

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Tuesday, 19<sup>th</sup> March, 2019**

The House met at 10.23 a.m.

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

**PRAYERS**

**Hon. Speaker:** Good morning Hon. Members. We start our day and I ask Mr. Clerk to proceed.

**COMMUNICATION FROM THE CHAIR**  
**VISIT BY KYANGULI MEMORIAL SECONDARY SCHOOL**

**Hon. Speaker:** Hon. Members, under this Order, my communication is to acknowledge the presence of our beloved children from Kyanguli Memorial Secondary School. I believe this is in Mutituni Ward. Where is Mumbuni? Or am I sending your school away, Hon. Museku? Alright, so maybe you can say something before I say something because it is your ward. Alright, go ahead.

**Hon. Museku:** Thank you, Madam Speaker. I am overwhelmed and happy to welcome our students from Kyanguli Memorial Secondary School to today's House proceedings. Your teachers and everybody who has been involved in bringing you here, we would like to thank you and welcome you today. We hope it's going to be a learning process for you to be able to see what we do here in the Assembly and what I do, as a representative of Mumbuni North, when I normally tell you I have come here. You are going to be able to see what we came here to do and *karibu sana*; welcome very much and feel at home. Thank you Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you very much Hon. Museku. Mine is to thank the students and their teachers for their wise thinking of coming to see what we normally do here because I know a number of you will be leaders in this country. Some of you may be sitting in this very assembly some years to come and others may be sitting in other positions of leadership in this country. So I just want to wish you well.

I am not sure whether this is the form four class; if you are waiting to sit any exams, we wish you well. But even if you are not in form four just work hard because everything comes

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through hard work and we want to have you every other time when you are able to make it and so feel at home. Thank you.

### PAPERS LAID

**Hon. Speaker:** Hon. Members, under this Order, we have four businesses. The first one is by the Hon. Daniel Mbevi, the second by Hon. Fredrick Muthoka, the third by Hon. Cosmas Kieti and the fourth one by Hon. Francis Kalumu. Hon. Daniel Mbevi's is going to fall through my fingers if I don't see a representative on the table. Hon. Irene.

#### REPORT OF TRANSPORT COMMITTEE ON A STUDY TOUR TO TANZANIA

**Hon. (Ms.) Mwende:** Thank you Madam Speaker and good morning members. Hon. Speaker, pursuant to Standing Order 195, I wish to lay the following paper on the table of the Assembly today, 19<sup>th</sup> March, 2019; report of the Transport, Roads, Housing and Public Works Committee on a study tour to Tanzania. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Irene. Hon. Members, I hope you are using your gadgets. I can see Hon. Mitaa is doing very well. The next one is Hon. Fredrick Muthoka.

#### REPORT OF IMPLEMENTATION COMMITTEE ON BURSARIES

**Hon. Muthoka:** Thank you, Madam Speaker. Hon. Speaker, I beg to lay the following paper on the table of the House today, Tuesday, 19<sup>th</sup> March, 2019; the report of Implementation Committee on Bursaries. Thank you Madam Speaker.

**Hon. Speaker:** Thank you Hon. Muthoka. Hon. Cosmas Kieti. Hon. Cosmas? Right, the next one is by the Hon....Is there anyone holding brief for Hon. Cosmas Kieti? Thank you, Hon. Betty.

#### REPORT ON APPROVAL HEARING FOR NINE PERSONS NOMINATED FOR THE POSITION OF MEMBER OF TALA/KANGUNDO MUNICIPALITY BOARD

**Hon. (Ms.) B. Nzioki:** Thank you, Madam Speaker. I stand on behalf of my chair, Hon. Kieti. Hon. Speaker, I beg to lay the following paper on the table of the House today, Tuesday, 19<sup>th</sup> March 2019; the report of Trade, Economic Plan and Industrialization Committee on Vetting of Nominees of Municipality Board for Tala and Kangundo. Thank you Madam Speaker.

**Hon. Speaker:** Thank you Hon. Betty for saving the day for Hon. Cosmas Kieti. It is a report that this House needs to deal with and it was going to fall down. Next is by Hon. Francis Kalumu. Hon. Francis Kalumu.

#### REPORT ON APPROVAL HEARING FOR NINE PERSONS NOMINATED FOR THE POSITION OF MEMBER OF MAVOKO MUNICIPALITY BOARD

**Hon. (Ms.) Mutunga:** Thank you Madam Speaker. I stand for Hon. Kamulu, the chair. Hon. Speaker, I wish to lay the following paper on the table of the House today, Tuesday, 19<sup>th</sup> March, 2019; the report of the Labor, Public and Service and ICT Committee on Vetting of Nominees for Board Member Mavoko Municipality. Thank you Madam Speaker.

**Hon. Speaker:** Thank you Hon. Agatha for standing in for Hon. Kalumu.

### NOTICES OF MOTIONS

**Hon. Speaker:** Hon. Members, under this Order, we have four businesses and it is as listed in the appendix and just like as we have done, the first one is by Hon. Daniel Mbevi, the second one by Hon. Fredrick Muthoka, the third one by Hon. Cosmas Kieti and the fourth one by Hon. Francis Kalumu. Hon. Daniel Mbevi represented by Hon. Irene.

#### REPORT OF TRANSPORT COMMITTEE ON A STUDY TOUR TO TANZANIA

**Hon. (Ms.) Mwende:** Thank you Madam Speaker.

Hon. Speaker that aware that study tours help institutions and specifically County Assembly committees to compare their practices with best practices from their host;

Aware that a delegation of members drawn from the committee of transport, roads, housing and public works attended the East Africa Infrastructure Summit held at Dar-es-Salaam from 17<sup>th</sup> to 21<sup>st</sup> July, 2018;

Hon. Speaker, acknowledging that the mission of the summit was to instigate an international conversation on the road infrastructure development so that in future years, expertise and resources from various sectors can be pooled to create more sustainable road networks leading to the sustained economic growth and prosperity of the East Africa block;

Hon. Speaker, aware that the main objective of the summit was to get an overview of the achievements and milestones made by the government of Tanzania in roads infrastructure;

Hon. Speaker I wish to give notice of motion that this Hon. House discusses and approves the report of the Transport, Roads, Housing and Public Works Committee on Study Tour to Tanzania.

Thank you, Madam Speaker. I wish to call upon Hon. Cosmus Masesi to second my motion.

**Hon. Speaker:** It is a notice of motion Hon. Irene.

**Hon. (Ms.) Mwende:** Sorry, thank you.

**Hon. Speaker:** Thank you very much. The next one is Hon. Fredrick Muthoka.

#### REPORT OF IMPLEMENTATION COMMITTEE ON BURSARIES

**Hon. Muthoka:** Thank you, Madam Speaker.

Madam Speaker that aware the Constitution of Kenya 2010 Article 43(1)(f) provides that every person has the right to education;

Further Madam Speaker, Section 16(1) of the public Finance Management Act (2012) provides that the county executive committee member for finance may establish other public funds with the approval of the county executive committee and the county assembly;

Acknowledging that the county assembly of Machakos enacted the Machakos County Bursary Fund Regulation (2014) whose main objective is to provide financial assistance to the needy;

Noting that the bursary have not been issued as stipulated in the regulation Madam Speaker I wish to give notice of motion that this Hon. House discusses and approve the report by the implementation committee on bursary.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Muthoka. Hon. Cosmas Kieti through Hon. Betty.

#### REPORT ON APPROVAL HEARING FOR NINE PERSONS NOMINATED FOR THE POSITION OF MEMBER OF TALA/KANGUNDO MUNICIPALITY BOARD

**Hon. (Ms.) B. Nzioki:** Thank you, Madam Speaker.

Hon. Speaker, aware that the management of municipality shall be provided under Section 12 of the Urban Areas and Cities Act No. 13 (2011) Revised in 2016, which provides for the management of a city and municipality to be vested in the county government and administered on its behalf by:

- (a) A board constituted in accordance with section 13 or 14 of this Act.
- (b) A manager appointed pursuant to Section 28, and
- (c) Such other staffs or officers as the country public service may determine.

Further aware that in the line with Section 12 (1) of Urban Areas and Cities Act No. 13 (2011) and Section 8(1) of the County Governments Act (2012), the Governor forwarded to the County Assembly nominees for vetting to the positions of municipality board members; Appreciating that the Trade, Economic, Plan and Industrialization Committee conducted the vetting exercise of the Tala and Kangundo Municipality board members nominees on 25th to 27th February, 2019 and consequently compiled a report.

Hon. Speaker I wish to give a notice of motion that this house discusses and approves the report of Trade, Economic, Planning and Industrialization Committee on the Vetting of Nominees for Tala and Kangundo Municipalities Board Members.

Thank you Madam Speaker.

**Madam Speaker:** Thank you Hon. Betty. Hon. Agatha.

#### REPORT ON APPROVAL HEARING FOR NINE PERSONS NOMINATED FOR THE POSITION OF MEMBER OF MAVOKO MUNICIPALITY BOARD

**Hon. (Ms.) Mutunga:** Thank you, Madam Speaker. I am standing in for Hon. Kalumu.

Hon. Speaker that aware that the management of the municipality shall be as provided under Section 12 of the Urban Areas and Cities Act No. 13 (2011) Revised in 2016, which provides for the management of a city and municipality to be vested in the county government and administered on its behalf by:

(a) A board constituted in accordance with section 13 or 14 of this Act.

(b) A manager appointed pursuant to Section 28, and

(c) Such other staffs or officers as the country public service may determine.

Further aware that in the line with Section 12 (1) of Urban Areas and Cities Act No. 13 (2011) and Section 8 (1) of the County Governments Act (2012) the governor forwarded to the county assembly nominees for vetting to the positions of municipality board members;

Appreciating that the Labor, Public Service and ICT Committee conducted the vetting exercise of the Mavoko Municipality board members nominees on 25th to 27th February, 2019 and consequently compiled a report;

Hon. Speaker I wish to give a notice of motion that this house discusses and approves the report of Labor, Public Service and ICT Committee on the Vetting of Nominees for the Mavoko Municipality Board Member.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Angela. For the Hon. Members who have given notice of this motion on the municipalities, please note that even as you bring your reports on the vetting that you did, the urban Areas and Cities Act was amended and the president assented to it on 12<sup>th</sup> March, 2019. So as you make reference to that Act, have that in minds because you must appear to be on top of things. You don't refer to a law when it is already amended; you must be referring to the latest law even as you make your representations. Mr. Clerk, proceed.

### STATEMENT

BUSINESS FOR THE HOUSE FOR 19<sup>TH</sup> MARCH TO 2<sup>ND</sup> APRIL, 2019

**Hon. Speaker:** Hon. Members under this Order we have two businesses; the first one is by the Majority Leader, Mark Muendo and the second one is by the Hon. Nziva. Hon. Majority Leader.

**Hon. Muendo:** Good morning Hon. Members. Good morning students. Madam Speaker, let me maybe on behalf (???) of the students maybe explain a bit on Minority and Majority.

**Hon. Speaker:** It is in Order? Go ahead Hon. Muendo.

**Hon. Muendo:** Yes. Students I am the Leader of Majority in the House, that is the party with majority members in the House.

*(Applause)*

Then we have Minority Leader who represents the Minority; that is the party with a few members in the House. So when you hear Leader of Majority that is the leader of the party with

majority in the house because we represent parties in the House. Thank you, Hon. Speaker. Hon. Speaker, the Statement on the business of the House.

Hon. Speaker, the House Business committee is mandated pursuant to Standing Order 151(5)(d) to determine the order in the reports of committee shall be debated in the house. Further under Standing Order 151(5)(e) the committee may take decisions and issue directives and guidelines to prioritize or postpone any business acting with the concurrence of the Leader of Majority Party or the Leader of the Minority Party as the case maybe.

Hon. Speaker pursuant to the above provisions, the House Business Committee met on 18th March, 2019 and reviewed business balloted for this week of 19<sup>th</sup> to 20<sup>th</sup> March, 2019 and for the 2<sup>nd</sup> April, 2019 and revised business for the House as follows:

Tuesday, 19<sup>th</sup> March, 2019

Morning at 10.00 a.m.

Report of Powers and Privilege Committee on Administrative Procedures Report by Hon. Moses Mitaa, member, powers and privilege committee; continuation of debate.

In the morning of 19<sup>th</sup> also Report of Transport and Public Works Committee on Educational Trip to Tanzania by Hon. Daniel Mbevi, Chairperson.

Afternoon at 2.30 p.m.

Report of Implementation on motion on Bursaries by Hon. Fredrick Muthoka, Chairperson.

Wednesday, 20<sup>th</sup> March, 2019

Morning at 10.00 a.m.

Report of Committee on Appoints on Approval of Members of the Municipal Board at Machakos Municipality by Hon. Florence Mwangangi, Chairperson.

Report of Labor, Public Service and ICT Committee on Approval of Members of Muni-ci-pal Board of Mavoko Municipality by Hon. Francis Kalumu, Chairperson

Report of Trade, Economic Planning and Industrilization Committee on approval of Membbers of Municipal Board of Kangundo/Tala Municipality by Hon. Cosmas Kieti, Chairperson.

Afternoon at 2.30 p.m.

Report of Budget and Appropriation Committee on Supplementary Budget.

Tuesday, 2<sup>nd</sup> April, 2019

Morning at 10.00 a.m.

Report of Assembly Broadcasting and Library Committee on *Bunge Mashinani* Forum by Hon. Florence Mwangangi, Chairperson.

Thank you Hon. Speaker.

*(Applause)*

**Hon. Speaker:** Thank you Hon. Majority. Hon. Nziva.

### STATEMENT SOUGHT

## KIBAUNI WARD SAND HARVESTING ACTIVITIES

**Hon. (Ms.) Nziva:** Madam Speaker, Hon. Members present. Hon. Speaker, I wish to seek a Statement on behalf of Hon. Annastaciah Mutuku.

Hon. Speaker, aware that a motion to suspend sand harvesting activities within Machakos County was passed in this House;

Cognizant that Kibauni residents are in dire need of a dam and the same project is underway although the contractor has been threatened severally while drilling the dam since the sand de-silting is involved (??)

Hon. Speaker, I stand under Machakos County Assembly Standing Order 40 to seek a statement on the following:

1. What measures the county government is putting in place to protect contractors working on the Kibauni dam who are threatened by private individuals who may result to abandoning the project.
2. What the County Government is doing to protect over 3,000 metric tanks of sand being distilled from the dam.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Nziva. Hon. Members, the nature of the business we have is a statement and you are well aware that usually we just give our views briefly, we don't vote on this kind of business and so that then the Speaker can give directions, do we have any member who wants to make a comment on this Statement? Hon. Ndambuki.

**Hon. Ndambuki:** Thank you, Madam Speaker. Madam Speaker, it is said that water is life and discussing about the statement that has been tabled before the house, it is important that the people of Kibauni get access to water. Part of Machakos County Madam Speaker falls under the regions that we can classify as semi-arid and looking at how Kibauni area is Madam Speaker, shows that the people of Kibauni are at risk of going without water for some time and if the contractor who is on site is being threatened then Madam Speaker the people of Kibauni are at risk of going for sometimes without water and as legislators of Machakos County Madam Speaker, we are called upon to defend the rights of our people and here we are defending the rights of people of Kibauni and Madam Speaker what I would say in support of the statement is that the County Government of Machakos should step in and ensure that the people of Kibauni and other residents of Machakos County get access to water because what the Governor of this county advocates for is that water is not a privilege but a right of every resident of Machakos County.

Therefore, Madam Speaker, it should not be a privilege for the people of Kibauni to get water and contractor to be threatened but work should continue and people get water. Same to other areas of this County that lack water. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ndambuki. I am aware that the Hon. Member for Kibauni is out of the country with my leave and it is good that the House is undertaking the common responsibility to the people so that even when she is away, the concerns of her people are being addressed on the floor of this House and it is in that spirit we should continue. Hon. Kisila.

**Hon. Kisila:** Thank you Madam Speaker. I stand here to note the statement with some reservations. One, sand is a very emotive issue in Mwala and the way we handle sand we need to be very careful. What I see lacking is that where we have reached in Kibauni is lack of public participation and whatever we do as a county, we must involve the public and public participation

**Hon. Muendo:** Point of information Madam Speaker.

**Hon. Speaker:** I was waiting for that. Hon. Kisila.

**Hon. Muendo:** Thank you, Madam Speaker. I cannot understand the Hon. Member of Mwala discussing about the business of sand when this House passed a motion banning sand harvesting for a year. It is pathetic when you see this House passes motions and even some of the Members in his House support what is illegal. Madam Speaker, in Kinanie we are suffering; let us look for a way of involving the Executive to stop and ban sand harvesting for a year the way we did in this House.

**Hon. Speaker:** Hon. Members; when this statement was brought this morning, I am told it is urgent by Hon. Nziva, I did make a comment that there seems to be something that we need to tie the ends. Maybe Hon. Kisila will tell us the connection between the two.

**Hon. Kisila:** Thank you, Madam Speaker. I wish the majority allowed me to finish; I was actually driving to what---

**Hon. Speaker:** I allowed him to inform you.

**Hon. Kisila:** Fine, I sincerely got informed. My issue in Kibauni, and I want to quote an example in Mwala, we have banned sand and I said sand is a very emotive issue; what is happening in Kibauni is that the contractor wants to take the sand out of Kibauni. If only we had allowed the public to participate, there could have been other ways of still addressing the issue without it becoming emotive. The point I am trying to drive is Majority---

**Hon. Speaker:** Address the Chair, not the majority.

**Hon. Kisila:** I sincerely---

**Hon. Speaker:** Hon. Kisila, address the Chair, not the Majority.

**Hon. Kisila:** Well guided. I sincerely---

**Hon. Speaker:** I am still waiting you to address the seat and not the Majority.

**Hon. Kisila:** Madam Speaker.

**Hon. Speaker:** Thank you.

**Hon. Kisila:** Madam Speaker, my point is ---



**Hon. Speaker:** Point of order from Hon. Maitha.

**Hon. Maitha:** Mr. Speaker---

*(Laughter)*

**Hon. Speaker:** Now you are out of order.

**Hon. Maitha:** Madam Speaker, the Hon. Member alleges that the contractor intends to transfer the sand from Kibauni; has he any evidence to that effect, Madam Speaker?

**Hon. Speaker:** That is a good point of order; Hon. Kisila can you table the evidence?

**Hon. Kisila:** I am privy to information, which I might not table and if you want me to withdraw, I will withdraw---

**Hon. Speaker:** Please withdraw.

**Hon. Kisila:** I withdraw, but the reason why there is that stalemate in Kibauni is because sand is supposed to be transported from Kibauni to another area.

**Hon. Speaker:** I thought you withdrew that?

**Hon. Kisila:** I want to guide you on the basis of what I have done in my area.

**Hon. Speaker:** Just submit, and remember we have the issue of Kibauni and not about Mwala?

**Hon. Kisila:** Madam Speaker, it is very important that I bring that point here.

**Hon. Speaker:** You will connect the two?

**Hon. Kisila:** I will connect the two because I am doing the same thing in my ward...

**Hon. Speaker:** Hon. Members, whose phone is that? Hon. Constance, give that phone away.

*(The cellphone was handed over to Serjean- at-Arms)*

Hon. Kisila, proceed. Sorry.

**Hon. Kisila:** I have a dam being constructed by National Irrigation Board in my ward by the name; Kwa Kamelo. When it came to de-silting of the dam, we realized we have a lot of sand in the dam and we called the public and asked them, what do you want us to do with this sand? And it was very categorical because sand in Mwala is banned completely not partially, the public

actually said, let us remove the sand but we take it to the nearest secondary schools and churches and primary schools and that has worked.

My contention is, when we allow contractors on our areas, there should be a key agreement on resource management within that content. My point is, Kibauni is not different; sand can be removed with the agreement of mwananchi and agreed where it is going to be taken; what we will not accept in Mwala, and I am speaking as the MCA of that area, is sand to be removed and commercially sold anywhere in the country because sand is banned in Mwala. In fact, Madam Speaker, Hon. Munyasya---

**Hon. Speaker:** Point of order from Hon. King'ori.

**Hon. King'ori:** Thank you. It is not only in Mwala where sand has been banned, he should address the House saying that Machakos County has suspended sand harvesting in the whole county, not just Mwala.

**Hon. Speaker:** Thank you Hon. Member, I am asking Hon. Kisila to wind up his submission.

**Hon. Kisila:** Well guided Madam Speaker. My point is, let us not partially open sand harvesting; if there is anywhere where sand harvesting will happen, let it be through proper public participation. Let mwananchi be involved and let us not commercially sand harvest in quotes.

**Hon. Speaker:** I am tempted to commit this report to the relevant committee at this stage; the reason is, if you look at the statement, it does not have all the information that will enable this House to debate as you want to debate now. So what I will do, I am committing the statement to the committee on Environment, Lands, Energy and Natural Resources and that committee I am aware, is very busy but Hon. Kisini as the Chair, I see you are present in the House.

What you are going to do, give the statement a priority even as you have many other prioritized business. Let us have a report in the House within seven days. You have to burn the midnight oil so that we can then discuss. I believe that the report will now enable the Members to discuss the issue of sand in each of your wards. Hon. Kisini report within seven days and the specific date is on or before 3<sup>rd</sup> April, 2019, we will be able to prosecute the report. Hon, Members that is the direction of the chair.

## MOTIONS

### REPORT ON ADMINISTRATIVE PROCEDURES

**Hon. Speaker:** Hon. Members, we have one business by Hon. Mitaa and just to remind you, last week, you debated on this motion and we stood it down at the tail end almost when it was ending because Members asked to see the forms that you are supposed to fill in that administrative process of declaring assets and liabilities. I believe Members have now seen the form so Hon. Mitaa come and remind the Members so that we can conclude on the business.

**Hon. Mitaa:** Thank you, Madam Speaker. On 13<sup>th</sup> March, 2019, a report of Powers and Privileges committee on administrative procedures was tabled in this House, discussed but due to

lack of the declaration form of income, assets and liabilities (Public Ethics Office Act 2003), it was requested that we discontinue with the report until each Member received a copy.

Madam Speaker, we have circulated the form in time and Members have had time to go through it, so I request this House to allow for continuation of the debate and proper conclusion of the report.

**Hon. Speaker:** Hon. Mitaa, thank you but before you leave the table, do you want to remind the Members what the administrative procedures are about? It is one week down the line since you talked about it and they stopped debate halfway; they may need to be reminded briefly.

**Hon. Mitaa:** Thank you Madam Speaker. Generally, the report is on integrity issues; the County Assembly has come up with a way of consideration of the CASB procedures for declaration of assets and liabilities for all Hon. Members and staff of this Assembly. In the report, it has indicated the deadline for submission of this report. It has also given information on the procedures and what it entails for the Members and the staff and the CASB. So majorly it is on the declaration of our wealth---

**Hon. Speaker:** The procedure of doing it?

**Hon. Mitaa:** Yes, Madam Speaker. Thank you Madam Speaker.

**Hon. Speaker:** Thank you Hon. Mitaa. Any Member who would want to contribute? We had debated at length. Hon. Museku.

**Hon. Museku:** Thank you Madam Speaker. I stand here again to thank the Powers and Privileges Committee for the well thought and well done report on declaration of assets, income and liabilities as far as the law is concerned so that we are all compliant on integrity issues. Looking at that report, it clearly gives the Assembly a clear way of making sure that each and every Member and the employees in the County Assembly know what to do in terms of procedures in declarations, in terms publication of information in the declaration, procedure on how we are going to store and the general provisions. In other words, for Members, the CASB will be the custodian of this information once it is filled. When it comes to declaring, you will fill the form and it will be kept in secrecy by the CASB.

For employees, there is the Assembly Advisory Committee which will deal with staff matters, so you can see there is a clear way. It is good to declare as truthfully as possible because this acts as the baseline; if you do not declare everything and accurately as it is and in future during the life of this assembly or afterwards somebody wants to crosscheck and they find what you declared in the report differs materially with what they can authenticate on the ground, then you will be putting yourself in trouble for no reason.

So my urge is to request all the Hon. Members to be as truthful or close to the truth as you can possibly be so that in the event somebody comes later on, they don't say you used your office to gain undue. You can be told, we know how much an MCA earns, we know the allowances you get; when you entered you declared you had one *ghorofa*, now we can see when we go on the ground you have five; so try and explain where the five came from. It is used as a base. I think the procedure now is very clear now and I thank the committee for bringing this document into clarity for all of us to know. Thank you Madam Speaker.

**Hon. Speaker:** Thank you Hon. Museku, Hon Johanna.

**Hon. Munyao:** Thank you Madam Speaker. Before I give my submission, I want to appreciate the students from Kyanguli High School where I happen to be an old student and encourage them that it is a nice school, they are in the right place because the school has given birth to very important people in this country including Hon. Johanna Munyao who is representing them in this House.

*(Applause)*

So they should feel encouraged and work hard and learn so that when they get back to the school they are able to share with the rest of the student.

Madam Speaker, I want to appreciate this report and the mandate given to the Board regarding the declaration of wealth for MCAs. I had two issues and one has been answered when I looked at the form because I have always been wondering, I am supposed to disclose full information regarding whatever I have. I was wondering if I am supposed to be punished for not reporting or being sincere in whatever information I fill. Maybe the procedure will require that I have all my property valued so that I give the right information but I have seen the form indicates that I am supposed to give an approximate amount of whatever assets I have or possibly even the liabilities.

My other concern is on reports on compliance, that part that gives the Board the mandate to submit to the ethics and corruption authority, details of the declarant. The deadline is given as 31<sup>st</sup> July of every year. I am imagining the 31<sup>st</sup> July of 2022, where I am likely to be very busy running up and down whether the Board will still be the one overseeing the exercise or I will be supposed to declare through the Board or directly to EACC. Thank you Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Johanna. Just as you came, I was thinking that the students who are here are in your ward so I had given them to Mutituni ward but I was informed by Hon. Museku that it is Mumbuni; so you see there is still a connection if you are an old student of the school. I told them to work hard because days to come they are likely to be sitting in the very House; I did not know one of them is already in the House---

*(Applause)*

So, that is very good. The questions you have raised about 2022, the Board has a perpetual succession because even when the Speaker and the Members representing the majority and minority are not in it, the fourth and the fifth member are supposed to continue because it is appreciated there will be a break during elections; so that board will be there and it is going to discharge the responsibility on those forms.

Remember, when there is a law, you cannot question it unless you take it to the National Assembly for amendment; and then now that you have the procedure which is aligned to the law, that is what is going to assist you particularly on the declarations for 2022 and that is when you are likely to be needing them for purposes of whatever other political interests you may have.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, we have one business by Hon Mbevi, i know earlier on a Member held brief for Hon. Daniel Mbevi and for the records of this House, the same Member will continue, Hon. Irene for Hon. Daniel Mbevi.

Have we reached a point where we can treat the report as read and i propose the question we debate? Have we? Alright. Just say you present your report because you had earlier on tabled it. At least let something be recorded for you so that I can propose the question.

#### REPORT OF TRANSPORT COMMITTEE ON A STUDY TOUR TO TANZANIA

**Hon. (Ms.) Mwendé:**

Hon. Speaker, that aware that study tours help institutions and specifically county Assembly committees to compare their practices with best practices from the host;

Aware that a delegation of Members drawn from the Transport, Roads, Housing and Public Works committee attended the East Africa Infrastructure summit held at Dar-es-Salaam from 17<sup>th</sup> to 21<sup>st</sup> July, 2018;

Acknowledging that the mission of the summit was to instigate an international conversation on the road infrastructure development so that in future years expertise and resources from various sectors can be pulled to create more sustainable road networks leading to the sustained economic growth and prosperity of the East Africa Bloc;

Aware that the main objective of the summit was to get an overview of the achievements and milestones made by the government or Tanzania in road infrastructure;

I wish to move the motion that this House discusses and approves the report of Transport, Roads, Housing and Public Works committee on study tour to Tanzania.

Thank you, Madam Speaker. I wish to call Hon. Cosmus to support the motion.

**Hon. Speaker:** Thank you, Hon. Irene. Hon. Cosmus.

**Hon. Masesi:** Thank you, Madam Speaker. I support the motion and the report fully because I was the leader of the delegation which went to Tanzania and we learnt a lot. I support and second the motion accordingly.

**Hon. Speaker:** Thank you, Hon. Masesi. In line with you decision that the report is already read by yourselves because it was supplied earlier on, I propose the question.

*(Question proposed)*

Hon. Members, the motion is now open for debate.

**Hon. Masesi:** Thank you, Madam Speaker. First, I want appreciate all the Members who traveled to Tanzania and came back with a well thought report which has got a lot of ingredients we need to look at and copy Madam Speaker, so as we can achieve a lot in terms of transport matters. Madam Speaker, I will go straight to the challenges whereby you will find that the country Madam Speaker, is as well---

**Hon. Speaker:** Referring to page? Refer the members to the page.

**Hon. Masesi:** Page seven, Madam Speaker.

**Hon. Speaker:** Page seven, Hon. Members.

**Hon. Masesi:** Yes, Madam Speaker, the first one is insufficient funds. Madam Speaker, I want to believe there is no enough budgets for the upgrading and rehabilitation of the roads which are available. Madam Speaker, axle road control again Madam Speaker, is a challenge whereby Madam Speaker, if you look at the roads we have in Machakos County which have been done by the County Government, we need to check well on the kind of road Madam Speaker, being carried by the lorries which do use our roads.

Madam Speaker, the issue of transport I want to assure this House that those guys over there, that is the traffic police---

**Hon. Speaker:** Which language did you use?

**Hon. Masesi:** The police officers, Madam Speaker, in Tanzania---

**Hon. Speaker:** There is another word I think you used. Alright, I will let it pass unheard.

**Hon. Masesi:** Madam Speaker, the police officers are very tough when it comes to issues of speed. In fact Madam Speaker, we were arrested like 18 times just going at a speed of 30 km per hour. When you approach the towns Madam Speaker, the speed limit is just below 30 and there is no overtaking within the towns. Madam Speaker, we had to part with a lot of money Madam Speaker, to have our way out in fact there is a time Madam Speaker, we had to be taken to a police station but we solved the matter out before we went there---

**Hon. Speaker:** You paid fines?

**Hon. Masesi:** To bail us out.

**Hon. Speaker:** I expect a member to wake up with a point of order. Hon. Angela.

**Hon. (Ms.) Munyasya:** Madam Speaker, is the member telling this House that they bribed their way through in a foreign country?

**Hon. Speaker:** That is why I am asking whether they were paying lawful fines.

**Hon. Masesi:** Yes, Madam Speaker. In fact I said to bail us out.

**Hon. Speaker:** And you got receipts for the payments?

**Hon. Masesi:** Yes, Madam Speaker.

**Hon. Speaker:** You want to table the receipts here?

**Hon. Masesi:** Madam Speaker, given time, I can do so.

**Hon. Speaker:** The concern of the House is that you should not be giving money to be bailed out from the police.

**Hon. Masesi:** Sure, Madam Speaker.

**Hon. Speaker:** Proceed.

**Hon. Masesi:** Yes Madam Speaker. My point was that we need to work closely with our traffic officers Madam Speaker, within Machakos County to make sure that if we have areas where we have demonstrated the speed on a vehicle moving Madam Speaker, those instructions or directions must be implemented Madam Speaker, if we want to take care of accidents.

Madam Speaker, Machakos County is known for accidents when you come to Mombasa road. Madam Speaker, I want to believe we have a lot as an Assembly where we need to come together with the Executive and see what can be done Madam Speaker, on the highway to avoid these accidents which have been leading to loss of lives Madam Speaker.

Madam Speaker, again we found out that land acquisition for the road constructions is very high making or creating a challenge for the country to develop a lot in terms of constructing roads Madam Speaker, which is a challenge also in our county in Machakos. Madam Speaker, I want to believe if we can budget a lot in terms of transport matters as I want to believe is among the big four agendas when it comes to infrastructure, Madam Speaker, this house needs to budget a lot and make sure that we perform and provide good roads to our people.

Lastly Madam Speaker, in our recommendations number three page nine, there is the country Tanzania encourages a lot on *kazi kwa vijana* programs Madam Speaker, which in most cases will make sure our youths are taken care of. Madam Speaker, I will encourage the same, we see how we can do it how the feeder roads Madam Speaker, within our wards can be done by our youths who are there and make sure that we boost their incomes and make them a bright future. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Cosmos Masesi. Hon. Museku.

**Hon. Museku:** Thank you, Madam Speaker for giving me this opportunity. I would like again to thank the chair, transport Hon. Irene for the good report they have brought to us after attending the conference in Tanzania which seems to be a conference on East Africa and looking at the road infrastructure within this East African Economic Block.

Madam Speaker, I just want to highlight two things and the first one and most important of them is on the recommendation number one. Accountability of public funds should be taken into account. This is further emphasized in Article 201(d) of the Constitution of Kenya, 2010, which states that public money shall be used in a prudent and responsible way. Madam Speaker, in as far as our infrastructure is concerned especially here in Machakos County, every year we are budgeting for funds for feeder roads and we are budgeting for funds for main roads.

The main roads we are budgeting for funds through KRB grants which come through KRB and for feeder roads we are budgeting for funds directly through the County budget. Madam Speaker, if the amount of funds which have been budgeted for year in, year out are prudently utilized, I am very sure Madam Speaker, by today we should not be talking of any road

in Machakos sub county feeder road or otherwise which has not been upgraded to at least marram status.

I am trying to emphasize here on prudent use of funds, if we prudently keep on putting the money which we are budgeting for in roads and up grading our roads not just grading. What we have been doing most of the time is grading and you grade a road once, twice, thrice due to erosion it goes down the level of the road goes down. It becomes next to impossible for you to maintain those roads because once it rains the water floods and carries away and destroys the roads.

The thing which maintains roads is marram, you apply marram you lift up the road so that the drainage of water is left on the lower level and the marram is on top. So Madam Speaker, this recommendation by the committee on accountability of public funds and prudent use of resources we need to make sure we adhere to it as a county so that we can be able to upgrade our roads. We cannot go in year in year out preparing or maintaining the same roads we allocate two or three million shillings per ward this year, next year two million and the other year two million and we are doing the same thing over and over again.

We need to look for some permanency in the solutions we are doing so we make sure we concentrate on our roads we upgrade them to marram status and once we do that maintenance of those roads through the initiative which they have also said in number three *kazi kwa vijana* program will be very easy. Because once a road has already been graded and murramed them you will be doing repair work with *kazi kwa vijana* and that will be able to create enhanced employment.

The other thing Madam Speaker is maintenance of the axle road limits as they have talked about here which is a big problem. Axle road is a big problem on the tarmac road and is even a bigger problem on the un-tarmacked roads. We repair roads use five million shillings to repair that road and during the rainy season trucks which are ferrying sand and carrying 14 tons of sand others are carrying 18 tons when they are supposed to be carrying 14 tons go through the same roads and the end result is that those roads become impassable.

So it will be prudent for us to say once these roads are repaired the trucks which go to ferry the sand from the river should be of a particular weight and they can bring out to stations near the tarmacked roads where the other trucks can come and carry from if at all we are going to be able to protect our feeder roads from being destroyed year in year out.

So I would be challenging the transport committee and...to come up with policies which they can be able to table before this house on how we can be able to change the structure of us ferrying sand from the river to somewhere where we have got all weather roads so that we can be able to safe guard those roads of ours which we are working month in month out to repair using marram and our graders and costing the county quite an amount of money. That would be able to regulate the whole thing and make sure we maintain our roads. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Museku. Hon. Fredrick Muthoka.

**Hon. Muthoka:** Thank you, Madam Speaker. I also stand here to support the report and will go direct to the recommendations. Recommendation number two about the *bodaboda* riders or motor bike riders as an Assembly I think in the next budget which we are just about to start preparing it 2019/2020 we should set some funds a side to train and help these *bodaboda* riders acquire licenses.

You know there was a deadline which they were given by CS Matiangi, each should have insurance and license and I know part of CDF have got some *bodaboda* riders and they are



training them but still a lot of them especially in my ward they do not have licenses. So as you are setting some money aside for bursaries let us also consider these *boda boda* riders. Then on the recommendation number four the transport should partner with private...we should do private partnership this is very important.

Yesterday we happened to visit Mavoko sub county Athi river ward with Hon. Kisini and the public also complained bitterly, they are saying there is EPZ there. EPZ is making a lot of money from their area and they do not do any social responsibility they should be grading and murraming those roads. We have a lot companies in Athi River and Mavoko, bamburi cement and a lot of them. We should partner with them in grading and murraming these roads.

Also on the issue of sand harvesting as per now we have suspended sand harvesting in Machakos for one year we should approach also companies like GM, they are the owners of Isuzu they are the ones who sell these lorries we partner with them for this one year we do gabions in our rivers and they have done it in Makueni. They have partnered with Makueni County because they are the ones who are making profit by selling these lorries.

When we do not have sand harvesting they are making losses. So if they want us after one year to uplift this ban let us partner with them we do gabions in our rivers with them and then after that we can allow after a year. And the recommendation number six land survey is an issue. Sometimes these graders are sent to our wards and we have disputes these people have already cultivated on the roads.

The other day Bishop Nguyo of AIC called me because they want to do a road from the main road from Kathiani to the headquarters of AIC in Mitaboni but the people bordering the church have issues, they are saying no the road is here, no the road was passing here. No my grandfather told me...so let us just send a surveyor in our wards to do demarcations. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Fredrick Muthoka. Hon. King'ori?

**Hon. King'ori:** Thank you, Madam Speaker. What I would like to talk about, I will go to page nine number three and four are almost similar but I want to emphasize on number four whereby the department of road and transport should come up with policy we should not say policies we should say regulations. Regulation is the best thing to happen in this county because Article 174 of the Kenya Constitution, let me just refer Madam Speaker---

**Hon. Speaker:** That is very good; go ahead.

**Hon. King'ori:** Under Article 174(d) of the Kenya Constitution to recognize the right of the community to manage their own affairs and follow their development. I think this should also be made as a regulation and law so that our youth who are in our areas can also benefit from devolution. In the same article (e) it says to protect and promote the interest and rights of minorities and the marginalized communities like in our areas where people are being marginalized because of development. We should emphasize that the CEC roads should come with clean regulations that will help our youth to have employment in our wards so that we can see devolution as it is in the constitution.

Madam Speaker, the people of Kenya and the People of Machakos are crying of unemployment yet we have so many things that are done wrong just because we do not have good policies and regulations and that is why I will request the CEC roads and the CEC finance to act on these recommendations so that our young people should also benefit from what we get

in our areas from the National Government because the constitution also states that we should also promote economic development and the provision proximity, easily accessible services throughout Kenya so that it is not only the contractors should benefit also our youth who are at the ground that should work.

That is why I emphasize that 70 percent of all employees of the county should come from this county 70 percent and that is low that the only thing that we need outside our county is only the expertise but all the workers should come from this county including workers in the quarries like the one which are in Muthwani ward. There are 60 of them and yet the people of Ngelani and Katani are suffering because we do not have any regulations. That is why I am asking also the CEC environment should come with a policy taking into account that our youth also need to be employed in that area. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. King'ori. Hon. Kisini.

**Hon. Kisini:** Thank you, Madam Speaker. For also giving me time I also want to praise the committee I hope they had a good time while at Tanzania. I also want to stress some three points; one as our Deputy Speaker has really emphasized about the murraming we are very much concerned about the grading and this grading takes on and more especially where we have the muddy black cotton soil.

Even if we grade after the rains those roads are impassable again and again so I also want to add my voice in this grading and murraming. We should not always talk of grading but now I think it has reached a point where we should emphasize on the murraming because these roads after the rains they are impassable and they need to be murramed. That is why you have heard of an example in Athi River. I also want to add on the *boda boda* issue which was noted out because of the licenses.

I happened to have a chance in a factory in Athi River and I was given two slots knowing that we have many *boda boda* riders it was very hard to get one who has a motorcycle stamp on his license. So it is very good we emphasize and on top of relying on the road transport we also encourage the county to come up with a policy to set some funds so that they can also train and get licenses for these young people. I also want to raise a concern and challenge the roads committee the transport in most of these roads some have bridges. The small bridges and they are impassable when the rains come.

I have a bridge at a place called Kasuitu which is also breaking down, it is in Athi River I have been following it up through the transport and the roads department at our county and even now that bridge is almost getting swept so I am requesting and I know in most parts some of the small bridges are impassable more specially when the rains come and they also make people not go on with their business mostly during the rains or to use longer routes to get connected. I am requesting as much as we emphasize on the roads we also emphasize on the bridges because they also fall under public works. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Members. Hon. Members, I call upon the mover of the motion to reply. Hon. Irene

**Hon. (Ms.) Mwendu:** Thank you, Madam Speaker. And thank you members for generously contributing to this report and supporting it. It seems that the challenges and problems we face cut across the countries especially in East Africa. On page seven we can see the challenges we all face, what Tanzania is facing we are also facing as a county and as a

country and I pray that the recommendations that have been put forward on page nine that they will be implemented to the letter.

I wish to thank the office of the Speaker, and of the Clerk and the management of the County Assembly for facilitating this committee and other committees in this house to benchmark and carry along study tours in other countries and in other counties as well. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Irene. Hon. Members I now put the question.

*(Question put and agreed to)*

Hon. Members just from the Chair, I do commend this committee quite highly because what you noted on the floor of the house and the report it was not in vain that they went to Tanzania and I want to believe that this report if implemented it does have a lot to benefit our county at our country at large. I am impressed by the report on the strict implementation of the law on speed limits by the police persons in Tanzania and I noted Mheshimiwa Hon. Masesi said that that implementation, despite the comment which he had made earlier, that implementation has helped to reduce accidents and I think that is what we need to learn foremost on the study tour.

Of course the others, each one of them, including *kazi kwa vijana* is very important and so I just want to urge you other members there are many reports of benchmarking tours which you have made; let them come to this House we discuss and we see which is the best way we can use them for the benefit of the county first and the country at large. And for purposes of this report, I have no doubt the implementation committee headed by the Hon. Fredrick Muthoka will be able to take it up and that we will be able to see some bit of this report implemented. Thank you, very much Hon. Members.

## ADJOURNMENT

**Hon. Speaker:** At this point the sitting of the House is going to adjourn and it is going to continue on the 19<sup>th</sup> day of March 2019 at 2.30 p.m.

The House rose at 11.45 a.m.