

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

**OFFICIAL REPORT**

**Tuesday, 25<sup>th</sup> September, 2018**

The House met at 2.45 p.m.

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

**PRAYERS**

**Hon. Speaker:** Good afternoon, Hon. Members? We can start with the business for this afternoon. Mr. Clerk, proceed.

**COMMUNICATION FROM THE CHAIR**  
**BUNGE MASHINANI IN KITHIMANI WARD**

**Hon. Speaker:** Hon. Members, under this Order, there is one business and it is about the Assembly that we are going to have a sitting in Kithimani Ward. There is a slight change on the date Hon. Members that I seek to communicate to you and it is for your own good. If you remember, we had settled for 9th September, 2018.....yes, thank you. I am always one month behind apparently. Thank you, Hon. Matee.

Yes, we had settled for 9th of October, 2018 but when we looked at the calendar with the clerk, we find that 9th is a Tuesday. What that means, Hon. Members, is that we will dismantle the HANSARD equipment on Tuesday after the sitting, that is 9th, then it will go and be mounted early enough on Wednesday the following day on 10th of October, 2018 so that it can be used on the ground. We cannot have an Assembly without HANSARD but then again there is your convenience because it means we go and sit at Kithimani on 9th, if we go as earlier planed and then on Wednesday you travel again here.

So the thinking and I have consulted a few of you informally, is that we can have the Bunge Mashinani on 10th October, 2018, that is Wednesday. The Members like Hon. Kiilu and Hon. Kituku, will be able to proceed to their Wards from Wednesday so that they do not have to come here again on Wednesday. Do we understand where we are coming from?

So, it is for the convenience of the Members that we have it on Wednesday instead of Tuesday and I believe I have your concurrence on that. For Hon. Kalumu, we will also leave him on the ground and then Members will also have more time to interact with the public other than hurrying back to come and sit on Wednesday. I know in the Speaker's Communication there are no interactions or interjections from the Members but I am seeing Hon. Maitha putting his hand up. What is the issue Hon. Maitha?

**Hon. Maitha:** Thank you, Madam Speaker. Madam Speaker, I was asking, if it is possible for us to have two days in Kithimani. That is Tuesday and Wednesday like what the Senate is doing in Uasin Gishu County because one day might not bring a lot of impact to the people of Kithimani. I rest my case, Madam Speaker.

**Hon. Speaker:** Allow me, Members, also to respond immediately to the Member. It is a good idea but we are also having difficulties with finances. Hon. Members, if you saw what the Senate has done, it has such an elaborate arrangement apparently even on the place where they are to serve lunch. Maybe you have not seen but I was shown somewhere and I know they will engage also the members of the public.

We do not have the funds that are as at the disposal of the Senate; that is our handicap but going forward, let us see if instead of one day we can increase the days to two but then that will mean having gone round in each Ward once. Are we in agreement?

Thank you, Hon. Members. Mr. Clerk, proceed.

### MOTION

**Hon. Speaker:** Hon. Members, under this Order, we have two businesses. The first one is by the Hon. Katumo and the second one is by the Hon. Majority Leader. Hon. Ndawa, please wake up and address the Chair appropriately.

**Hon. Ndawa:** Yes. I am saying the Hon. Majority Leader has instructed me to hold briefly for him.

**Hon. Speaker:** So that is the second Motion.

**Hon. Ndawa:** The second Motion Madam.

**Hon. Speaker:** And the first Motion Hon. Members.....Hon. Jacinta. You are standing in for Hon. Katumo? Please, proceed. Come forward.

### PROVISION OF WHEELCHAIRS AND WALKING AIDS TO PWDs

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

Madam Speaker, that aware that the Convention on the Rights of Persons with Disabilities main aim is to protect the rights and dignity of persons with disabilities by promoting, protecting, and ensuring the full enjoyment of human rights by persons with disabilities and ensuring that they enjoy full equality under the law;

Acknowledging that Article 54(1)(c) and (e) of the Constitution of Kenya provides that a person with disability is entitled to reasonable access to all places, public transport, information access materials and devices to overcome constraints arising from the persons disability;

Noting that section 12(1) of the Machakos County Persons with Disabilities Act 2016, provides that persons with disabilities are entitled to a barrier-free and

disability-friendly environment to enable them to have access to buildings, roads and other social amenities, assistive devices and other equipment to promote their mobility;

Further aware that section 12(2) provides that a proprietor of a public building or public service vehicle shall adapt it to suit persons with disabilities in such manner as may be specified by the persons with Disability Board;

Madam Speaker, I wish to move that the County Government of Machakos provides more wheelchairs and walking Aids during this year's United National Disability Day on 3<sup>rd</sup> December, 2018 and make County Offices and facilities more accessible to Persons with Disabilities.

Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Jacinta. Whom do you call to support?

**Hon. (Ms.) Luka:** I wish to call upon Hon. Hellen Matee to second the Motion. Thank you.

**Hon. Speaker:** Hon. Hellen.

**Hon. (Ms.) Ndeti:** Thank you, Madam Speaker. I second the Motion.

**Hon. Speaker:** Thank you, very much Hon. Hellen; you have seconded the Motion. Hon. Members, allow me to propose the question.

*(Question proposed)*

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

**Hon. Ndambuki:** Thank you, Madam Speaker for the opportunity to contribute to this Motion. Madam Speaker, as we discuss about Persons living with Disabilities, it is worth noting that, this is a group of people in our community who in many times have been neglected and seems like they have been forgotten by the bigger group of people who are able to walk freely and who are enabled to do things freely and as leaders we need to understand that, we are all created in the image of God and we need to also support People living With Disabilities so that they can be able to live like us and enjoy life like the way we are doing.

Madam Speaker, in as much as we want to say that the County Government of Machakos comes in to support them, we are also called as brothers and sisters of these people to also support them. Madam Speaker, we come from areas where may be in a village or within the area that we come from, we know children who are being hidden by their parents or siblings just because they were born with some disability.

It is something that is very important something that is very important that we also educate our people to know that it is not their fault to bring forth children who have disabilities and as such they need to bring them forward so that the government and other organizations of

goodwill can support them so that they can access education and other privileges that we also have as human beings. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Dominic. Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you, Madam Speaker. Mine is to ask the members, by that, everybody in this House to bring 10 disabled people in the place where we will be meeting because you can see the people we call disabled in this House, Mheshimiwa Katumo and Hon. Jacinta, you hear their mind the way they are very sound and the way they are clever. So, if we get those people who are rejected in the villages we will be doing good work and if you can bring 10 and you will be remembered in that place of yours and some mothers when they have such children they fear to bring them in the public.

So, because you know everywhere and you can get all those people when you go down there unless you have come to live in Machakos town, bring the disabled people so that this Assembly, the Second Assembly can gain something from the disabled and they pray very hard for our government to recognize the government. Thank you, Madam Speaker.

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

**Hon. Museku:** Thank you Madam Speaker for giving me this opportunity. First of all, I would like to applaud the member who has brought this very noble motion before this House and comment and say that it is high time as the people and as a county we moved forward with speed and start recognizing that disability is not inability. It is the high time we started ensuring that in all spheres of our lives, we recognize that there are people among us who are disabled in one way or the other but they are human beings, they are people like us, they have a soul like us and they have every single right to get each and everything which we ourselves who have been blessed not to have a single disability have.

In our budgets, for example, I remember when we were doing budget we allocated a figure, just a figure for people living with disabilities. I would like as a person to see an improvement to this and that is the reason I am supporting what Hon. Mueni is saying. Let us try and get the actual numbers of the people we have of the people we have who are living with disabilities and let us start having itemized budget affecting each and every one of them.

*(Applause)*

That will make sure that the budgets we are doing in every year when we prepare for budget those people who are disabled have got an allocation which nobody can be able to alter and take it elsewhere. When we allocated a lump sum figure; disabled people Ksh. 5 million or 10 people, then it leaves open to somebody else there to go and make the decision on what these things need to be done for. We do have two members here who are representing that constituency of people and if we manage to get the numbers and we as an Assembly come out with a more organized way of funding for their things, then I believe we will have made an impact on the lives of these people in our county.

Lastly, when we look at our buildings and most of the areas we have, we put up a building and we forget we actually have disabled people, we put up toilets and we forget we have people who cannot be able to utilize the normal toilet we use. Even when we put up a building,

how many people remember that, that building especially it is a public building, will need to be accessed by disabled people. It is something which needs to be enforced in our laws within the county so that every single construction which is going to be utilized as a public building has got facilities to cater for disabled people.

I even seen in the normal parking areas, a parking reserved a disabled person and you see somebody who is not disabled just drive right in there because is empty, park there and go. I think this enlightenment which we need to enlighten our people will go a long way and ensuring that we as a people accept we do have people who are disabled among ourselves but they are human beings like us and we need to provide for them in each and every way. Thank you, Madam Speaker.

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

**Hon. Masesi:** Thank you, Madam Speaker. I want to appreciate the Hon. Member, in his absence, Hon. Justus Katumo; he is one of the members who is always keen and up to his task. Madam Speaker, I want to support the motion and more so when it comes to the issue of wheelchairs, the budget comes in. Madam Speaker, this reminds me of the budget or in our last budget I want to believe there was a budget for the people living with disabilities. It is the high time, as a House, we sit down with the concerned department in the executive and be assured of our discussions here in this House will always be taken care of.

Madam Speaker, here we are talking on an event which is coming in December whereby I want to believe we have a grace period of not less than three months. Madam Speaker, if we talk of addition of more wheelchairs, I am sure even in my ward, I have a group of 20 people living with disabilities who normally assemble at a place known as Katuanyaa market where my office is; not at any given time have I seen any support for these members living with disabilities coming from the county government.

Madam Speaker, I do not know when this county government or the executive will have to implement the discussions we pass through this Assembly. Madam Speaker, today we have received a letter inviting us for enforcement of roads by the executive which is coming on 27th (??). We need to ask ourselves if we will be doing priorities by the electorates or we will be delivering what is our own making.

Madam Speaker, I urge this Assembly to take up its task and make sure we are not taken for granted anymore. Madam Speaker, as I always say we are one year down the line and in my ward I have got nothing to show; we need to ask ourselves where this Assembly is heading. It is the high time we are being felt on the ground as an Assembly; how we urge this Assembly to take some steps and make sure that all the motions we pass in this Assembly are implemented by the executive. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Masesi. Hon. Alice.

**Hon. (Ms.) Nzioka:** Asante Mheshimiwa Spika kwa kunipa nafasi. Bi. Spika, namshukuru mheshimiwa Jacinta kwa mswaada ambao ameleta. Bi. Spika kuna msemu wa kiswahili ambao husema 'hujafa hujauywa.' Sisi, leo unaweza kuwa mzima, unatembea vizuri lakini dakika zingine unakuwa kilema ama unakuwa mlemavu. Wakati ambapo tunaongea juu ya huu mswaada, tuangalie vizuri sana kwamba kuna watu wanahitaji msaada wetu.

Bi. Spika, nilifanikiwa kutembea Afrika kusini na niliona jambo Bi. Spika nikashangaa; kumbe sisi hatuwatambui walemavu kabisa. Ukitembea katika kila jengo ,unakuta kuna sehemu imejengwa mahali ambapo mtu mlemavu anawezapitia, ukitembea sehemu za msalani unakuta kuna sehemu imeachwa ya huyo mtu kuonyesha kwamba kila sehemu katika Afrika Kusini wanatambua walemavu. Hata pia niliona kwenye maduka ambayo mnaenda kununua vitu, unakuta kama umeona mtu mlemavu unampa nafasi ya kwanza ili kwamba apate haki yako na ndio sasa na wewe ufikiwe.

Sisi kama Bunge ingekuwa jambo la maana kuona tumeleta sheria kwamba tuwape walemavu kipao mbele. Ni maumbile ya mungu sio yetu kupenda kwa hivyo tukiwatambua pia Mwenyezi Mungu atatubariki. Mimi nataka kuuliza kamati tekelezi ambayo tunayo katika hii Bunge; tunawezakuwa tunaongea mengi, tunafanya mengi lakini kile ambacho tunaongea hakitekelezwi. Tumeweka mara tumesema hii, tumesema hii mwenyekiti wa hiyo kamati na wanakamati wake wafuatilie waone sheria ambazo tumepitisha hapa zinatimizwa ili kama bunge tuweze an kutembea ili kuona watu wa Machakos wamepata.

Tuna majukumu mengi ambayo tumepewa na wananchi wa Machakos. Tufuate moja nyingine tuone kwamba tunafanya kazi ambayo ilituleta bunge. Asante, Bi. Spika.

**Hon. Speaker:** Thank you, Hon. Alice. Hon. Ndawa.

**Hon. Ndawa:** Thank you, Madam Speaker. I want also to support the motion which has been brought here by the Hon. Member of County Assembly. Madam Speaker, I remember very well in the budget that we passed last time, we set funds for that work. Madam Speaker, people living with disabilities are like any other people and they need to get their rights because rights are provided for in the constitution. Madam Speaker, I would suggest that we conduct census so that we can know how many people living with disability we have in every ward so that when we are planning for that event, we can also work on the logistics on how those people will be able to reach the venue of the event.

Madam Speaker, the issue of disability was only remembered once and that is the time the minister for transport ordered all the *matatu* operators to remove carriers from their *matatus*. Madam Speaker, the *matatu* operators went to court and argued that the carriers is the only area where they put on these wheel chairs and the court agreed with them and by so orders were given and the carriers were put on the vehicles.

Madam Speaker, it is unfair only to remember people with disability when there is a snag; we should remember them even when things are good. Madam Speaker, in previous years I believe there are things given for people living with disabilities but in my ward and maybe in other wards, they do not benefit with those goods given by the County. So, Madam Speaker, that is why I am requesting that we conduct census to know exactly.

Three months ago a group of deaf people traveled all the way from Matuu to Makueni a place known as Mbitini to see the Father in-charge who used to be the Father in-charge in Matuu sometimes back so when the Father was transferred, they did not know any other person. So, to have their issues addressed, they traveled all the way to Makueni. We need to set structures so that at least those people living with disability they know exactly where to take their views.

Madam Speaker, we have so many but others cannot make to come to Machakos due to that inability. Also financial status they cannot afford to pay fare to Machakos where the event will be held. I think we should also set a date for the people living with disabilities so that at least every year, we have that event celebrated in every sub-county so that people in that sub county

can be able to come and maybe air their views. Madam Speaker, this is a noble motion which needs to be supported by everyone. There is a saying in Kiswahili; a person will only stop being created the moment he dies.

Today I am fit, I am standing on my feet and I can see but maybe in future, I will not be able to stand. I was very okay but due to some circumstances, I can change. So, Madam Speaker, we need to set funds aside, we need to set aside dates and we need to create forums for those people with disabilities. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Members. Hon. Jacinta, the mover of the motion please reply.

**Hon. (Ms.) Luka:** Thank you, Madam Speaker. I want to thank members for contributing positively towards this motion and still I want to say that for people with disabilities, it is their right to access every building, public building because as we start here in our new building, I can say that the building is not disability-friendly because I once went there to second floor and for sure I was tired because the lift is not in condition and still the stairs there is no where one can hold while climbing there.

Still, we need more wheelchairs for persons with disabilities and when we pass this motion, it is good during that day which we hold every year on 3rd of December, it is good that people get wheelchairs because some persons with disabilities when they come there they come straining and when they get wheelchairs or walking aides and they will be happy. So, Madam Speaker, I thank members for contributing positively and I hope the motion will be implemented. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you very much, Hon. Jacinta.

*(Question put and agreed to)*

Hon. Members, because of the need to have this motion implemented, noting its great importance, it is committed to the committee on youth, women, PWDs and Sports and that committee is required to report to this house on the 7th of November, 2018 because the House wants to follow up on the progress of implementation. We are looking at 3rd of December, 2018 the National Day for persons living with disabilities so that then by 7th of November, that committee needs to bring a report to this House on what it has been able to do towards implementing the motion. Thank you, Hon. Members.

### COMMUNICATION FROM THE CHAIR

#### INTERROGATING THE NOMINEES FOR POSITION OF CHIEF OFFICERS

**Hon. Speaker:** Hon. Members, the second business under this is about adjournment of the House but allow me to make just one comment which is by way of a communication. It should have been under communication. Hon. Members, you are aware that you are going to start the different committees interrogating the nominees for the COs and that is from next week. I just want to draw your attention to the provisions of the law that will guide you, the Public Appointments (County Assemblies Approval) Act 2017; please familiarize yourselves with that

law and also note that the law has the Second Schedule which gives you an idea on what sort of questions you need to put to the nominees.

The Clerks led by Mathew Muange who has been sitting in the appointments committee will also assist the members. But most of it, remember, the nominees appearing before you, it is their constitutional right to be interviewed by you. So you treat them with utmost respect and of course, they will also reciprocate and then give them all the chances to air their views even if you do not approve what they are saying you should not show it in your face.

Do not start making comments and whispers to your colleagues. That is about decorum in that place; show them all the attention, give them all the attention and the respect they deserve, right.

Hon. Members, I will call upon Hon. Ndawa to move the next motion.

### **MOTION**

#### **ADJOURNMENT TO ALLOW APPROVAL HEARINGS OF THE COUNTY SECRETARY AND CHIEF OFFICERS**

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

Hon Speaker, aware that this Hon House approved the annual calendar of the business pursuant to Standing Order 25(1);

Further aware that Standing Order 25(4) provides that the Assembly may, by resolution, alter its calendar or adjournment date;

Noting that the County Assembly received the list of nominees for the positions of the County Secretary and Chief Officers for the county government of Machakos pursuant to Sections of the County Governments Act on 1st August, 2018 from His Excellency Dr. Alfred Nganga Mutua, the Governor of Machakos County;

Noting that the names of the nominee were tables in the House on 7th August, 2018 and committed to the relevant sectoral committees pursuant to Standing Order 42(1);

Aware that the committee have scheduled hearings from 1st to 4th October, 2018, Hon. Speaker, I wish to move the motion that this House adjourns its sittings from 25th September to 9th October, 2018 to allow the Hon. Members to give committees time to prepare and hold approval hearings of the County Secretary and Chief Officers scheduled for 1st to 4th October, 2018.

Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Ndawa, do you have somebody to second?

**Hon. Ndawa:** I call upon Hon. MCA from Ekalakala to second the motion.

**Hon. Speaker:** Who is Hon. MCA from Ekalakala?

**Hon. Ndawa:** Hon. Steve Mwanthi.

**Hon. Speaker:** Thank you, Hon. Steve Mwanthi.

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



**Hon. Speaker:** Thank you, Hon. Steve. Hon. Members, I am consulting the technocrats that you have been taught by the facilitators in the various trainings at the Clerk at the Table is usually occupied by the technocrats who guide the Speaker on procedure. I am told that this is a motion that I may need to propose the question and I hear a few views from the Members and then you vote.

*(Question proposed)*

Hon. Members, can you give your views on this motion. Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you, Madam Speaker. Mine is to ask the Members to avail themselves from tomorrow to the committees because this is part of your work you are supposed to do but don't go home and sit there as if there is somebody else who will do the work for you. Madam Speaker, the Members have to know that there are some things we can't escape; we have to pass the duties we are supposed to but don't sit at home and say that am not going to pass this person because I am giving him/her work; come and hear whether he is qualified or not but not to be shouting as a village woman in your house.

Come and hear; that person is supposed to do that work and he/she might be good to do the work. That is what I wanted to tell the Members and don't make the work of the Speaker to be hard; be making her do the work of the Speaker but not the work of the Members and also the Speaker. Let her do the work of the Speaker. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Mueni, before you resume your seat, I just want you to withdraw some remarks you have made about somebody you mentioned in the village; do you remember what you said?

**Hon. (Ms.) Mueni:** Madam Speaker, I think then I withdraw---

**Hon. Speaker:** Just leave it at that and thank you very much; withdrawn the comment that woman in the village. Those are our mothers, our sisters, our daughters...and they are the ones who drive this nation, we look at them with utmost respect. Thank you. Hon. Maitha

**Hon. Maitha:** Madam Speaker, she should also withdraw that we are not sitting tomorrow as she said; the adjournment is from 1st to 5th but she talked of tomorrow.

**Hon. Speaker:** Point of order to you Hon. Maitha. Hon Mueni is very right to talk about tomorrow; tomorrow is about preparation because you cannot come and just start the interviews without preparing and that is why we are adjourning tomorrow. So, Hon. Mueni is on point on that one. You are starting tomorrow not on 1st on preparing. Hon. Jeremiah.

**Hon. Munguti:** Thank you, Madam Speaker. I want to support the motion that we come as early as tomorrow so that we perform our duties. The nominees are long overdue because some of them have been in the office and their time has expired. Therefore, it is my humble request that in each committee we all attend so that we can see who are being nominated and those who are not nominated because some I know are able to perform their duties and others according to their credentials might not make it to the interview.

Otherwise, Madam Speaker, I support the motion and it is my humble request that all Members in the committees adhere to the motion. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Jeremiah. Hon. Museku, did I see your hand up?

**Hon. Museku:** Thank you, Madam Speaker. I support Hon. Ndawa's motion for adjournment so that it can allow us committee time to prepare and interview the Chief Officers for the respective departments which we have. Mine is to beseech the office of the Clerk; as Madam Speaker has given guidance, I hope we are going to have a uniform format on the questions so that we can be able ensure that each committee is having an objective way of approaching the issue of vetting and coming out with Chief Officers for the respective departments. I think that will be key.

The other thing is on objectivity; I believe we are going to be very objective in this issue taking into consideration all the Members all the things which need to be taken into consideration that in my opinion anybody sitting in a Chief Officer's office must be vetted by this Assembly for the term they are going to be in that office and therefore we will be expecting that each and every Chief Officer who is going to be in that government has been provided before this Assembly for vetting so that they can be approved.

The House, I believe, we have the tools to find out if there is any who will not be brought before this House then we will take necessary action. So, I support the motion. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member as I call the mover of the motion to reply. Hon. Ndawa.

**Hon. Ndawa:** Thank you, Madam Speaker. Mine is very simple; I want to say thank you for supporting the motion. What we are going to be doing as from tomorrow is part of what we were elected to do. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ndawa

*(Question put and agreed to)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, the sitting of the House consequently is adjourned to resume on 9th October, 2018 at 10 a.m. Have a good evening.

The House rose at 3.34 p.m.