

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th March, 2018

The House met at 3.23 p.m.

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

PRAYERS

PAPER LAID

REPORT ON APPOINTMENT FOR POSITIONS OF MEMBER OF MACHAKOS COUNTY
ASSEMBLY SERVICE BOARD

Hon. Deputy Speaker: Hon. Members, under this Order, we have one Paper to be laid before the Table of the House and this will be by the Hon. Caleb Mule.

Hon. Mule: Mr. Speaker, I wish to lay the following Paper on the Table of the Assembly today, 27th March, 2018; the Report on appointment for positions of Member of Machakos County Assembly Service Board. Thank you, Mr. Speaker.

Hon Speaker: Thank you, Hon. Caleb.

NOTICES OF MOTIONS

Hon. Deputy Speaker: Hon. Members, under this Order we have two notices of motions; the first one is a notice of motion by the Hon. Francis Kalumu Kitheka, MCA Kithimani ward and the second one is notice of motion by the Hon. Caleb Mule. We start with the hon. Francis Kalumu.

CONSTRUCTION OF PUBLIC TOILETS IN KIOSYONI, KALUKUNI AND KIMANGU MARKETS

Hon. Kalumu: Thank you, Mr. Speaker.

I wish to move a notice of motion, that aware that the mission for the Department of Environment and Natural Resources is to provide a clean and safe environment to the people of Machakos County;

Further aware that in the Annual Development Plan for 2016/2017, the County Government of Machakos constructed 80 public toilets in selected market centers worth Ksh. 80,000,000;

Remembering that market centers are the key sources of revenue from where business residents of Machakos do their business from;

Cognizant that access to sanitation is a basic human right and depriving people of proper toilet services affects the social, physical and economic well-being of societies;

Realizing that provision of public toilets is not only a matter of land use, but also an essential design and planning concern to make towns more accessible, inclusive and convenient for all members of society;

I wish to give notice of motion that the Machakos County Government, in the 2018/2019, constructs public toilets in Kiosyoni, Kalukuni and Kimangu markets and also supply water to the already constructed Kithimani public toilet to improve the well-being of the residents of the said markets.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kalumu for that notice of motion. Hon. Caleb.

REPORT ON APPOINTMENT FOR POSITIONS OF MEMBER OF MACHAKOS COUNTY ASSEMBLY SERVICE BOARD

Hon. Mule: Mr. Speaker;

That aware that Section 12 of the County Governments Act No.17 of 2012 read together with Sections 4(1), 8, 9 and 46 of the County Assembly Services Act No. 24 of 2017 provides for the establishment of the Board consisting of;

- (a) The Speaker of the County Assembly as the Chairperson;
- (b) Two members of the County Assembly nominated by the political parties represented in the County Assembly according to their proportion of members in the County Assembly;
- (c) one man and one woman appointed by the County Assembly from amongst persons who are experienced in public affairs, but are not members of the County Assembly;

Aware that the First Schedule of the County Assembly Services Act provides that the Secretary to the Board shall, within fourteen days of the first sitting or the occurrence of a vacancy or within such time as would be reasonable, by notice in the gazette and in at least two daily newspapers of national circulation, declare a vacancy and invite those interested in the vacancies to apply;

Further aware that the Machakos County Assembly Service Board advertised vacancies for the position of two members, male and female, of the County Assembly Board on 12th September, 2017 in the Standard Newspaper and the advertisement attracted nineteen applicants;

Mr. Speaker, I wish to give notice of the motion that this House discusses and approves the report on appointment for positions of member of Machakos County Assembly Service Board.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Caleb for that notice of motion.

MOTIONS

Hon. Deputy Speaker: Hon members under that order number we have one motion which will be discussed this afternoon and this is the motion by the Hon. Francis Kitheka. Hon. Kalumu.

CONSTRUCTION OF PUBLIC TOILETS IN KIOSYONI, KALUKUNI AND KIMANGU MARKETS

Hon. Kalumu: Thank you, Mr. Speaker.

That aware that the mission for the Department of Environment and Natural Resources is to provide a clean and safe environment to the people of Machakos County;

Further aware that in the Annual Development Plan for 2016/2017 the County Government of Machakos constructed 80 public toilets in selected market centers worth Ksh. 80,000,000;

Remembering that market centers are the key sources of revenue from where business residents of Machakos do their business from;

Cognizant that access to sanitation is a basic human right and depriving people of proper toilet services affects the social, physical and economic well-being of societies;

Realizing that provision of public toilets is not only a matter of land use, but also an essential design and planning concern to make towns more accessible, inclusive, and convenient for all members of society;

I wish to move the motion that the Machakos County Government, in 2018/2019, constructs public toilets in Kiosyoni, Kalukuni and Kimangu markets and also supply water to the already constructed Kithimani public toilet to improve the wellbeing of the residents of the said markets.

Thank you, Mr. Speaker. I call upon the Hon. Ndawa to second the motion.

Hon. Deputy Speaker: Hon. Ndawa, I think as you are aware there is something we call the HANSARD which needs to record, so I would maybe request you to just re-confirm your support verbally for that motion verbally so that we can be able to continue please.

Hon. Ndawa: Thank you, Mr. Chair, according to the normal practice in the Assembly you can second the motion by just nodding because once you have spoken you cannot be given chance to contribute on the same motion.

Hon. Deputy Speaker: Thank you, Hon. Ndawa. You want to contribute to the motion? Thank you, seconded. The motion has been seconded by Hon. Ndawa by a bowing.

(Question proposed)

Members you may debate the motion. Point of order, Hon. Moffat.

Hon. Maitha: Thank you, Mr. Speaker. Mr. Speaker, I want to move an amendment to that motion by invoking Standing Order 52(2) that instead of discussing for provision of public toilet papers in one Kithimani ward, we include---

Sorry, Mr. Speaker.

Hon Speaker: Point of order. Just a minute, Hon. Moffat. Hon. Jeremiah.

Hon. Munguti: Thank you, Mr. Speaker. I would like to know whether the member is in order when he says that he want to amend the motion to read building public toilet papers instead of toilets. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Moffat, you have noted that.

Hon. Maitha: I have noted that one, Mr. Speaker, I am very sorry. I wanted to move an amendment, that instead of building public toilets in Kithimani ward, I move that we discuss the inclusion of building public toilets in all the ward in the the wards in the county Mr. Speaker.

This is because in every ward, there are markets without toilets and instead of every member of the County Assembly bringing a motion like that one to build a public toilet in his/her ward, it would be better if we move that toilets are built across the county. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Moffat, you may be required to get a seconder for your motion.

Hon. Mulu seconded.

Hon. Deputy Speaker: Thank you. Now that that amendments have been proposed or has been done, I now propose that the county government of Machakos in the financial year 2018/2019 constructs public toilets in all markets in the, county and also supply water to the already toilets in those markets to improve the wellbeing of the residents of the said markets.

(Question of amendment proposed)

You may debate first before we proceed. Hon. Jeremiah.

Hon. Munguti: Thank you, Mr. speaker. I really want to thank the member who have said that we do the amendment because when you look at the majority of the wards we have in Machakos county, they have no public toilets and if they are some are in bad shape and others are a construction which were made by the last House hon. members who were here and they are incomplete and therefore I would like to second that member who said we do an amendment of the motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Any other member? Hon. King'ori.

Hon. King'ori: In the budget, we don't have enough funds to cater for the same because when we pass the.....when we are talking about budget, it was not included in the budget so I do not think it is right for us to put something that we cannot afford to pay. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Point of information from the Hon. Masesi.

Hon. Masesi: Yes, Mr. Speaker. I just want to inform the member that we are not done with the budget for 2018/2019. In fact, it is a budget on our way coming.

(Applause)

Hon. Deputy Speaker: Hon. Peter Mutiso.

Hon. P.J. Mutiso: Thank you, Mr. Speaker. I am supporting this motion and also the chairman of finance because he knows where the money will be or where the money is. So, I am supporting him, so Mheshimiwa Muthwani, I think the budget the money is there the county has money it is only that the members of the Assembly to come up with the agenda of what is supposed to be done in their respective wards?

So, I support this motion Mr. Speaker because almost everywhere we need a toilet. Even if when you are building a new home, you start with a toilet also. So, it is pathetic to go in a town whereby you cannot get a toilet and even now members, you are aware that hypertension and other diseases are even a killing and what I am trying to say is that some people are not able to have money to go in a toilet like the bus park where you must pay for the services, Ksh. 10.

Not everybody has money for that and some do not have money for that especially people who work there. I wonder, when you to Mavoko or Makutano, you can get free toilets but here in Machakos town, it is the same people who are there but you cannot get free toilet services. So, I support the amendment. Thank you.

Hon. Deputy Speaker: Hon. Steve.

Hon. Mwanthi: Thank you, Mr. Speaker. I do support the amendment that the county government builds toilets but possibly in some specified markets, I think it will not be possible to build in all the markets as the amendment has stated but it is good we get public toilets in some specific markets within all the 40 wards of Machakos. So, I do support the amendment. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Annastaciah.

Hon. (Ms.) Mutuku: Thank you, Mr. Speaker. I stand to support the amendment because in my ward there is no any modern toilet or public toilet. As we are now, it is the rainy season and I think we expect so many issues of diseases of cholera, so I would request the county government with the budget of 2016/2017 or 2017/18 to consider some wards because in Kibauni ward there is no public toilet as I am speaking now.

Hon. Deputy Speaker: Point of order, Hon. Jeremiah.

Hon. Munguti: Thank you, Mr. Speaker. I would like to know whether the Hon. Member is in order when she is talking about budget of 2016/2017, yet we are talking about a budget of 2018/2019. Thank you, Mr. Speaker.

Hon. Deputy Speaker: I think first of all Hon. Annastaciah, had you finished with your contribution. First of all Hon. Annastaciah, what I meant was that you stand guided by that; the current financial year is 2017/2018?

Hon. (Ms.) Mutuku: Thank you, Mr. Speaker. I agree with the member of the Muthetheni for that order, I agree and I am sorry for that; I am talking about 2017/2018, as we know the county it has a lot of money. I think it is good to consider some wards like Kibauni where we have no public---

Hon. Deputy Speaker: I think what I want to do is I wanted to allow the member to conclude but it is a point of information but let us allow the member to conclude then from there we continue please. Conclude Hon. Annastaciah.

Hon. (Ms.) Mutuku: Thank you, Mr. Speaker for standing with me because this men---

(Laughter)

You know these men they feel like, you know. Anyway standing with that correction, it is 2018/2019 budget. So, I would request the county to consider Kibauni ward with public toilets like Ikalaasa, Kibauni market and Kilala. I stand to support the amendment. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Nziva.

Hon. (Ms.) Nziva: Thank you, Mr. Speaker and members present. I stand to support the member who said we have an amendment that we do public toilets in all the 40 wards. I believe if it's not equality I think equity will be the best device in our county. So, Members, I am very sure each one of us requires public toilets and because we are on the right track because members you realize that you gave me public toilets each member like two toilets per ward.

So, I am requesting that we start with two public toilets per ward in the next financial year. Thank you, Mr. Speaker.

Hon. Ndawa: Thank you, Mr. Speaker. I want to inform the Chair and the House that the business of this House is not transacted as per the Standing Orders. If any member stands on a point of order, he or she must cite the Standing Order that he or she is standing on. Thank you, Mr. Chairman.

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

(Question put on amendment put and agreed to)

(Question proposed)

Members you may now debate on that amended motion. Hon. Helen.

Hon. (Ms.) Ndeti: Thank you, Mr. Speaker. I stand to support the motion because I believe that if we do not construct toilets in our markets, then this poses a health hazard, and as my colleague Hon. Annastaciah said; if we do not have toilets and especially during this rainy season, the chances are that the waste will be carried onto the rivers where we are fetching water and this water will end up giving us more diseases that the county will have to spend money in buying medication for diseases like typhoid, cholera and others.

So, I support this motion. I think we need to be equitable in our sharing of these resources by ensuring that every market has toilets enough for the people who attend those markets. I also wish to say that anybody all the people who are running shops or doing some businesses in these markets do pay rates and so it is through those rates that they pay that they should be able to receive services from the county.

So, I stand to support the motion and thank whoever brought up the motion and then and the amendment. Thank you.

Hon. Deputy Speaker: Hon. Kaloki Ikusya.

Hon. Kaloki: Thank you, Mr. Speaker. I think this is a very important motion and I think from the mood we should just pass it right away owing to the fact that toilets are very essential facilities in any market center considering that whenever you leave your house to the market center you can never tell how many times you will be visiting the toilets and you know most of the market centers, have built commercial toilets where one has to pay and people cannot afford.

If I was to go to a market centre, I don't know how many times I will visit the toilets so that I can carry enough money. So, we need to have these free public toilets constructed by the county government and I am sure it would also be an opportunity to create employment for the toilet attendants and this also will make our market centers appear little bit modern just like the other modern towns within the big cities and so forth. Thank you very much. I stand to support the motion.

Hon. Deputy Speaker: Hon. Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker. I stand to support the motion. I think it is important that our people have toilet facilities because like in most markets or town you find that you go to hotel and if you want to go to the toilet you are supposed to be given the keys by the waiter who has served you meaning that you have to buy something before you get the keys.

You know some of these things are not a joke so it is important that the county government provides these services to our people and to a ration whereby big markets gets more toilets small markets get few in number and that way our people will have no problem. I think like in my area, I have a small market in the name Ndeini whose toilets have sunk and it is important for this county government that service is available to every mwananchi and water is availed.

I know we have the old ones which were constructed by the local authorities and they getting outdated and even some have filled up. So, when we are putting up these facilities, we have to do some audit to see which ones exist, which one are usable so that we don't just see a small house somewhere and say there is a toilet.

We have to have the modern ones and we purchase lorries so that they can fill water to those facilities so that we continue developing with time. Thank you, Mr. Speaker. I stand to support.

Hon. Deputy Speaker: Hon. Constance.

Hon. Mbula: Thank you, Mr. Speaker for noticing me. Somebody has been debating on my name. The motion is very good, I want to support it but I also want to remind members that we already have some toilets, public toilets with full water like the one in Mlolongo, another one in Makutano, another one in Mua ward, and others around like Matuu we have them.

So, I want to request also the government to add on those toilets because most affected are women; if women know and you look at it carefully, many people in the markets are women trading, women are 80 per cent when men are 20 per cent and so when a woman goes behind there and does it under a tree, there is also a danger of snakes catching up.

(Laughter)

Mr. Speaker, I fully support this motion and I wish it could start as soon as yesterday. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker. I want to take this opportunity first of all to congratulate the Hon. Member for Kithimani who happens to be my neighbor for bringing this wonderful and timely motion. I want to stand here and support the motion on different points; point number one, Mr. Speaker, you know there is what we call law of health. We have public health officers and this body is very powerful; it can even remove somebody from his home because of staying without toilet.

So, this is a noble project or motion which needs to be supported. We have different markets which are very big, the population is very big but there are no public toilets like in the towns or the markets the Hon. Member has cited, he happens to be my neighbor, I can confirm. The three markets he has sited require toilets.

Also in my ward, the last member who has spoken has talked about Matuu having one but Matuu is very big; the radius of Matuu is one kilometer so if he can say we have a toilet whoever is on that other end will have to walk one kilometer to reach that toilet. So, we need an extra modern toilet, not only toilet we need a modern toilet.

I have another market another big market known as Kivandini market, which I want to inform this House, for the last five years, this town has not been paying licenses. They cited section 265 of the repealed Local Government Act which says if you are not given services you don't have to pay. So, they use that excuse and I would request that we start with that market so that the county government can start collecting revenue because if it doesn't collect revenue it means now the finance committee cannot meet its target.

I have another town known as Kivandini and Maiuni. Maiuni market is a town which is co-shared by three MCAs; one half of the shops in that market belong to Hon. Nziva who is the Hon. Member of Ikombe, the other part belongs to Hon. Kalumu of Kithimani, and the remaining part.....in fact, we share 1/3 each, a third, a third, a third.

So, if we can have one, in fact, that one will have served three wards so I would suggest Mr. Chairn without talking much, if we have these toilets in place we will reduce diseases.

I am very sure the county government spend a lot of money when there are epidemics; to fight these epidemics, you spend a lot of money and these money we are trying to use to fight this epidemic is sufficient to construct these toilets. So, Mr. Chair, this is the high time we should be proactive and not reactive.

Let us have toilets in place instead of waiting when the cholera starts we start using our resources. So, in short we will have saved lives. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Hon. Cosmus, you have a pressing matter.

Hon. Masesi: Yes, thank you, Mr. Speaker. I am worried it is like you...I have not contributed. Mr. Speaker, I stand to support the motion as amended and I just start with is to urge Hon. Members to make sure that when our budget of 2018/2019 comes up, make sure that these monies are catered for in the budget; do a follow up on the issue of these public toilets.

Mr. Speaker, my contribution is that having in place the public toilets will help us curb or control the disease that can be transmitted through human waste and also when we have the public toilets in place, Mr. Speaker, we all know that it will take about three to four people who are careless about hygiene to turn the clean toilets into a mess.

How I pray that we will push for a good hygiene services and in those public toilets. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Members, I think after that I need now to put the question.

(Question put and agreed to)

That report is committed to the committee on trade, economic planning and industrialization and it should interrogate the matter at hand and report back to this assembly on the 16th May, 2018. As I conclude, members, I think today has been a long day, wishing again to first of all again thank you all for the active participation we have had today on the many issues which have come before us today and we continue showing such great resilience, I believe we are going to be able to execute much of the work which is expected of us by the county residents of Machakos.

ADJOURNMENT

Hon. Deputy Speaker: This House now stands adjourned to Wednesday; the 28th day of March, 2018 at 10 a.m. Wednesday is tomorrow. Thank you.

The House rose at 4.02 p.m.