehicles and we just need to ensure that we provide them with the necessities of making sure that they work in a better environment. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Museku. Hon. Alice.

Hon. (Ms.) Nzioka: Asante Bi. Spika kwa kunipa nafasi. Bi. Spika kuna msemu wa Kiswahili husema mcheza kwao hutuzwa. Nimshukuru Mh. Betty; aliona umuhimu wa hio sehemu maana aliona usalama una shida. Alileta taarifa kwenye bunge letu na wabunge wakachukua jukumu ili kuangalia hio shida. Mh. Joseph Musau amesema kwamba usalama umeregeshwa sehemu hio. Si kwa sababu tu serikkali ya Machakos ilitaka kuleta usalama, ni sababu ya hili bunge kutoa kamati na ikatoka kufunya uchunguzi kuona shida inatokea wapi.

(Applause)

Kamati ya ugatuzi walitembea kuona wanaohusika na usalama, wakatembea wakafanya kazi nyingi kwa hivyo twasema ni kongole kwa bunge lote na aliyeona uhumimu wa usalama katika hio sehemu. Kama vile Mh. Museku amesema, sababu, bunge ama kaunti ya Machakos inapata pesa kutoka kwa hao ambao wanategeneza magari, pia ni wananchi wa sehemu hii na pia waangaliwe. Mahali ambapo wanafanyia kazi kuwe na usalama pia na waangaliwe ili kuwekwe kibanda na kiezekwe ili wawe wanaweza kutumia wanapofanyia kazi humo.

(Applause)

Kongole kwa kazi nzuri ambayo mmefanya na hio ni hatua moja mpaka 2018 kama bunge; tukipata jambo ama ushauri wowote ambao tulifaa kufanya kwa umoja ndio maana tumefikia hapa. Asante Bi. Spika.

(Applause)

Hon. Speaker: Thank you, Hon. Alice. Hon. Kamulu.

Hon. Kamulu: Thank you, Madam Speaker. I want to thank the committee chairman and also its members. I also thank the executive for containing this matter on security in Grogan area. I am saying this because this is the first report we are going to pass within just less than five minutes. So, I think---

(Applause)

So that we can pour support and congratulations to them, I think they should be doing the same way they have done with the current report; we have many that we have passed here even motions....(Inaudible). Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Kamulu. Hon. Mitaa, you want to say something?

Hon. Mitaa: Yes.

Hon. Speaker: Go ahead please.

Hon. Mitaa: Thank you, Madam Speaker. I take this opportunity to also thank the committee led by the chair Hon. Jeremiah. I also take this opportunity to thank Hon. Betty. We might have solved half of the problem, in my view. We might be, because Madam Speaker with

the restoration of sanity, we came to realize that some criminals had actually created a working zone among innocent mechanics.

The issue was actually not to relocate the garages but the issue was to get rid of the criminals who have been actually working and as the mover of the motion had encountered a problem and I think along the road on several occasions, I had also noticed people, criminals, trying to show me something in my car.

Madam Speaker, I would want to know if actually that problem has been solved or the way forward before we say we have solved the problem just by relocating the location of the garage and yet the criminals or cartels who we know very well they have been giving problems to the innocent and the garage owners. If that has been solved, Madam Speaker, then---

Hon. Speaker: Point of information on that from Hon. Musau.

Hon. Musau: Thank you, Madam Speaker. Seven days ago, Madam Speaker, the OCS Machakos County held a meeting with those thugs.

(Laughter)

The thugs are those boys who show something in your car.

(Laughter)

He warned them sternly and promised no stone will be left unturned. Madam Speaker, we have had police cars patrolling the area and any idle mechanic, who used to be ready for that dirty job, is taken in and booked in and taken to court, Madam Speaker. So, unless the security force relaxed, Hon. Mitaa, everything right is under very tight control. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: The mover of the motion, please reply.

Hon. Munguti: Thank you, Madam Speaker. First, I would like to congratulate the members for the input that they have given in this report and first I would like to comment on several issues that have not.....first we will ensure, as a committee, that we are going to talk with the executive or we are going to engage the executive so that sheds will be provided for the mechanics to working in.

((Applause))

As Hon. Museku has put it, these are human beings, our brothers who are making their living in that area. Therefore, with my committee, we are going to ensure that drainage has been put in place so that in case of rains, the water can keep way down to the rivers without creating or becoming a swampy area as it was discussed.

Also we will ensure that they build another toilet and clean water be provided for them so that they can be using the water. Also it is good to consider the mechanics, we are going to

engage the executive so that as give them kiosks or some areas to display their spares so that those who work in that area can be given the first priority so that they can make their living in a simple.

On issue of security, I want to ensure you members that we have held discussion with the executive and also with the National Police officers and we have said that no one should be spotted along the road trying to engage a motorist driving by or any other person on the issue of the repairs of vehicles. We have indicated that for all vehicles, if you want to take your car to be checked by the mechanic, should be taken down there where they have been given that place to repair vehicles.

In conclusion, also Madam Speaker, I would request these Hon. Members, we have Form Four school leavers who finished and did not make to go to universities or to go to tertiary colleges; this is the high time as *Waheshimiwa*, so that we can go to our people, engage the boys who want to go for casual training so that they can be trained on issue of mechanic and they will get their place to go and get their living in that provided place.

Hon. Speaker: Can you also add the girls?

Hon. Munguti: Thank you, Madam Speaker.

(Applause)

Also the girl-child is not going to remain behind. We are also requesting the girl-child to be also involved in the training on the skills. Therefore, Madam Speaker, it is my pleasure to thank the members for supporting this report and I am assuring members that we are going to see into that everything is going to put in the right place. Thank you, Madam Speaker.

(Applause)

(Question put and agreed on)

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point the sitting is adjourned and will resume on the 20th day of February, 2019 at 10.00 a.m. in the morning.

The House rose at 3.32 p.m.