

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Tuesday, 27th February, 2018

The House met at 2.31 p.m.

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

PRAYERS

Hon. Speaker: Just looking at the two sides of the House to confirm if we have quorum. Mr. Clerk? Serjeant at Arms, can you ring the bell?

(Quorum Bell was rung)

Good afternoon, Hon. Members. I am happy to meet you this afternoon. I know you missed me a lot in the morning. I am back in the House.

(Applause)

Allow me to welcome our gallant students from Uvaani Secondary School which is in Makueni County. They have come to visit your Assembly and to see if you are performing better than the Makueni County Assembly or you at par or below them. Perhaps, they will be able to give us a feedback at the end of the day.

I welcome you the students of Uvaani Secondary School led by your gallant teacher; thank you, for paying a visit to this Assembly and we can only encourage you to aim higher in your education and pray to God that someday you will be the ones occupying the seats in this House and even in other Houses and in other positions of leadership in this country. Welcome and feel at home.

Hon. Members, we will go to our order of business for today. Mr. Clerk, proceed.

NOTICE OF MOTION

Hon. Speaker: Under this Order, we have business as listed in the appendix; one Notice of Motion by the Hon. Kasyoki.

CONTROL OF MIRAA BUSINESS

Hon. Kasyoki:

Madam Speaker, that aware that miraa and khat consumption is on the rise in Kenya and more so in Machakos County where it is consumed by adults of both gender and even school going persons;

Recognizing that there are students who have dropped out of school to engage in the miraa business while others sneak miraa in to school to prevent them from sleeping thus interfering with their memory and concentration;

Recognizing that the Ministry of Health has classified miraa as a dangerous drug to human health and that the United Nations classified khat on Schedule One indicating

that miraa poses a great danger to human health, in protocol released last year International day against drug abuse and illicit trafficking on 26th June, Kenya's Health Ministry confirmed that khat/miraa as a psychoactive drug in the new national protocol for treatment of substance use disorders in Kenya 2017, the Ministry classified Miraa alongside cocaine;

Madam Speaker, recognizing that miraa is known to cause long term effects such as increased severity of psychological problems including depression, paranoia, impotence, oral cancer and more severe psychological problems;

Madam Speaker, I wish to move the motion that this Hon. House approves that miraa/khat business be controlled by ensuring that license fee be attached to the business and that the department of health and sanitation comes up with a policy that will foster cleanliness and hygiene in the miraa trading premises.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Josphat Kasyoki.

Hon. Kasyoki: Madam Speaker, I want to give Notice of Motion---

Hon. Speaker: You want to make a correction on your Notice of Motion. Go ahead.

Hon. Kasyoki:

Madam Speaker, I wish to give notice of the motion that this Hon. House approves that miraa/khat business be controlled by ensuring that license fee be attached to the business and that the department of health and sanitation comes up with a policy that will foster cleanliness and hygiene in the miraa/khat trading premises.

Thank you Madam Speaker.

Hon. Speaker: Alright, Hon. Josphat Kasyoki. Thank you. The correction on the last paragraph of your notice of motion is noted. Mr. Clerk, proceed.

MOTIONS

Hon. Speaker: Hon. Members, under this order we have business by Hon. Ndawa, as listed in the appendix.

ERECTING SPEED BUMPS ON THIKA-GARISSA HIGHWAY AT MATUU

Hon. Ndawa: Thank you, Madam Speaker.

That aware that the Universal Declaration of Human Rights considers the right to life as pivotal point in the concept of protection of human rights who are born free and equal in dignity and rights;

Cognizant that Article 26(1) of the constitution states that, every person has a right to life and further that Article 26(3) states that a person shall not be deprived off his life intentionally except to the extend authorized by the constitution or other written law;

Further aware that Article 189(1)(c) of the constitution of Kenya provides that the National and the County government shall liaise for the purpose of exchanging information, coordinating policies and administration and enhancing capacity;

Acknowledging that one of the key roads in Yatta sub-county is Thika-Garissa highway which is under Kenya National Highways Authority (KENHA);

Noting that 17 people have lost their lives along that road in the month of January, 2018 due to accidents happening at three black spots areas at Kwa Makaa, Mukalala and Matuu level IV hospital junction due to overspeeding and careless driving; Aware that the County government has a duty to protect lives of residents of Matuu ward;

Madam Speaker, I wish to move a motion that the County Government of Machakos liaise with the National Government to find ways of saving and protecting lives of residents using Thika-Garissa highway by erecting speed bumps to control speeding of vehicles in the black spot areas. Thank you, Madam Speaker.

I wish to call upon Hon. Kalumu, who happens to be a victim, to second the motion.

Hon. Kalumu: Thank you, Madam Speaker. I wish to second the motion being a Member of those residents who have been affected by the same. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kalumu.

(Question proposed)

Hon. Members, the motion is open for debate.

Hon. Mulatya: Thank you, Madam Speaker. I would like to support this motion 100 per cent and guided by Standing Order 52(2) which reads that 'despite paragraph one, the Speaker may in exceptional circumstances allow a member to move an amendment to a motion before the House at any time during a consideration of that motion.'

Madam Speaker, I would wish to amend this motion in the last paragraph to read- Thika-Garissa highway, then we add Kanyonyoo-Kivaa road, because this area in Masinga Central ward and Kivaa ward are mostly affected by these over-speeding vehicles especially the Miraa vehicles. I wish to call upon, Hon. Kiteng'u to second my amendment.

Hon. Kiteng'u: Thank you, Madam Speaker. I wish to second the amendment by Hon. Mulatya since we all connect the same Thika-Garissa highway and we have been victims. This year we have lost several lives on the same. So, I strongly second. Thank you.

Hon. Speaker: Hon. Members, I am called upon to make a ruling on the request by Hon. Mulatya to move a motion under Standing Order 52(2) to amend the motion at hand to include the area of Kanyonyoo-Kivaa market.

Hon. Members, I notice that such a measure is allowable only in exceptional circumstances. It is not lost to me that the motion at hand is about human life, there is nothing more exceptional than human life and for that purpose, the request for moving that amendment to the motion, satisfies the requirement of exceptional circumstances and I also am aware of the Standing Order 1, that gives the Chair powers to make such decisions as are necessary for purposes of business of this House and guided by the law.

So, I allow the Hon. Mulatya to move that this motion be amended to include a black spot of Kanyonyoo-Kivaa market in the motion. It is so ordered, Hon. Members.

(Applause)

Can we proceed and debate on this particular amendment we finalize on it. Hon. Museku.

Hon. Museku: I think it is in order to have that amendment because in is the same area, I have driven though that road recently and I went through Matuu area and I actually found the

residents, in an effort to try and curb the menace going on there, have literally erected a bump with soil on the road. They have taken upon themselves to curb this menace by putting those soil road bumps.

As you know, them being made of soil, obviously it means they are not visible, no signage and therefore it is important to move with speed and make sure that this is done and ensure that the bumps are put in an orderly way, ensure there is enough signage because during the time I was actually driving, I had to brake very hard because I came to notice there is bump when it was already too close.

Therefore, I agree with the amendment of the motion so that it can be included to cover the entire area. Also, life like Madam Speaker has said, is vital and there is nothing sad as losing life due to something which is avoidable. He has said in this motion that they have lost 19 lives in January, those are many lives to lose on something which people can prevent.

When you lose one life, the country and the community as a whole, loses a lot; to replace one life which is already irreplaceable. So, I believe this is long overdue and this does not only affect those areas but as I contribute to this, even in other area especially where the new roads are being constructed by Chinese, before the contractor hands over the roads back to KENHA, there are no speed bumps being erected and we have noticed increased accidents on the roads due to those bumps.

So, I think it is in order for this House to support this motion so that we can have those speed bumps and those other items put on the roads to safe guard from dying prematurely. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Museku. Hon. Jeremiah. Not Hon. Jeremiah, I am looking at you and am calling you Jeremiah, Hon. Steve; sorry about the mix up.

Hon. Mwanthi: Thank you, Madam Speaker. I support this motion, citing the fact that we have lost so many lives on those roads especially because of over speeding miraa transporter who use the same road from Kivaa-Kanyoonyoo-Matuu to Thika. So, I support that the County Government liaises with the National Government, KENHA, to erect those bumps on those black spots. They are very well known it has given us a lot of work trying to talk to our people not to protest; sometimes they even block the roads in protest. So, I think bumps are erected on those roads, it will help lives of our people who are perishing on those roads. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Stephen Mwathi, Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Madam Speaker. I want to support this motion by saying it goes without saying that prevention is better than curing. So, it is the work of every government to save the lives of its citizens and therefore residents of Thika, Garisa, Kanyoonyoo are no exceptions and on the same note, we should also not forget the number of livestock lost in the same place. I support.

Hon. Speaker: Hon. Members, I now put the question that the motion be amended to include the areas of Kanyoonyoo-Kivaa market in addition to the areas of Makaa, Mukalala and Matuu level IV hospital junction which are given in the motion.

(Question put and agreed to)

Hon. Members, you notice we have amended the motion. So, now I will propose the question.

(Question proposed)

Hon. Member, the motion is now open for debate as amended in the floor of this House.
Hon. Kalumu

Hon. Kalumu: Thank you, Madam Speaker. Loss of life has happened on the stretch between the Yatta National Youth Service (NYS) up to those other areas up to Matuu level IV hospital junction but because we have amended the motion, let me say on my part, that last year in December during Christmas festive season, we lost more than six lives on one day.

The people around that black spot are using a lot of money which could have been used in other ways economically like paying school fees, like putting up businesses but they are using that money to bury their own. They are using that money to take the maimed people who have been maimed in the accidents to the hospital. This is just something simple of liaising with the National Government to put up bumps that control speeding cars or vehicles and stop them from killing our people.

Madam Speaker, let me report to you and Hon. Members that we have tried several times but in vain to liaise with the offices of Deputy County Commissioner of Yatta to try and get an approval from the relevant authorities to erect bumps but it was in vain. These bumps were called for several years ago but because now we have taken another route, I fully support that this House approves that the County Government of Machakos liaises with the National Government authorities concerning that road and bumps are erected so that lives of innocent people are not lost.

Losing a man because a small kid cannot cross a road by himself or herself but losing life generally is great to an economy because replacing that life again it will take this county several years again to replace that life. So, I call upon those who are concerned to come with speed so that within the stipulated time, maybe the county will give---

Hon. Speaker: Point of correction, Hon. Museku.

Hon. Museku: Yes, Madam Speaker, I just wanted to correct the Hon. Member life is irreplaceable so when you are discussing you cannot replace life. Thank you.

(Applause)

Hon. Speaker: Hon. Kalumu, are you accordingly informed? Have been accordingly informed?

Hon. Kalumu: Yes, Madam Speaker.

Hon. Speaker: Proceed, please.

Hon. Kalumu: Thank you for that information and for that matter, I rest my case. Thank you.

(Laughter)

Hon. Speaker: Thank you, Hon. Kalumu. Hon. Kiilu, Hon. Muli sorry about that.

Hon. Muli: Thank you, Madam Speaker---

Hon. Speaker: Just repeat your name and ward so that it can go on record please.

Hon. Muli: Thank you, Madam Speaker, I am Hon. Joshua Muli representing the people of Ndalani ward. I stand here to support this motion; my ward is just next to Matuu ward and Matuu

market is the biggest market in our place, so I have been a victim of the same because my people when going to the market in Matuu market have been knocked down by these speeding vehicles mostly the ones carrying miraa from Kivaa ward.

So, I support the motion and ask the relevant authorities to move with speed and stop the same.

Hon. Speaker: Are we having points of correction or points of information.

Hon. Speaker: Hon. Kiteng'u, can we hear you.

Hon. Kiteng'u: Thank you, Madam Speaker. I would like to inform the member that the miraa do not come from Kivaa but Mbeere. Thank you, Madam Speaker.

Hon. Speaker: Hon. Muli, are you informed accordingly? Or do we have plants of miraa these days in that region you are talking about.

Hon. Muli: I am sorry; from Mbeere sub-county. Thank you, Madam Speaker.

Hon. Speaker: You are also through with your debate.

Hon. Muli: Yes.

Hon. Speaker: Alright. Hon. Kisini.

Hon. Kisini: Thank you, Madam Speaker. I just want to move and support the motion as it is due to the fact that we are losing lives in all the areas. So, it is just an urgent request that the County Government moves with speed and does these bumps as requested and maybe I add on that; they also on top of the bumps, the zebra crossing signs so that people can be crossing comfortably. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisini, Hon. Kiteng'u?

Hon. Kiteng'u: Thank you, Madam Speaker. As the County Government of Machakos convenes with the National Government to put some bumps in the mentioned roads, I would also like to add a few stuff where by also will minimize the accidents that have been happening in the mentioned roads.

Madam Speaker, in those roads, if you are driving along Thika-Garisa highway and Kanyonyo-Kivaa market, you realize that we do not have speed limit signs whereby when you are driving you arrive at Matuu market, there should be a sign whereby the minimum of maybe probably 40 kilometers per hour which all the drivers should adhere to.

Again on the same, to control the speed limit also I would also request the Government deploys the speed monitoring cop who can be able to monitor and control the speed. Again, Madam Speaker, you realize on the same roads, it is a highway and as we drive along the highway, you find there are also pedestrians walking along the roads and I would request also we have those pedestrian paths whereby it separates the roads and pedestrian paths maybe, probably by erecting those roadside bollards or road caps (??)

In that connection, Madam Speaker, you will find that we will have two separate roads whereby we have the vehicle road and the pedestrian path. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mark Muendo.

Hon. Muendo: Thank you, Madam Speaker. I stand to support the motion. Madam Speaker, you know that is a highway where most of the miraa come from. That is the highway where they normally carry a lot of *khat* and miraa from Mbeere and you know, Madam Speaker, the speed of those vehicles is unlimited so I think the only way is to erect those bumps to control the speed.

Madam Speaker, when we are talking about life it is actually given free so we cannot allow human beings to destroy life. So, I think the County Government of Machakos this is the right time the Machakos County Government moves with speed and liaise with the National Government and they erect those bumps.

Hon. Members, I think it is not only that road but it is necessary other areas where there is carnage of this magnitude like when the Hon. Member of Matuu says 17 people lost lives in one month. I think it is not a joke this is a very serious motion and I stand to support. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Mark Muendo. You caught my eye and I believe you know why. Hon. Kieti?

Hon. Kieti: Thank you, Madam Speaker. When we talk about loss of life, this is a very serious business and apart from losing lives there are those who are maimed. They are injured, they lose their limbs and most of these people are bread winners in their families so this results to families suffering.

So, I stand to support the motion that the County Government of Machakos liaise with the National Government to erect bumps within that busy road so that the loss of life may not continue. When we are passing this motion, Madam Speaker, we should not forget that we are not building the road just for people of Matuu or Yatta; this is our road. It is a road that we always use so this is an exercise that should be done as fast as possible because in one way or the other we may also fall victims. Thank you, Madam Speaker. I do support the motion.

Hon. Speaker: Thank you, Hon. Kieti. Hon. Mulatya.

Hon. Mulatya: Thank you, Madam Speaker, once again. Madam Speaker, I would also like to add some more information and I wish to be on record that two days ago, between Kanyonyo and Kangonde, we had a very bad accident whereby somebody lost 11 goats at ago because of the same. So, Hon. Members, Madam Speaker, these bumps, we should erect them as soon as possible and also just to add on what Hon. Kiteng'u said, we need some traffic police on these points. We know very well that they are there but they have been totally compromised.

I would also like to seek guidance from you, Madam Speaker, what we can do because these police men are there on the roads and these cars are coming with high speed and dropping money and you will see them collecting that money from there. That means they cannot perform their duties and people are dying.

So, Madam Speaker, Hon. House, I wish this House could put some bill restricting these policemen to do their duties because you will realize that sometimes over the weekends when we are going to our villages sometimes they normally perform their duties and once they arrest one car over speeding the rest they go normal speed. They drive at normal a speed. So, Madam Speaker, we need to be very strict on these roads to protect our people's lives. Thank you, Madam Speaker. I support the motion.

Hon. Speaker: Thank you, Hon. Mulatya. Hon. Pauline.

Hon. (Ms.) Munguti: Thank you, Madam Speaker. This is a good motion. Losing 17 lives is a serious thing, it is not a joke. Bumps are a good solution but I think the flyover footpath is a better solution. It is expensive but it is a permanent solution. Thank you.

Hon. Speaker: Thank you, Hon. Pauline. Hon. Maitha you caught my eye too, go ahead.

Hon. Maitha: Thank you, Madam Speaker. I want to support this motion. It is timely because many people are losing lives not only on these roads but even in other roads in our county. What I would wish to request the County Government and the National Government, is like what Hon. Pauline said that not only fly overs across Thika-Matuu ward but in every place, in every road where there is busy traffic. Like when you are crossing to go to hospital.

Like here in Machakos General Hospital, there should be one there. Like what my friend Mheshimiwa Ndawa said, across the Level IV hospital, there needs to be one there. Therefore, I support the motion with the seriousness it deserves. Thank you, Madam Speaker.

Hon. Speaker: Hon. Betty.

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker. I stand to support this motion simply because losing life, you cannot replace life, you cannot buy life and it is my humble request to the County Government of Machakos to liaise with the National Government so that they can install the bumps.

Also, Madam Speaker, there was a time despite being...I think the sector of NTSA they were chased away from the roads because it was said they were corrupt but I think there are rules and regulations that they are supposed to be set. In case you be caught over speeding, this is the amount of money that you are supposed to pay so that we can reduce the accidents.

This is not only in Matuu ward; I can say that it is a wanting issue to all Wards in Machakos County and it is my humble request that we address the issue with seriousness. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mbevi.

Hon. Mbevi: Thank you, Madam Speaker. I stand here to support the Motion and as many of us have just said, life cannot be compensated. So, I stand here to support the Motion that the County Government should liaise with the National Government on one or two issues.

One, the quality of the bumps; sometimes you get on the roads and you find there are bumps which are poorly done and you find that probably at the end of the day they might be the cause of the accident. So, it is very important for the County Government to liaise with the National Government for quality bumps.

Also on top of the bumps, I think it is important that once they are done, they be painted so that they are visible. Sometimes you find that bumps are done but they are not painted with the paint to differentiate them from the smooth surface of the tarmac. So, I stand to support the Motion that the County Government should liaise with the National Government to put those bumps. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mutiso.

Hon. P.J. Mutiso: Thank you, Madam Speaker. I stand to support this Motion because it is also an important Motion as many have said. One, death rate is more than birth rate nowadays because it is very rare to get a woman who is pregnant but you can get many people who are dead. So, I stand to support this Motion because we want to minimize what is happening in some areas like Matuu---

(Laughter)

Hon. Speaker: I did not want to open the debate. Hon. Cosmus Masesi, I have not allowed you to talk. I know Hon. Mutiso did not mean what he has just said and I believe that you are going to take it away that it is rare to see pregnant women. They are many on the streets. So, let us just proceed.

Hon. P.J. Mutiso: Thank you, Madam Speaker for protecting me. What I wanted to say is that we must be serious on this issue because it has been happening in many areas and we have heard many cases in Matuu along that highway whereby a vehicle can knock a person and then after sometime, you search and you do not get such a vehicle because they drive at a very high speed that you cannot read the number plate.

So, it is a serious matter and I also request a part from the bumps, we also put CCTVs, if possible because sometimes you cannot recall or know who has killed or knocked someone down. I was there some time and I found that there was a child who was crossing the road and imagine, a vehicle came at a very high speed and knocked that child down and because, I do not know where my mind was, I could not even read or know the number plate and it happens a lot to many people.

So, I also request they put CCTVs and I request this Hon. House also to adopt the Motion as it is. Thank you, Madam Speaker.

Hon. Speaker: Hon. Museku.

Hon. Museku: Thank you, Madam Speaker. I stand here to fully support this Motion and to say that in addition to the speed bumps, the speed bumps normally are a physical deterrent, a second tier physical deterrent. What is happening, Madam Speaker in most of these towns, is that we are lacking proper signage. For example, when you are moving from a highway, it is supposed to be indicated that you are driving on a highway a 100 kilometers per hour when you are approaching the town, there should be a signage showing 50 kilometers per hour as you enter the town it comes down to 10 kilometers per hour and motorists are guided by such speed limits.

Some of these towns, you come upon them suddenly such that they are in a hidden or you go down a depression and as you come out, there is a town in front of you and if there is no proper signage guiding you on the speed to maintain on the road, it can be able to lead to this.

In addition, we would request to call upon the Police Service to continue putting the speed traps in all these areas which are black spot areas. What happens when people know there are speed traps on the road, then they drive carefully but as one of the Hon. Members has said, it is detestable to come and find policemen on the road and a few meters from them a horrific accident has happened where lives have been taken yet they were physically available on that spot.

So, as we approve the Motion which I am urging the House to do, we would also recommend that the Police Service be engaged by the County Government of Machakos in ensuring that they maintain speed traps in all these areas. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kituku.

Hon. Kituku: Thank you, Madam Speaker. I would like to support the Motion on erecting bumps on the mentioned road because this issue of bumps should be taken seriously. When we look at that road for those who have ever been to that place, it is a smooth road and also we have another road like this one from Machakos to Kangundo. It is also smooth and actually, people are losing lives from such roads because simply the drivers see them smooth and they tend to drive very fast. So, this issue of bumps should be taken seriously---

Hon. Speaker: Hon. Maitha what is it?

Hon. Maitha: Madam Speaker, I want to inform the Hon. Member that there are very many bumps along Machakos-Kangundo road, he might not have traveled there recently.

Hon. Speaker: Hon. Kituku, are you informed accordingly?

Hon. Kituku: Thank you, Madam Speaker, I am informed though I was not saying there are no bumps there but let me just withdraw that statement. That road from, that is Thika-Garissa highway, that road, for example, there is a place called Kwa Majini, is very steep, such areas should also have road signs showing such places are black spots and drivers should take caution.

Again those roads are also not very clear and if bumps are erected it will mean that drivers will take caution. So, I stand to support that Motion. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kituku. I now put the question that---

Hon. Ndawa: Point of information, Madam Speaker, I thought you were to call the mover.

Hon. Speaker: To reply! Thank you very much. That was an omission. Come, Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I want to take this opportunity to thank the Hon. Members for the wonderful deliberations that they have shown. I can confirm now, since you have supported, I am very sure now we are not going to lose any other life. Madam Speaker, I just want to bring to your attention that we have tried our level best to engage the National Government to have the bumps erected but nothing has ever happened.

We have used the office of the Deputy County Commissioner who is very cooperative and who is very much conversant with all what happens on that road. He has done some letters to the engineers but up to now nothing has been done. I want to table this letter which has been written by the Deputy County Commissioner to the relevant office which is concerned with issues of bumps.

Madam Speaker, again I want to table a report from Matuu Traffic Base because those are the people who man that road. Madam Speaker, as the Motion goes, between 1st of January to 24th January, we lost 17 lives. From 1st to 24th, according to that letter written by the Deputy County Commissioner, the remaining days of January, we lost eight. On February, Madam Speaker, we have lost 11. The whole of last year, that is 2017, we lost over 60 lives.

So, Madam Speaker, looking at the trend, that will imply that those people who voted for Hon. Ndawa to be in this House will not live to see Hon. Ndawa delivering the services that he promised. So, Madam Speaker---

(Applause)

Sometimes people take insurance to have their property insured so that whenever there is an issue they are compensated but what insurance do, they indemnify; they just return the person to where he was before the action took place. But when it comes to life, Madam Speaker, insurance cannot be returned. So, once we lose the life it means that we cannot have that person again.

So, Madam Speaker, the people of Matuu Ward are crying to this Hon. House to ensure that his is done. In fact, last week when we were seated in Nairobi during the retreat for House Business Committee, Madam Speaker, we were with you, that same day, an accident occurred at the same spot, that is Matuu Level IV Hospital and three people lost their lives Madam Speaker.

The residents mobilized themselves and said we must take what we call mitigation to reduce the rate of these accidents and deaths. They managed to build two big soil bumps and, Madam Speaker, I want to confirm, when they erected those two bumps, the following day the engineers of

Kenya National Highway came to Matuu looking for me and when they came to me, Madam Speaker, I told them to accompany me to Matuu Police Station to confirm from the Base Commander how many lives are being lost and that is the time when we got that list.

So, Madam Speaker, I kindly beg this Hon. House to move with speed to have this thing done as soon as possible to save these people of Matuu. Giving an over view of Matuu Level IV Hospital, Madam Speaker, as you move from Thika to Matuu or to Mwingi, the Hospital is situated on the right hand side and people travelling from Sofia, Ndalani and Kithimani from all those sides, they will alight on the left then they cross the road to the hospital and you know as sick person will never cross very fast, he will be walking slowly and that is the moment these people are knocked down.

So, Madam Speaker, I kindly request that we have the County Government sitting down with the National Government because the National Government seems to be going slow.

About Mukalala black spot, there are what we call rubbles, these small bumps; two weeks ago, a Probox fell in Miraa from Mbeere hit somebody instead of crossing those rubbles straight, he swapped to go this way, he went and hit somebody from the soil. When you are driving you are supposed to keep left but that person went from left to right and knocked somebody down.

So, Madam Speaker, it is my humble request that this House approves that the County Government sits down with the National Government to ensure that the bumps are put in place. The ones that we were put by the wananchi, maybe we went against the law but again the law also provides for what we call necessity; something can be done which is against the law but has been caused by what we call necessity.

Madam Speaker, we have what we call, exclusive clauses, you know the law of tort, Madam Speaker, you know it concerns about negligence, defamation and trespass. Now, I am talking about trespass; the Members of Matuu trespassed to that road to erect bumps that they are not mandated to do but due to the rate of the deaths which are there, they were forced to at least mitigate and I can confirm here, this weekend we never lost any life because of those two bumps.

I can say those bumps have saved lives. So, Madam Speaker, I want to rest my case there and say, thank you, so much.

(Applause)

Hon. Speaker: Thank you, Hon. Ndawa for that passionate reply.

(Question put and agreed)

Hon. Speaker: Hon. Members, the Motion having been approved by this House, is committed to the Transport and Public Works Committee so that it can deliberate on the matter and because of the importance and urgency of the matter, report to this House within 60 days from today, that is to say by the 2nd day of May, 2018.

Hon. Members, I noted that you have very bright ideas to enrich the Motion. I have heard suggestions of foot bridges, I have heard suggestions of CCTVs. I have heard suggestions of signage; please note that you can attend before that committee and make your contributions as the Members of the public also attend to contribute.

The further direction I would give, Hon. Members is that, the Motion is well premised on the law that is applicable. I have noted that they cited the relevant provisions of the Constitution on the right to life and the only instance when a life can be taken away is not the incident of accidents and I have also noted the clause on collaboration with the National Government.

I heard contribution from the Members talking about the failure by the Traffic Police and apparent ineptitude and impropriety on their part in cubing the vice of road accidents. I am informing Members that the collaboration with National Government includes collaboration with the National Police Service, it also includes collaboration with the Director of Public Prosecutions

for prosecuting those who have breached the law and it also provides for collaboration with the Judiciary that normally metes out sentence on those who have breached the Law.

These are instances where the highest maximum of fines and imprisonment would be called for and even cancellation and forever the driver being barred from driving if he has caused the loss of lives through dangerous driving.

ADJOURNMENT

Hon. Speaker: Hon. Members, this House at this point stands adjourned to continue on the Wednesday, 28th February, 2018 at 10.00 a.m. Wednesday is tomorrow.

House rose at 3.36 p.m.