

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

**OFFICIAL REPORT**

**Tuesday, 29<sup>th</sup> September, 2020**

**Special Sitting**

*(Convened via Kenya Gazette Notice  
No. 7483 of 25th September, 2020)*

The House met at 11.38 a.m.

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

**PRAYERS**

**Hon. Speaker:** As we start our sitting this morning allow me to greet you again and to announce my very presence. I have been away for about two weeks because I have been in the house and I thank God that I am able to be with you here today and to carry on with the function of this sitting outside the Assembly. We have committed ourselves to the Lord and He guides all those who look upon Him we continue to place ourselves in His hands to continue guiding us. So, we will start our sitting.

**COMMUNICATIONS FROM THE CHAIR**

**PURPOSE OF CONVENTION OF BUNGE MASHINANI SITTING IN KYELENI WARD**

**Hon. Speaker:** Hon. Members, I have communication from the Chair and this is as follows; first, it is the *Bunge mashinani* and that is what we have today. Hon. Members, Ladies and gentlemen who have welcomed us in their midst I want to first appreciate the presence of guests that have come to grace our occasion today. We have a very good neighbor in the name of Kajiado County Assembly; the Hon. Speaker called me this morning and told me that he has graciously sent firstly two of his MCAs to be with us and I want to appreciate the presence of Hon. Francis Kaesha.

*(Applause)*

**Hon. Speaker:** Thank you. Hon. Kaesha is from Olosirkon/Sholinke ward and he also sits in the Speaker's panel. Thank you, very much Hon. Kaesha. We also have Hon. Elizabeth Kibor.

*(Applause)*

**Hon. Speaker:** Thank you. Hon. Kibor is from Nkaimurunya Ward and she is the Vice Chair of the Agriculture committee.

*(Applause)*

Hon. Majority Whip, maybe you need to share with her on the side when we are through. He is the Chairperson of our Agriculture Committee and he is also the Majority Whip and then we also have a Member from the office of the Speaker, Mr. Albert Lemomo. Thank you, Mr. Albert Lemomo for honoring our function today.

*(Applause)*

I had sent an invitation also to Makueni County and the Hon. Speaker Mbilu called me to give an apology; he is in Mombasa at the moment he will not make it and I also bring the apology of the Majority Leader Hon. Mark Muendo, is in Mombasa, there is a function that is going on within the Coast Province and he went to attend to that one and it is still an official duty.

I also have an apology, Hon. Members, from Mr. Mbiuki, the Clerk; there is some paperwork that he is preparing which is needed for presentation in some office tomorrow and he asked me to allow him to be away from this function to prepare the paperwork.

Hon. Members, as you are aware we started this forum of *Bunge Mashinani* as a way or realizing the National values and Principles that are in Article 10 of the Constitution and also the objects of Devolution under Article 174 of the Constitution.

Hon. Members, you are aware that under Article 196 of the Constitution we are bound as an Assembly in everything we do we involve the public and this sitting today is the fourth that we have had since the Assembly of Machakos was inaugurated on 7th September, 2017 and the purpose is to bring the services of the Assembly closest to *wananchi* because that is the purpose of the Constitution.

Hon. Members, we convened this sitting as it is usual through Gazette Notice No. 7483 of 25th September, 2020. The Gazette Notice gave notice of the venue which is Kyeleni Primary School in Kyeleni Ward, Matungulu Sub-county, and we also gazetted the date and time that we are supposed to hold. We appreciate Hon. Members because of logistics we started a little late but I am positive that we will achieve what is on the Order Paper.

Hon. Members, as we conduct our business today, let us remember that the person who we consider to be at the forefront is *wananchi* and in particular *wananchi* of Kyeleni Ward where we are. If it was possible this would be in the 40 Wards of Machakos County and we hope and pray that we shall continue reaching the *wananchi* to the furthest as we go on and so even after we are through with this sitting, we shall have a brief session also with the *wananchi* and then you hear their needs and you also tell them what you are planning to do particularly through your mandate of representation, legislation and oversight. What you plan to do to make sure that the *wananchi* who is sitting with you gets their aspirations and their aspiration is service to them.

#### OBSERVING PUBLIC HEALTH GUIDELINES ON PREVENTION OF COVID-19

Hon. Members, the other communication I have is on COVID-19. We will still remember even as we meet outside of the Assembly, we need to still keep observing the public health guidelines on COVID-19. Yesterday you saw the conference that the President addressed and the concern of COVID-19 *ama* CORONA is still very real among the human beings not only in Kenya but the whole

world and so as we continue carrying on our businesses because we have to continue living, let us continue observing the guidelines so that we continue keeping safe from infection from that disease.

#### SUPPLEMENTARY BUDGET FOR FINANCIAL YEAR 2020/2021

Hon. Members, I also have communication on the Supplementary Budget. Section 135(1) of the Public Finance Management Act, provides that, a County Government may spend money that has not been appropriated if the amount appropriated for any purpose under the County Appropriation Act is insufficient or a need has arisen for expenditure for purpose for which no amount has been appropriated by that Act, or money has been withdrawn from the County Government Emergency Fund.

Hon. Members, you are aware that Section 135(2) of the same Act provides that, a County Government shall submit a supplementary budget in support of the additional expenditure for authority for spending to the County Assembly. So, Hon. Members, pursuant to that provision of the law, the Executive Committee Member for Finance and Economic Planning has submitted Supplementary No. 1 for Financial Year 2020/2021 to the Assembly for approval.

The said document was submitted to the Assembly on 22nd September, 2020. So, that Supplementary Budget Estimate is committed to the Budget and Appropriations Committee pursuant to Standing Order 186(3) for purposes of processing and tabling in the House the soonest possible. Thank you.

#### PAPERS LAID

**Hon. Speaker:** Hon. Members, under this Order, we have two businesses; the first one is by Hon. Musau Joseph and the second one is by Hon. Katumo Justus. Hon. Musau.

#### REPORT ON FINANCIAL STATEMENTS OF COUNTY ASSEMBLY OF MACHAKOS FOR THE YEAR ENDED JUNE, 2018

**Hon. Musau:** Thank you. Hon. Speaker, I wish to lay the following Paper on the floor of the House today, Tuesday, 29th September, 2020; the report on Financial Statements of County Assembly of Machakos for the year ended June, 2018.

**Hon. Speaker:** Hon. Musau, can I see whether that paper is signed just from where you are? Thank you, it is. Hon. Justus Katumo.

#### REPORT ON THE STATUS OF WARD DEVELOPMENT PROJECTS FOR 2018/2019 AND 2019/2020

**Hon. Katumo:** Thank you. Madam Speaker, Hon. Speaker, I wish to lay the following Paper on the floor of the House today, Tuesday, 29th September, 2020; the Report of Joint Committee of Ward Projects and Implementation Committee on the Status of Ward Development Projects for FY 2018/2019 and 2019/2020. Thank you.

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

#### NOTICES OF MOTIONS

**Hon. Speaker:** Under this Order, we have two businesses and the Members who are moving the business is as above; Hon. Musau and Hon. Katumo in that order.

REPORT ON FINANCIAL STATEMENTS OF COUNTY ASSEMBLY OF MACHAKOS FOR  
THE YEAR ENDED JUNE, 2018

**Hon. Musau:**

Hon. Speaker, that aware that Article 229(5) of the Constitution provides that “the Auditor-General may audit and report on the accounts of any entity that is funded from public funds;

Further aware that, Article 229(7) of the Constitution that states that Audit Reports shall be submitted to Parliament or the relevant County Assembly;

Cognizant that the Audit report on Financial Statements of County Assembly of Machakos for the year ended June, 2018 was received in the office of the Clerk on 18th October, 2018;

Further aware that the report was committed to the Committee of Public Accounts and Investments pursuant to Standing Order 185(2)(b) and (c) that states that “the Public Accounts and Investments Committee shall be responsible for examination of reports, accounts and workings of the County Public Investments and whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices;”

Aware that the Assembly forwarded the response of this report to the Office of the Auditor-General that was received on 31st August, 2020;

Informed that after one week of receipt of the response, the committee on 7th September, 2020 invited the Accounting Officer, interrogated him, and subsequently compiled a report;

Hon. Speaker, I wish to give Notice of Motion that this House discusses and approves the report on Financial Statements of County Assembly of Machakos for the year ended June, 2018.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Musau. There is Hon. Justus Katumo on notice of motion.

REPORT ON THE STATUS OF WARD DEVELOPMENT PROJECTS FOR 2018/2019 AND 2019/2020

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

Hon. Speaker, that aware that the Constitution of Kenya 2010 creates a decentralized system of government wherein two of the three arms of Government namely the Legislature and the Executive are devolved to the 47 political and administrative counties as provided for under Article 6 and specified in the First Schedule;

Aware that the primary objective of decentralization is to devolve power, resources, and representation down to the local level;

Acknowledging that various laws have been enacted by both the National Parliament and the County Assemblies to create strategies for the implementation framework and the adoption on which objectives of devolution can be achieved;

Hon. Speaker, aware that Section 4(1) of Machakos County Ward Development Fund Act No. 2 of 2014 establishes the Ward Development Fund and the objects and purpose of this Act was to ensure that a specific portion of the County annual budget is devoted to the wards for purposes of development, wealth creation and in particular the fight against poverty at the ward level. However, the Fund has not been operationalized;

Hon. Speaker, Aware that the County Assembly resolved to create a resource envelope that saw Hon. Members identify projects through public participation in their respective Wards and then work hand in hand with the Executive (respective departments) in the execution of the said projects;

Hon. Speaker noting that that the Assembly has continuously allocated funds to this resource envelop to facilitate ward priority projects in the financial year 2018/19 and 2019/20 with a respective budget of Ksh. 10 million and Ksh. 15 million per ward;

Hon. Speaker, I wish to give Notice of Motion that this Hon. House discusses and approves the Report of joint Committee on Implementation and ward projects on the Implementation Status of ward priority projects for the FY 2018/19 and FY 2019/20.

Thank you, Hon. Speaker.

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

### STATEMENT

**Hon. Speaker:** Hon. Members, under this Order we have---

**Hon. Ndawa:** Point of order.

**Hon. Speaker:** Point of Order, Hon. Ndawa. Hon. Ndawa, speak to me.

### PROCEDURAL MOTION EXTENSION OF TIME

**Hon. Ndawa:** Thank you, Madam Speaker. I am standing under Standing Order 27 on the extension of time.

**Hon. Speaker:** Okay, go ahead.

**Hon. Ndawa:** Hon. Speaker, I stand under Standing Order 27 on the extension of time. Standing Order 27(3) provides that the House may dissolve and extend sitting time; Hon. Speaker, Standing Order 27(4) provides that such a motion be moved thirty minutes before the time of the adjournment;

Hon. Speaker, I wish to move the motion that, this House dissolves to extend sitting time until the business in the Order Paper is completed.

Thank you, Madam Speaker. I call upon Hon. Francis Ngunga to second my motion.

**Hon. Speaker:** Hon. Francis Ngunga.

**Hon. Ngunga:** Thank you, Madam Speaker. I stand to second the motion already on the floor by Hon. Mbili Ndawa for extension of the House until the business of the House is complete. Madam Speaker, you can see the enthusiasm with which Hon. Kasyoki has mobilized the public and this connection therefore, I beg the House to resolve that this House sits until we finish the business in the Order Paper. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Members, the two Members, the mover of the motion, and the seconder have spoken. So, we extend the time. So, Hon. Members we have reached this point when we realized we needed to extend the time and thank you, Hon. Ndawa and Hon. Ngunga for that.

*(The House resumed business as per the Order Paper)*

So, under this Order, we have four businesses and the first business is by Majority Leader, I can see the Deputy Majority Leader is here, the second business is by Hon. Moffat Maitha, the third one will be by Hon. Dominic Ndambuki and we have a fourth one by Hon. Patrick Kituku. Hon. Justus Kiteng'u.

#### BUSINESS FOR THE HOUSE FOR 29TH SEPTEMBER AND 6TH OCTOBER, 2020

**Hon. Kiteng'u:** Thank you, Hon. Speaker. Hon. Speaker, the House Business Committee met on Monday, 28th September, 2020 to ballot business for House as forwarded by Committees and Hon. Members pursuant to the provisions of Standing Order 151(5). The Committee balloted additional business for 29th September, 2020 and business for 6th October, 2020 as follows:

Tuesday, 29<sup>th</sup> September, 2020

*Morning at 10.00 a.m.*

Response to Statement requested by Hon. Moses Mitaa on uploading of the Budget on the IFMIS. The Statment is by Hon. Dominic Ndambuki, Chairperson Budget and Appropriations Committee,

Tuesday, 6<sup>th</sup> October, 2020

*Morning at 10.00 a.m.*

Report of PAIC on audit report of financial statemtns of the County Assembly of Machakos for the year ended June, 2018 by Hon. Joseph Musau, Chairperson PAIC.

*Afternoon at 2.30 p.m.*

Report of joint Committe of Ward Projects and Implementation Committee on the status of Ward development projects for FY 2018/19 and 2019/20 by Hon. Justus Katumo, Chairperson Ward Projecrs Committee.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Kiteng'u. Hon. Moffat Maitha.

#### STATEMENT SOUGHT

#### MEASURES BY THE COUNTY GOVERNMENT TO COUNTER TRADE ON ILLICT BREWS

**Hon. Maitha:** Thank you, Hon. Speaker. Hon. Speaker, alcohol use affects approximately 1.3 billion people globally and contributes to 3.5 percent of global health problems and disability (WHO 2004).

In Kenya, 60 per cent of alcohol consumed is illicit brew (Nacada, 2002) despite being declared illegal in 1978 through a presidential decree.

Hon. Speaker, mass incidence of blindness, massive deaths, low standards of education, poverty, and deteriorating health conditions directly affect the consumers and society at large. Hon. Speaker, the Alcohol Control Act of 2010 (revised in 2012) was enacted to regulate the quality and hours of alcohol consumption and further, the County has an existing Liquor Licensing Act, 2015, Hon. Speaker, the rate of consumption of illicit brew in the County currently is on the rise and this has been occasioned by the closure of bars.

The sale of this illicit brew is being done in unhygienic conditions and premises hence endangering the lives of our people. Further Hon. Speaker, the sale is being done under the full glare of the National and County administration.

Hon. Speaker, pursuant to Standing Order 41(2), I wish to seek a Statement on what the County Government of Machakos is doing to ensure that the trade of illicit brew is not done in the County. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Maitha. Hon. Members, as is the custom you normally comment briefly when a Member seeks a statement before we commit it to the relevant committee and I welcome any Member who has a comment to make but I want to put a caveat; we will be brief because the business is a lot but at the same time we will speak in Kiswahili.

*(Applause)*

I can see Hon. Alice is celebrating. So, those who have not learnt Kiswahili, speak but remember you can also make Kikamba-Kiswahili but what is acceptable in the House. So, let us go on. Hon. Hellen.

**Hon. (Ms.) Ndeti:** Asante Madam Speaker. I stand to support the Statement---

*(Laughter)*

**Hon. Speaker:** Now, Hon. Hellen Ndeti remember you cannot mix the two. You started with *asante* so go ahead.

**Hon. (Ms.) Ndeti:** Asante Madam Speaker. Kiswahili changu ni nusu nusu lakini tutaongea, Mimi nimesimama hapa kusema hiyo *Statement* imepeanwa na MCA wa Matungulu, Mheshimiwa Moffat Maitha, nimesimama na yeye---

*(Laughter)*

Kwasababu---

**Hon. Speaker:** Hon. Hellen Ndeti, you know where the Chair is.

**Hon. (Ms.) Ndeti:** Sorry.

*(Laughter)*

**Hon. Speaker:** No, you stand on the side where the mic is.

**Hon. (Ms.) Ndeti:** *My goodness.* Msicheke, msinichekele kwasababu kiswahili sio nzuri sana lakini nimesimama kusema hiyo *Statement* Mheshimiwa Moffat Maitha ametuletea mimi namuunga mkono kwasababu vile amesema pombe nyingi hasa area zetu za Ukambani zinatengenezwa bila kufwata sheria ya huduma ya *health* na ukinywa pombe kama hiyo badala ya kukupatia *good health*--

*(Laughter)*

**Hon. Speaker:** Order! Members. Order! Order!

**Hon. (Ms.) Ndeti:** Hiyo pombe inakuja inakupatia magonjwa, hiyo magonjwa inafanya Kaunti yetu pesa zile tunatakiwa tuwe tunatumia kwa kujenga njia, kujenga mahospitali, kujenga mashule, badala ya kutumia hizo pesa tunatumia kwa kununua madawa.---

**Hon. Speaker:** Hon. Ngunga what do you have? Can Members sanitize? Make sure you use a sanitized mic.

*(Laughter)*

**Hon. Ngunga:** Madam Speaker, I stand to ask for your indulgence. Madam Speaker, I want to ask for your mercy and indulgence so that you allow Members to participate in this debate in languages they are comfortable with. I can see the pain in which Hon. Hellen is undergoing and of course having looked at the crowd that is before us, I have seen they are fairly learned and I am sure the absorption rate is going to be fair if you allow us Madam Speaker, so that we indulge in both Kishwahili and English preferably where Members feel comfortable---

**Hon. Speaker:** So, what you are asking Hon. Ngunga---

**Hon. Ngunga:** I am asking for your mercies so that you allow us---

**Hon. Speaker:** Hold on, I have got what you are saying. That we mix English and Kiswahili?

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

**Hon. Speaker:** That is what you want?

**Hon. Members:** Yes.

**Hon. Speaker:** Alright, let us go on. I hear what you are saying.

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



(Applause)

**Hon. Speaker:** But you must learn the National languages as we go on. Go ahead.

(Laughter)

**Hon. (Ms.) Ndeti:** Thank you, Mheshimiwa Ngunga. Thank you, very much *umenisaidia*.

(Laughter)

Anyway, vile nilikua ninasema, tukiendelea na kuacha watu wakunywe pombe ambayo si halali, pombe ambayo imetengenezwa na kukosa kufuata sheria ya *health* inaleta magonjwa kwetu na badala ya kutumia pesa ya kujenga njia na kujenga shule za watoto na kujenga hospitali, hizo pesa zinatumika kwa kununua madawa na manajua Kenya hatuna *factories* ambazo zinatengeneza madawa nyingi ambayo tunahitaji. Hizo *factories* ziko ng'ambo na unajua bei ya *dollar* kwa leo ni 110 kwa *dollar* moja.

Ikiwa ni ku-*import* madawa kama hayo pesa zote za Kaunti zitaenda na kununua madawa zije ku *treat* watu wetu ambao wamekua wagonjwa kulingana na kunywa pombe ambayo si halali kwahivyo mimi naunga mkono na nimesema hiyo *Statement* Mheshimiwa Maitha umefanya kazi mzuri. Asanteni sana.

(Applause)

**Hon. Speaker:** So, Hon. Members, I want to make a request because I do not want to cut you short. Please time yourself not more than one minute because we have a lot of work ahead of us. Hon. Kamitu.

**Hon. Kamitu:** Asante sana Madam Speaker wetu. Madam Speaker, kwa ufupi nimesimama hapa nikiunga mjadala ambao umeletwa na Mheshimiwa wetu, Moffat, Mheshimiwa wa Matungulu West. Nikisema kwamba, ukiangalia miaka yangu niko na *experience* amabayo naweza kuzungumzia mingi na mambo ya chang'aa zaidi. Madam Speaker, historia ambayo ile *record* tume elezwa na Mheshimiwa wetu Moffat, inaoneshona kwamba chang'aa *the illicit brew* imeleta madhara mengi sana katika mili yetu. Imelete madhara miji imevunjika kwa familia na zaidi kwa wazazi na zaidi wanaume ambao wanatumia chang'aa kwasababu hiyo *illicit brew* zaidi utakuta wanaume ndio wanaitumia, kidodgo tena labda kina mama wanaipika.

Madam Speaker, ile kitu nazungumzia leo, ningeuliza katika bunge letu kwanza tufanye *research* kidogo ambayo imefanyika tujue nani ambaye uwa anatengeneza chang'aa? Na historia ambayo tuko nayo ni wananchi tu wetu wa Kenya na zaidi utakuta hii chang'aa kwasababu mimi mwenyewe nikikuelezea tungumze kidogo nilizaliwa hii area ya Kyeleni lakini nikaamia Tala, ya kwamba kwatika huu mto wetu wa Athi, tuko na chang'aa mingi *and it is in record* hata ni ajabu na mzuri Mheshimiwa Moffat ametuletea huu mjadala kwasababu Athi iko hapa tu karibu na sisi.

Madam Speaker, njia ile nilikua nasema ni kwamba sisi kama wananchi ni mzuri wananchi sasa waelimishwe waelezewe kwamba chang'aa haifai katika mili, chang'aa haitusaidii lakini inavunja mili. Chang'aa inaleta umaskini katika familia, chang'aa inauwa kwahivyo tutafanya aje? Madam Speaker, uzuri ni kwamba *community* ndio wenyewe na ndio serikali kwa hivyo nauliza

wananchi wenyewe ndio wanaweza kumaliza *illicit brew* hiyo chang'aa. *Yes*, tuko na askari, nilikua nikifanya kazi ya askari lakini mwananchi ndiye mtu wa maana kwasababu wanajua ile area ambayo inapikiwa chang'aa, area mahali ya wenye kuuza.

Kwahivyo chang'aa iko katika *phases* fulani; wenye kununua, wenye kupika na wenye kuenda kuuza. Tukifunga hizo njia tikisaidiana na asakari wetu mwananchi akijitokeza tutamaliza chang'aa katika nchi yetu. Asante, Madam Speaker.

**Hon. Ngunga:** Point of Order, Madam Speaker.

**Hon. Speaker:** Hon. Members, there is no point of order because the Member had finished contributing. Hon. Kiteng'u and then Hon. Ndawa. Remember we have other statements. You will have occasion Members to comment.

**Hon. Kiteng'u:** Asante sana Bi. Spika. Yangu nikitaka kusema ya kwamba ile motion imeletwe na Mheshimwa Maitha ni mzuri kwa afya ya wananchi kama itatekelezwa ipasavyo. Madam Speaker, nakumbuka vizuri sana *illicit brew* ama hii pombe ya kienyeji imekua inatengenezwa kule nyumbani na inauzwa pia huko nyumbani na ningependa kusema yakwamba nyumbani yenyewe kuna watoto, familia inaishi pale na wakati wale wananchi ama wale wanaotumia hii pombe ya kienyeji wanapoingia, tabia yeyote pale nyumbani inaweza fanyika.

*So, what I can say is that we need to help the County Government, the National Government together with the wananchi to make sure that we end this business because it has reduced to a percentage of almost 90 but we still have the ten percent in some of the rural areas where it is also going on.*

*Hon. Speaker, back in 2017/2018, I invited Hon. Tariq to one my areas whereby the illicit brew was being prepared and together with the community we managed to talk to the mama who was preparing the illicit brew but you can imagine that we found the lady had like 16 drums full of makao..it is called makao and our people are the ones who are consuming the same but we talked to her nicely but the problem is she has to give her like two weeks to sell the ready one and then from then on she can stop but we managed to dialogue with her and told her the disadvantages of the illicit brew and the way she is spoiling the community and the entire society and she has stopped now. So, it is not a matter of what the County Government is doing but all of us can sweet talk to them and show them the disadvantages of illicit brew and I am sure we can end these illicit brew. Thank you, Hon. Speaker.*

*(Applause)*

**Hon. Speaker:** Hon. Members, I have a timer now so that the minute I am giving you does not exceed. We will have.....Hon. Ndawa, just a moment, you remember we are in the ward of Hon. Kasyoki.

*(Applause)*

I will also come to gender. Hon. Kasyoki.

**Hon. Kasyoki:** Asante Bi. Spika. Kabla sijachangia hii statement ya Mheshimiwa Moffat kwanza ningetaka kuchukua nafasi hii kuwakaribisha Kyeleni na niseme ni asante sana kwa ajili tangu bunge mashinani ianze tumekua wa nne.....*we are the fourth ward* kuwa na bunge mashinani.

(Applause)

Asante sana kwa kutuweka mbele kwa ajili zile sehemu zote bunge mashinani imeenda ijapokuwa Kithimani, zile zingine zote kwangu mimi naweza sema ni kama *marginalised area*. Ukiangalia Ndithini kwa Mheshimiwa Kituku, ni huko ndani, ukiangalia kwa mheshimiwa Mama Tosha, kwake Kibauni ni huko ndani, Kyeleni kwa wale mumekuja wakati wa kwanza nafikiri mmeona njia sio nzuri sana na sio mbaya sana; tunatoka huku. Asante.

Ningeomba kuchangia *Statement* ya Mheshimiwa Moffat wa County Assembly of Machakos. Kwanza ningetaka kuwaelezea Kyeleni mahali mko, pombe hio mnaita haramu hapa imezidi hata *some areas* zimepewa majina, kuna majina kama Baghdad, ukienmda huko unapata kweli ni Baghdad kwa ajili hao watu hata watoto hawaendi shule. Kuna watu hata hawajui soko iko wapi, wanaishi huko kwa mto na mimi nikiwa mtoto mdogo nilikua nafikiria hii pombe haramu inapikwa tu Mathare Valley. Lakini nilishangaa sana kuja Kyeleni na nikapata ile iko na taste ni kama inatoka Kyeleni.

(Applause)

Bi. Spika, ile ya maajabu ni kwamba hawa watu ni ndugu zetu, ni watoto wetu na hata serikali ilijaribu kuingilia ningewaomba tu munipatie nafasi niongee tu Kisa ambacho haijamaliza hata wiki mbili. The *Assistant Chief* wa mahli inaitwa Kituluni, nafikiri ako hapa alienda kushika mtu akiwa amepika hiyo pombe haramu na hakuweza kumshika kwa ajili *community* ilitoka, wakatoka watoto, mzee, *villagers* na wakasema tukuje na panga.

The *Assistant Chief had to run* kwa ajili ya maisha yake. Kwa hivyo Moffat na muunga mkono wakati umesimama na kusoma hiyo *Statement* hata ingawa tulikuwa tumeiongelea nilikua ninasikia inaniuma na nilikua ninataka niongee hapa kwa ajili hawa watu wa Kyeleni tafadhalini hizo enzi ziliisha, hizi ni enzi za kusomesha watoto na tutafute njia ambayo tunaweza kuwalea nayo.

(Applause)

Hatuwezi lea watoto na pombe haramu. Kama ingekuwa ni pombe ile inaruhusiwa, unajua kama wazee kulikua na pombe ya kupikwa na muratina....*it is healthy* lakini chang'aa inapikwa na dawa za *mortuary* na inawekwa vitu zingine mbaya hata uwezi sema mbele ya watoto. Vitu mbaya zinawekwa kwa hiyo pombe na kwa hivyo langu tu kama kuna chochote *County Government* na *National Government* ingeweza kufanya na hasa hii sehemu inaitwa Kyeleni wangetusaidia sana. Bi. Spika, hata *Senior Sergeant* wetu hapa, juzi aliumwa kidole akishika mtu---

(Applause)

Na ukifikiria huyo ni *law enforcement officer* akiumwa na je kama hasira ingemshika atoe bunduki si angemua? Hakumuua, alimsamehea akarudi akaitisha *reinforcement*. Kwa hivyo wale mnachangia mchangie mkijua hii ni kama ugonjwa na tungeomba watu wa Kyeleni tusaidike. Bi. Spika, kwa hayo machache, asante sana.

(Applause)

**Hon. Speaker:** Thank you, Hon. Kasyoki. Hon. Ndawa very briefly. I allowed Hon. Kasyoki latitude because we appreciate he is in his ward.

**Hon. Ndawa:** Thank you, *Bi. Spika*. I come from the Matuu that produce men and not Matuu ma Mwituu. Yes, there is another Matuu here Madam Speaker and I want to make it clear.

*(Laughter)*

**Hon. Speaker:** Hon. Ndawa, I also saw the second Matuu but you have not registered a patent for the old Matuu. So, let us just leave it that, Hon. Ndawa. It is alright both areas produce men and women. Let us go on Hon. Ndawa.

*(Laughter)*

**Hon. Ndawa:** Thank you, Madam Speaker. I want to stand here and support the Statement brought by Hon. Moffat Maitha. I believe the Statement is co-owned by both MCAs Hon. Maitha, and Hon. Kasyoki because they discussed it before it was brought to the House Business. Madam Speaker, I want to be very clear, the issue of the illicit brew is something that needs to have been addressed a long time ago because we have a law which needs to be enforced.

We have the Alcohol Control Act, 2010 which was revised in the year 2012 and was enacted to regulate the quality and hours of alcohol consumption. So, Madam Speaker, since we have the law it means now the law enforcers are sleeping on their job; let us be very clear.

*(Applause)*

Madam Speaker, the Deputy County Commissioner who is supposed to be in charge of security in the area is also sleeping on the job. The Sub-County Commander, we cannot be told that an officer went to arrest people there and he was bitten. What are you telling us? Hon. Speaker, the issue of security is not devolved; it is an issue of the National Government, what we need to do is to have what we call Inter-Governmental. The County Government and the National Government to come together and address this. We may not sit around and say it is not out function; the people who are taking this brew are our electorates, they are our brothers, they are our sisters.

Madam Speaker, the way this brew is prepared it is very funny; they do not prepare in their homes, it is prepared in the rivers. You go to river Athi, that is where they bury those drums and put whatever they want inside. If we do not take action, our people will continue getting blind, we are going to continue losing lives and our kids will not go to school because of this and even if one is drunk, the moment he lands in his bed he just goes off so, at the end of the day, we are not going to have kids in our area and---

*(Laughter)*

**Hon. Speaker:** Hon. Ndawa, can you wind up.

**Hon. Ndawa:** So, Madam Speaker, to wind up I want to say, let the enforcement officer, the Deputy County Commissioner with the team and the Assistant Chief from downl wards, let the

sub-county commander with the OCS and officers from top to bottom, let them address this issue once and for all. We do not want to hear the issue of illicit brew in this area. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Mueni. I am having a timer Members.

**Hon. (Ms.) Mueni:** Thank you, Madam Speaker. I am going to be very short and it is to say that, we need population and our boys are sleeping under the bed instead of....

*(Laughter)*

Yes. So, we want our people in Ukambani to get the Presidency and people are not giving birth so, we need the boys to get married and have a population.

**Hon. Speaker:** Thank you. Hon. Angela.

*(Loud consultations)*

**Hon. (Ms.) Munyasya:** Asante Bi. Spika.

**Hon. Speaker:** Order! Members, Order!

**Hon. (Ms.) Munyasya:** Asante Bi. Spika. Kwa hii kauli ambayo imetekelezwa na Mheshimiwa, ningependa kuchangia nikisema ya kwamba vijana wetu ndio tegemeo letu la kesho na hakuna sheria kwa hii nchi, kwa hii dunia, pahali popote ambayo itaweza kutekeleza tabia ya mtu kama yeye mwenyewe hataki kuitekeleza. Kwa hivyo ningependa kuomba wanarika wetu wajue yakwamba, ukitaka kujua maendeleo ya jamii, ukitaka kujua maendeleo ya nchi, ukitaka kujua maendeleo ya dunia, angalia wanarika.

*(Applause)*

Kwa hivyo tuangalie tujue ya kwamba ni jukumu letu kama wanarika; akina mama tuko na uwezo mkubwa wa kuonyesha wanarika wetu njia mabaya watapitia kwasababu wakati tulikua watoto wadogo tulikua tunaona akina mama akikupata kwa njia unaongea na kijana ukiwa msichana mdodgo, huyu mama alikua na jukumu ya kukurekebisha, kukuchapa na kukurudisha nyumbani kwenu. Tuchukue hilo jukumu na tuiseme tutaita polisi, tuiseme tutaita Chief, tuiseme tutaita baba yako au mama yako. Wewe mwenyewe chukua hilo jukumu ujirekebishe na ujue maisha yako ambayo unachunga. Asante Bi. Spika.

**Hon. Speaker:** Thank you, Hon. Angela. I will balance the equation, Hon. Members. Hon. Mulatya.

**Hon. Mulatya:** Asante Bi. Spika. *Mine is very brief Madam Speaker; I think the Statement is clear, inauliza Government ya Machakos inafanya nini kuhusu hii shida na mimi niko na suluhu kidogo. I think County Government kwasababu tunajua jukumu kubwa iko kwa National Government kwa Chief, County Commissioner na askari hao wengine, lakini we as the County Government,*

tunatakiwa tukae chini kwanza tutafute viloe tutakuja na baraza kwenye hao vijana tuwakaribie wajue kwanza hatari ya kunywa pombe kwasababu wengi wameacha shule, anaona akikunywa pombe ndio inakua kitu ile muhimu zaidi.

*The next option ni ya corruption; hauwezi niambia hawa asakari wanenda wanapewa pesa na huyo mtu halafu tumwambie aende akashike huyo mtu ndio unaona somebody was supposed to arrest someone and it was impossible kwasababu wanajuana through corruption. So, I think these two issues are very important; educating our youth and also tuangalie mambo ya corruption sana. Asante, Bi. Spika.*

**Hon. Speaker:** Thank you, Hon. Mulatya. Hon. Cosmos.

**Hon. Masesi:** Thank you, Madam Speaker. If you allow me I would like to a saying in Kikamba, you have allowed us to do so. *Mukamba asye uke ni mumina musyi* and Madam Speaker, we are all aware that, *mundu ula onusa oki mosye ndewo. "Muundu wa oki ndasuvia wea.* Madam Speaker *mundu ukunywa oki ona syana akasomea kwa atoi---*

**Hon. Speaker:** Hon. Cosmos. You are breaking a lot of rules Hon. Cosmos.

*(Laughter)*

**Hon. Masesi:** Madam Speaker, I am in full support that as County Government we have a lot, we need to enforce and support the National Government in making sure that our people do not abuse this brew. Otherwise, this will entirely affect the whole community and we do represent these Members in the County Assembly and it will not be good for us just to keep on watching while they are doing a mess. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you. I will come to you, Hon. Ngunga. We need to give the fair gender a chance. Hon. Alice. *Kumbuka ni dakika moja.*

**Hon. (Ms.) Nzioka:** Bi. Spika, asante kwa kunipa nafasi. Bi. Spika, nichukue hii fursa nikushukuru ni kwa ajili ya hii hatua kama bunge tumefanya; tumelete bunge mashinani ili wale wananchi ambao wamechaguana waone ile kazi muhimu ambayo tunafanya. Ni hatua kubwa kama bunge hata hao wenyewe watajua huwa kuna kazi maana kuna kazi ya kufikiria mwanzo ili uongee jambo ambalo litaeleweka. Waswahili wanasema, panapo wazee hapaharibiki neno. Niwashukuru wananchi wa Kyeleni kwa kulete ama kumchagua Mheshimiwa Kasyoki. Walimleta kwa uangalifu mkuu sana maana ata katika bunge ukisikia Mheshimiwa Kasyoki anaongea jaribu kusikiza usikie ana jambo.

Waswahili wanasema jungu kuu halikosi ukoko; ndani yake kuna kitu. Bi. Spika kuna kauli imeletwa na Mheshimiwa Moffat juu ya pombe haramu. Bi. Spika nikwambie bunge lililopita mimi nilikuja hapa Kyeleni kwenye kamati na Mheshimiwa aliyekuwa mheshimiwa wa hapa Mheshimiwa Benson na mshangao mkubwa wakati tulienda hadi kuangalia mto Athi kuoja wale ambao walikua wakitengeza, nilishindwa watu wanaingia kwa maji kama samaki mtu anajaribu kukimbia ili avuke maji. Bi. Spika ona hio hatari unakinbia, unaogopa na unapata mauti.

Bi. Spika sisi kama wanawake Kaunti ya Machakos haraka sana tutatengeneza maandamano maana kama hatutafanya hivyo tutapoteza wazee wetu na vijana wetu. Bi. Spika mama nyumbani

weka siri kwenye mahali kama mkutano uite wanawake wakueleze juu ya pombe haramu Bi. Spika ni shida kubwa sana.

Sisi wanawake huvumilia mengi na hii pombe imeleta shida. Wewe umeachwa nyumbani kama mama, mumewe ameenda kunywa anakuja anasema nipe chakula, chakula umetoa wapi? Mpaka wamesababisha akina mama kwenda nje ya ndoa. Maana mama analilia mtoto kuona kwamba mtoto amekaa maisha mazuri. Mimi nimesema kama Mheshimiwa wa bunge la Machakos kuna shida ambayo imeletwa kaunti yetu na Kenya jumla ya ufisadi.

Inakua wale ambao wanaangalia wa utawala wamehesabu jamii ama miji fulani kwamba kama askari huwezi kewnda kwenye hiyo boma maana ashatoa kodi. Wanaita kodi; ametoa hongo ili anendeleo kuharibu. Bi. Spika, sisi kama waheshimiwa wa Kaunti ya Machakos tumesema kwamba tumekataa pombe ya haramu. Maana kama hiyo pombe itaendelea tutakuwa na watu ambao hawawezi wajibika. Bi. Spika, asante sana. Mheshimiwa Moffat asante sana kwa kuangalia mwelekeo wa kaunti yetu na Kenya kwa jumla.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Alice. Hon. Nziva. I will give you an occasion Hon. Ikusya. I have a reason why I am still giving the Members an opportunity to contribute to this Statement. I have looked at the next Statement and there might not be much so let us just work on this one.

**Hon. (Ms.) Nziva:** Thank you, Madam Speaker, and Hon. Members present. I would like to support and applaud Hon. Moffat Maitha for this Statement because you realize that illicit brewing causes divorce in our families. Illicit brewing also makes our men the ones who use the alcohol have less power in their homes.

*(Laughter)*

Madam Speaker, *tunajua kwamba Kyeleni hii pombe watu wanaitumia sana. Tunataka Mheshimiwa Kasyoki ata wengi wapate kura mingi sana ata wakati ujao. Kwa hityo watu wakiendelea kunywa hiyo chang'aa hatutapata watoto wengi na kura mingi sana. wa hivyo nawasihi.* I think the county government in conjunction with the National government needs to look on ways on how to enhance opportunities to stop this illicit brewing. *Unapata kwamba hio pombe watu wakiendelea kunywa hawatasoma. Nakumbuka vizuri sana my neighbor's home* down there in Ikombe ward those people who used to brew chang'aa and even chew or sell *muguka* many of their children could not go to school. So, I strongly support this motion and ask our government to see opportunities to curb this menace. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you. Hon. Ikusya.

**Hon. Kaloki:** Thank you, Madam Speaker. I stand to support the Statement sought by Hon. Moffat Maitha of Matungulu West Ward. Madam Speaker, and members of this House I want to say that illicit brews the so called *chang'aa* is a serious disaster and is killing more people on a daily basis than corona virus Madam Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order Members! We need silence in the House.

**Hon. Kaloki:** People are dying on daily basis.

**Hon. Speaker:** Except the Member who is contributing let us have silence.

**Hon. Kaloki:** Thank you, Madam Speaker. I was saying illicit brews have killed more people than coronavirus in our county. People are dying on a daily basis as a result of these illicit brews. Reason being that these brews or beers have been allowed through the normal checking standards by Kenya Bureau of Standards. The people who take these brews seem to be somehow desperate it is like they have given up on life they do not care at all about the consequences that are going to happen after taking these brews.

Madam Speaker, I want to say this, this is supposed to be or rather we need a serious exercise or crackdown between the county government and national government. We cannot win this war as a county government. We need the law enforcers. We need the provincial administration which has completely failed us. The chiefs, assistant chiefs the village elders the DOs and DCs, it is a cartel right from the top to the bottom. *Wanaambiwa* every week I need so much money from so and so *na jioni unapata* Chief *anapata yake*, Assistant Chief *anapata yake* and the DC by Friday *anapata ile share yake*. They know the people who are engaged in this kind of business, Madam Speaker. They are just protecting them.

*(Applause)*

The other day we had a case in my village where we send an Assistant Chief to arrest a chang'aa and bhang dealer *akaniambia* send me a motor bike in 10 minutes *akaninambia niambiwa huyo mtu ametoroka*. Simply because they just wanted to sugarcoat me to show me that they are actually working but they had already pocketed money from that dealer. Madam Speaker, it is the high time as the community *tukae chini tuseme yule Chief atapatikana kwake kuna chang'aa, karubu kuna nini aenda nyumbani. Tunashinda tukiwa bembeleza na watoto wetu wanapoteza macho na wakiulizwa wanasema ata mkizima taa tutaendelea kunywa. Sio taa imezimwa ni macho imepotea Madam Speaker.*

*Kama vile viongozi wengi wamezungumza* we are going to close our ECDEs very soon we might not even need the budget for constructing ECDE classes. If you remember the case of Murang'a women demonstrating in the streets *wakasema hakuna watoto wadogo na wengine wamesema wamekosa watu wa kuwaoa.*

Madam Speaker, if this continues we may lose a certain generation in our society. It is the high time we come together as a community, we come together as a county government and sit down with the National government and come up with a serious frame work on how to put a permanent stop to these illicit brews. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Ikusya. Hon. Members this Statement is committed on the committee on culture, tourism and social welfare and it is to bring a report to the House within 30 days that is on or before the 27th day of October, 2020. Thank you, Hon. Members. The next business Hon. Members is by Hon. Dominic Ndambuki. Hon. Ndambuki.



**STATEMENT REPLY****SUBMISSION OF IFMIS REPORTS ON MONTHLY BASIS TO THE COUNTY ASSEMBLY**

**Hon. Ndambuki:** Thank you, Hon. Speaker. Hon. Speaker, pursuant to Standing Order 41(1) a statement was sought in the House on 28<sup>th</sup> July, 2020 seeking information from the County Treasury as follows:

- a. The Chief Officer, Finance and Revenue Collection should forward the IFMIS report of the uploaded FY 2020/21 Budget estimates to the County Assembly through the Office of the Clerk.
- b. The Chief Officer, Finance and revenue Collection should provide the County Assembly with IFMIS report for each month on the County income and expenditure in the FY 2020/21.

The Statement was committed to the Budget and Appropriation Committee to report back in the House in 14 days from the time the statement was sought. Consequently, the statement was communicated to the County Treasury through letters dated 3<sup>rd</sup>, 5<sup>th</sup> and 19<sup>th</sup> August, 2020.

*Machakos County Approved Budget FY 2020/2021 Overview*

Hon. Speaker, the approved Budget for FY 2020/2021 is as follows:

**Revenues**

S/N	Description	Actual FY 2018/2019	Printed Estimates F2019/2020	Budget Estimates FY 2020/2021*	
1	Equitable Share	10,205,285,27	8,223,915,000	8,039,100,000	
2	Conditional Grants	Level Five Hospital	383,583,815	383,583,815	383,583,815
		Compensation for user fees foregone	24,129,039	24,129,039	24,129,039
		Leasing of medical equipment	0	131,914,894	132,021,277
		Rehabilitation of Youth Polytechnics	40,992,724	51,093,298	62,749,894
		Road Maintenance Levy Fund	219,084,683	361,687,117	239,604,947
		Agriculture Sector Development Support Program II-SIDA	7,684,832	17,869,663	13,746,442
		Kenya Climate Smart Agriculture Project (KCSAP)-World Bank	41,070,411	150,156,390	279,999,640

	Kenya Devolution Support Project (KDSP) – level 1 (World Bank)	0	83,423,784	45,000,000
	KUSP-UIG-World Bank	41,200,000	8,800,000	0
	KUSP-UDG-World Bank	1,018,320,500	1,018,320,500	0
	Universal Healthcare in Devolved System Program-DANIDA	24,806,250	24,843,750	22,050,000
	Universal Health Care Project	168,066,134	0	0
	Transforming Health Systems for Universal Care Project-World Bank	39,211,189	129,858,778	45,165,352
4	Own Source Revenue	1,557,211,641	2,212,664,746	1,729,798,232
	<b>Total County Allocation</b>	<b>13,770,646,445</b>	<b>12,822,260,774</b>	<b>11,016,948,638</b>

**Hon. Speaker:** Point of order, Hon. Dominic Ndambuki from Hon. Majority Whip.

**Hon. Mitaa:** Thank you, Madam Speaker. I would request your indulgence Madam Speaker, as the Statement which had been sought was the current financial year 2020/2021 and I would request if the Chairman can concentrate on the current year because that was our point of concern. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Majority Whip. I have actually looked at the figures and I have asked whether it is on the website because as we are also discussing it, the members of the public who have smartphones or a way of accessing our website can also be reading then I also got scared of this many pages and I know Hon. Dominic Ndambuki has a way of reading it very fast and I also know his capacity especially on budget maybe he had a good reason to do a comparison and I would ask him to guide us on the shortest way out of it. Hon. Ndambuki in the circumstances we are in.

We really appreciate the comparative nature of the report you have given us and we really appreciate your gift of reading these figures if you gave me I would read them until tomorrow but I know you can do it in a very short while. All the same because of the circumstances we are in just guide us which is the best way so that we can get the message you want us to get and because of the time you spend to prepare this with your committee. Thank you.

**Hon. Ndambuki:** Thank you, Hon. Speaker. We were trying to paint a picture of what was approved in the Assembly and we are trying to compare with the last two financial years however in the interest of time the House will allow me through your indulgence to dwell on the current year.

**Hon. Speaker:** The one you have highlighted?

**Hon. Ndambuki:** Yes.

**Hon. Speaker:** And then you compare it with the report you got?

**Hon. Ndambuki:** Yes.

**Hon. Speaker:** Very good. Please go ahead and thank you.

**Hon. Ndambuki:** Thank you, and I am on the last conditional grant that is;

Transforming Health Systems for Universal Care Project-World Bank	39,211,189	129,858,778	45,165,352
Own Source Revenue	1,557,211,641	2,212,664,746	1,729,798,232
<b>Total County Allocation</b>	<b>13,770,646,445</b>	<b>12,822,260,774</b>	<b>11,016,948,638</b>

#### Expenditure By vote

IFMIS Code	County Entity		Approved Budget FY 2019/2020	Approved Budget FY 2020/2021
3761	Office of the Governor	Recurrent	552,706,199	554,115,826
		Development	5,422,300	3,681,732
		Total	558,128,499	557,797,558
3762	Finance and Economic Planning.	Recurrent	556,162,299	422,545,883
		Development	89,738,163	41,618,632
		Total	645,900,462	464,164,515
3763	Public Service, Quality Management and ICT	Recurrent	509,030,705	395,750,188
		Development	11,765,400	20,355,778
		Total	520,796,105	416,105,966
3764	County Public Service Board	Recurrent	59,009,725	41,682,382
		Development	10,000,000	5,976,219
		Total	69,009,725	47,658,601
3765	Roads, Transport and Public Works.	Recurrent	202,268,477	172,340,664
		Development	1,364,097,057	1,109,876,646

		Total	1,566,365,534	1,282,217,310
3766	Health Services and Emergency Services	Recurrent	3,368,590,374	3,551,240,610
		Development	586,173,909	546,372,604
		Total	3,954,764,283	4,097,613,214
3769	Tourism, Youth, Sports and Culture.	Recurrent	103,897,125	97,649,075
		Development	130,000,000	135,050,680
		Total	233,897,125	232,699,755
3770	County Administration and Decentralized Units.	Recurrent	395,605,149	393,514,702
		Development	88,100,000	44,158,472
		Total	483,705,149	437,673,174
3772	Trade, Industrialization and Innovation	Recurrent	255,701,124	83,192,185
		Development	133,303,750	147,000,000
		Total	389,004,874	230,192,185
3773	County Assembly	Recurrent	911,145,156	911,145,156
		Development	387,000,000	365,000,000
		Total	1,298,145,156	1,276,145,156
3774	Education, Skills Training and Social Welfare	Recurrent	309,916,439	334,170,969
		Development	158,543,298	261,090,927
		Total	468,459,737	595,261,896
IFMIS Code	County Entity		Approved Budget FY 2019/2020	Approved Budget FY 2020/2021
3775	Energy, Lands, Housing and Urban Development.	Recurrent	120,506,865	70,770,524
		Development	1,152,661,700	98,149,569
		Total	1,273,168,565	168,920,093
3776	Water, Irrigation, Environment and Natural Resources	Recurrent	122,720,525	49,779,699
		Development	500,220,026	589,468,560
		Total	622,940,551	639,248,259
3777	Agriculture, Food	Recurrent	383,449,083	260,157,143

	Security and Cooperative Development.	Development	354,525,927	311,093,813
		Total	737,975,010	571,250,956
Total Recurrent			7,850,709,245	7,338,055,006
Total Development			4,971,551,530	3,678,893,632
TOTAL NET EXPENDITURE			12,822,260,775	11,016,948,638

### IFMIS Report (Hyperion Report) on Machakos County Approved Budget FY 2020/2021

Hon. Speaker, according to the report provided by the County Treasury on 1<sup>st</sup> September, 2020 the development budget was uploaded to the system as follows.....I will only concentrate on the approved budget and exclude projections for the oncoming financial year.

County Entity	Approved Budget Estimates FY 2020/21	Projected Estimates FY 2021/2022
Office of the Governor	3,681,732.00	3,865,819
Finance and Economic Planning.	41,618,632.00	43,699,564

**Hon. Speaker:** Hon. Ndambuki, can I ask you if you look at the figures and what you have read to us when you are presenting if you say the same, the same shall we move faster? Do you think?

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

**Hon. Speaker:** Thank you, because you will still guide us because it is your paper. So if you find there is any difference you tell us but if you tell us like I have looked at the development vote under the code you are referring to the same actually all of them are like that just tell us.

**Hon. Ndambuki:** Actually, Madam Speaker, this is a replica of what I have just said and if you will allow me I will go straight to observations of the committee and recommendations.

**Hon. Speaker:** But before you go there you make your comments to go on record.

**Hon. Ndambuki:** Thank you, Hon. Speaker. Looking at the Hyperion report, all the departments, all the county entities that I have read before the approved budgets are as I have read before and as they were approved by the Assembly and observations of the committee Hon. Speaker.

#### *Observations*

1. A comparative analysis shows that the expenditure estimates have been uploaded into the IFMIS as approved by the County Assembly.
2. The County Treasury has not provided monthly reports as sought in the House.
3. All similar codes under the programmes have been combined for example Community Hospitals and Dispensaries under code 3110202.

#### *Recommendations*

1. The Committee recommends that the County Treasury should prepare the budget estimates in the IFMIS Hyperion Module to eliminate errors.
2. The County Treasury should provide the County Assembly with IFMIS reports for each month on the County income and expenditure in the FY 2020/21 as sought in the House.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you very much, Hon. Ndambuki, on the reading of the figures and it is a great achievement and we always are very proud to have you to read these figures for us. So, Hon. Members do we have any comments from any Member. Any Member who may wish to make a comment on this? Hon. Mitaa.

**Hon. Mitaa:** Thank you, Madam Speaker. *Naomba nirudishe shukrani kwa mwenye kiti wa kamati ya bajeti Mheshimiwa Dominic Ndambuki na kamati yake kwa kuregesha hii ripoti kwa bunge.* Madam Speaker, *madhumuni ya kuomba hii ripoti ilikua ni tupate uwazi wa matumizi ya pesa za kaunti ya Machakos* Madam Speaker, *kama ilivyopitishwa na bunge la Machakos* Madam Speaker. *Ni tuelewe kwamba kila mheshimiwa ana matarajio ya kazi vile angependa zifanywe kwa wodi yake* Madam Speaker, *na jukumu kubwa kwetu ni kufuatilia vile hizi fedha zinatumiwa na serikali iliyopo kwa sasa.*

*Madam Speaker, mwenyekiti wa kamati la budget aeweka uwazi kila department zile hela imefikia kupata na tutazidi kuomba serikali ya Machakos itupatie uwazi zile projects zimekua captured kwa ADP* Madam Speaker, *kwa kila wodi ndio kila Mheshimiwa afanye kazi akijua ile matarajio anazo kutoka kwa serikali ya Machakos kwa sababu mara nyingi tumekua tukiwahaidi wananchi zile kazi tutaweza kuwafanyia kama ni mabarabara kama ni maji, kama ni maneno ya mashule na ata health.*

*Na ni vizuri kwa maana budget ile ya mwaka 2020/2021 ndio tumeanza safari yake na ni vizuri tujue na tukue na information ya vile hizi fedha zitafika kutumika ndio saa zile tumeenda huko mashinani kukaa na wananchi tukiwaelezea zile vitu tungetaka zifanyike zikue ni zile zitafanyika. Si kwamba tutarajie kama ni barabara na tusipate barabara. Asante naomba nishukuru hio kamati kwa kazi nzuri wamefanya. Asante Madam Speaker.*

**Hon. Speaker:** Thank you very much, Hon. Mitaa. Hon. Kamitu.

**Hon. Kamitu:** Asante sana, *Hon. Speaker. Madam Speaker,* ukweli ni kwamba budget ambayo imesomwa na kiongozi wetu, chairman wetu wa *budget committee* na team yake ni ripoti ambayo katika *document* zetu inaonyeshana uzuri wake. Maajabu utokea Madam Speaker, ni kusema kwamba itakua ni maajabu wakati ukienda katika *department* zingine uakuta *Chief Officer* anakuelezea kwamba iko ile budget ambayo tulimpatia na kwa sahizi hana chochote.

Madam Speaker, yangu kuongeza ningeliuliza kwa sababu kamiti zote *you are aware* kwamba *we did the interrogations on the various committees in relation to the departments* ambazo

tukonazo katika kaunti yetu. Kwa hivyo yangu kuongeza kwa yale ambayo yamezungumziwa na *chairman* wetu wa *budget* ni kwamba kama kuna shida kwa *department* fulani ambayo ingelitaka iongezwe peasa yangu ni kuongeza *any approval or change* iletwe katika bunge yetu tukae chini, tuinzungumzie ndio tuone ile kitu ambayo inafaa hau tukae vile *budget* tulikua tumeisoma na tukapitisha. Hayo ndio maombi yangu kwa sababu utakuta hakuna maana tukienda kwa *department* fulani kwa *Chief Officer* atueleze kwamba hakuna pesa.

*(Loud consultations)*

**Hon. Speaker:** Members, and there are some members who are consulting loudly. Hon. Members let us have order.

**Hon. Kamitu:** Asante Madam Spekaer. Kwa hivyo ingelikua ni kitu ya maana tuhimizie na tunzungumze yale ambayo yamepitishwa katika bunge, katika kila *department* ndio ukweli na *equity* ifanyike kati department. Asante, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kamitu. Hon. Museku? I will come to you Hon. Members. Hon. Kisini, Hon. Steve, Hon. Kiteng'u, Hon. Alice. Hon. Jeremiah, I see you; I will come to you.

**Hon. Museku:** Thank you, Madam Speaker. Madam Speaker, first of all, I would like to applaud the chairman budget committee for the report on the Statement which he has brought before this Assembly and as far as the uploaded figures of the budget for the financial year 2020/2021 is concerned. Madam Speaker, the most important thing to note is that normally when it comes to figures, when it comes to financial figures that is where the rubber meets the road and that is where people start sleeping and that is where the work is. That is where the work is *hapo ndio mambo iko.*

*Tukianza kuongea kuhusu pesa watu wengi huwa wanaanza kupotea nini imesemekana lakinin sasa hio kupotea yako ndio inafanya pesa nayo ipotee. Kwa hivyo ni vizuri tuwe tunasikiza kwa makini vile mamba inasemekana inatajwa na chairman wetu wa budget na kuhusu pesa ambazo zimewekwa. Madam Speaker, ningependa kusema ya kwamba hio pesa ambayo imesomwa hapa ni pesa ambayo wajumbe ambao wameketi hapa wamechaguliwa na wananchi wamekaa chini na wakaweka miradi yao yote hapo. MCA wenu hapa kwa mfano, MCA wenu hapa amepatiana miradi ya karibu Ksh. 50 milioni katika hiyo pesa imesomwa hapa.*

*Na kila mmoja katika MCAs ambao wako hapa wamepatiana miradi ya haina hiyo. Na ukiangalia pesa ambayo imesomwa hapa ya development ni Ksh. 3.6 billion. Bilioni tatu nukta sita hio ni pesa nyingi sana kwa hivyo kama wabunge wamepatiana hiyo pesa, hatujui kwa nini serikali tendaji ama executive wakisha patiwa budgeti kama hii huku mashinani hakuna maendeleo. Maanake kazi ya wabunge ni kupatiana pesa kama vile umesikia. Ukiangalia hio ripoti ambayo imesomwa mabarabara yamewekwa bilioni moja nukta moja. Bilioni moja mabarabara yatengenezwe.*

*Ukielekea upande wa health services tumeweka nusu bilioni. Hospitali zetu zitengenezwe. Ukiangalia eneo ya tourism, youth, sports and culture tumeweka milioni mia moja na thelathini na tano ndio watoto wetu wa youth waweze kusaidika. Ukiangalia katika water and irrigation mambo ya maji tumeweka nusu bilioni. Hizi pesa ambazo ziko approved na bunge letu ni vizuri wananchi mfahamu yakwamba sisi mlituchagua kazi yetu tumefanya. Tumeenda tukaweka bajeti na tukapatiana jukumu, tukaweka Appropriation Bill kwamba Executive, Governor na Chief Executive Officers wake ambao mliwachagua pia waweze kufanya kazi na hizo pesa.*

*Lakini shida huja hapa nduiio nilikua nasema tukiongea kuhusu figures watu wanalala, ni vizuri wananchi waelewe kwamba sisi kama wabunge tukisha kuja public participation tukae na nyinyi na mtupatie miradi yenu, tuna kuja na ku allocate pesa kwa budget kulingana na vile pesa inatoka kwa serikali tendaji. Tukisha-allocate pesa na tuweke Appropriation Bill sasa kazi iko kwa Governor na watu wake wafanye hio kazi. Kazi sio kwa MCA tena. Ndio vizuri tuelewane kwamba mkisikia chairman wa budget amekuja ametusomea budget, amesoma budget kuwaonyesha kiwango kile waheshimiwa wenu wameweka pesa katika miradi tofauti tofauti ndio muweze kusaidika.*

*Kwa hivyo Bi. Spika ningependa kusema ya kwamba hii miradi ambayo imewekwa hapo ni miradi mizuri nakuhimiza executive iweze kuendelea na kutimiza hii miradi yote ambayo pesa zimewekwa. Pesa ambayo imewekwa hapa, ile nyingi ya pesa ambayo imewekwa hapa inaitwa equitable share. Ile ambayo ilikua inapiganiwa na Senators kule kwa hivyo hio ni pesa ambayo itakuja jua iwe ipo ama kuwe kuna mvua hio pesa utakuja. Kwa hivyo tukijua pesa itakuja ni vizuri sote tuweke pressure tuhakikishe kwamba pesa ile tumepatia executive wafanye kazi wanaifanyia kazi ndio wananchi wetu waweze kufaidika. Asanteni sana.*

**Hon. Speaker:** Thank you very much, Hon. Museku. Hon. Jeremiah, a quick one. Let us remember Hon. Members that the member who read the Statement and the Member who has just spoken members of the budget committee highlighting the Statement. We make quick contributions others so we can move to now the substantive business that has brought us here. Hon. Jeremiah, remember we talked of one minute each.

**Hon. Munguti:** Thank you, Madam Speaker. Madam Speaker, I would like to applaud the chairman budget committee for the good work that he has done by replying to this Statement. Mine is to say that according to the development money which has been appropriated by the County Assembly of Machakos it is for the executive to ensure that these monies have been appropriated well and well distributed to all the wards so that development can be felt to the wananchi.

Madam Speaker, I would like to comment on the way I have come all the way from the main road up to this area of Kyeleni, I have found that *Mheshimiwa* has done a commendable job. The roads are not in poor state as people may have thought.

*(Applause)*

I would like to say that it is for the Member of county Assembly to ensure that you oversight what is in your ward to make sure everything is well done otherwise, us as Members of the County Assembly are there to ensure that every budget that we pass has been done by the executive in the right manner. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Jeremiah. I will come to you Hon. Ngunga, I had mentioned names of some Members earlier on. Hon. Kisini and then Hon. Stephen Mwanthi allow me Hon. Deputy Majority Leader because you had a stint first.

**Hon. Kisini:** Asante sana Madam Speaker, kwa kunipatia hii nafasi ata mimi nichangie. Wacha niseme kwanza ni shukurani kubwa kwa *chairman* wa *budget* kwa kutuletea wazi hii hesabu ya *budget* yetu. Nataka kusema ama kuchukua Kyeleni ama wodi ya Kyeleni hawa ambao wamekuja hapa kwamba wana-*represent* wengine ambao wanatoka kwa zile wodi zingine. Watu wa Kyeleni na kupitia kwako Bi. Spika mjue yakwamba ile pesa ambayo tunatakiwa ama tumesomewa ama



tumepitisha kwanza ni mapato. Mapato tumesikia ni over Ksh. 11 billion na kwa hiyo Ksh. 11 billion ukijumulisha kuna pesa mara mbili. Kuna ile ambao ya kuendesha ofisi kama kulipa mishahara na kuna ile ya *development*. Ya *development* ndio mmesikia yakwamba imesemekana ni over Ksh. 3.7 billion na hapo ndio nataka mtuambie ama muangalie kama mnapata *services* za hio pesa ya *development*.

Kwa mfano tumesikia na tumeshukuru mheshimiwa Kasyoki sababu tumeona upande wa barabara si mbaya, huku tumefika vizuri ambayo imepewa kiasi ya pesa *over Ksh. 1 billion*. Tumesikia kuna pesa ya hospitali, watu wa Kyeleni ni nyinyi mtuambie kama ma hospitali zenu zina madawa vizuri nakama mnafikiwa na hio pesa ambayo ni pesa mzuri *over or almost around Ksh. 600,000*. Nikitoka hapo nitaruka kwingine niende kwa mashule sababu najua *bursaries* ni *very important*; watoto wenu mnapata *bursary* na mnapata sababu tume-*budget* pesa mzuri.

**Hon. Speaker:** Point of order Hon. Kisini from Hon. Ngunga.

**Hon. Ngunga:** Thank you, Bi. Spika. Mimi nataka nikisoma hoja ambayo iko mbele yetu naona Bi. Spika, Bw. Kisini nikama kidongo amepotea kwa sababu Bi. Spika, hapa tulikua tunauliza ama tunaangalia matarajio ya IFMIS vile ilikua lakini naye Mheshimiwa Kisini ametembea kwa maendeleo. Nilikua nakuuliza Bi. Spika, tumshauri Bw. Kisini akae katikati ya reli.

*(Laughter)*

**Hon. Speaker:** Hon. Ngunga, Hon. Kisini is not lost. What I understand Hon. Kisini to be saying is that we have appropriated money for development and he is just repeating. He talked about hospitals and roads and that is what we are talking about but I think Hon. Ngunga you just wanted to have a commercial break. So we have had it. So Hon. Kisini be winding up because remember we said one minute each.

**Hon. Kisini:** Asanti sana Bw. Ngunga *for that correction but I think* niko laini tu nataka watu wa Kyeleni waelewe sana sana development inauma watu. Nikitoka hapo Bi. Spika---

**Hon. Speaker:** Do not list one by one Hon. Kisini.

**Hon. Kisini:** Nikimalizia nataka kusema watu wa huku Kyeleni na wale wengine Machakos ni *agricultural* na pia kuna pesa mingi imewekwa hapo. Tunataka tuone hii pesa ambayo has been appropriated imetumika na imefikia wananchi. *Thank you, Madam Speaker.*

**Hon. Speaker:** Thank you very much. Hon. Stephen Mwanthi.

**Hon. Mwanthi:** Thank you, Madam Speaker. Madam Speaker, I will be brief and to the point. Madam Speaker, from the report we have gotten from the budget committee *ama kulingana na ripoti ambayo tumepata kutoka kwa kamati yetu ya bajeti ni ripoati nzuri*. Kwa hivyo tunacho omba ni our counterparts in the executive *wakijaribu kufuata hii nafikiria watu wetu wataweza kupata maendeleo vizuri kama tunavyo tarajia na watu wetu*.

*Ninacho omba Madam Speaker, ni kwamba tunaamina saa hizi tumepata ile supplementary budget and it is there Madam Speaker, sometimes we fail. I wish our able committee could now*

follow up with that, the supplementary budget only to supplement only the money which was not spent last year but not now touching on the funds that we have put on this one, Madam Speaker.

*(Applause)*

So if we can follow that I believe we will have development for our people Madam Speaker. So let us be careful on the supplementary budget, let us supplement exactly what was not spent and now do not touch on what we have, Madam Speaker. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, very important point Hon. Stephen Mwanthi. Hon. Kiteng'u and Hon. Mutiso. Yes, Hon. Alice you will wind up at that point and go to the next business.

**Hon. Kiteng'u:** Thank you, Hon. Speaker. Hon. Speaker, I would like to go straight to the department and this one I will urge the budget committee Hon. Speaker. I think each and every financial year we do pass a budget and now I understand from your communication that we have a supplementary budget at hand. Hon. Speaker, we always give budget as per department. For example, we have more than 14 departments including the Assembly and the County Public Service Board. Hon. Speaker, we have the major key departments when it comes to development.

Hon. Speaker, you realize that at the end of the day we have some money which always skips to the next financial year unspent like for example you find that the roads and transport department that it did not spend this amount of money and this time Hon. Speaker, starting with this supplementary budget which is with us now, I urge the budget committee and all chairs of committees please as we had agreed before passing the previous budget that we need accountability as per department. How did a certain department spend its money?

For example, Hon. Speaker, as we always give out budget like roads and transport we always give more than Ksh. 1 billion but you realize that Hon. Speaker, that at the end of the financial year, we have some money which has not been spent in the same department and we have impassable roads in our County Hon. Speaker. So Hon. Speaker, mine is to urge the committee of budget and all the Chairs to make sure that the Chief Officers and the CECMs they do accountability of all the monies we do give them before we continue with any passing of any budget including this supplementary budget Hon. Speaker because the last financial year we had passed...at the end of the last financial year

Hon. Speaker, we had passed a supplementary budget whereby we had allocated some ward projects whereby the executive agreed that they can only be able to implement Ksh. 60 million of projects but Hn. Speaker, we passed the supplementary budget but now I understand the same supplementary budget which has come so that we can re-allocate the same monies. Let us not touch the previous budget because we had passed the budget. Let us re-allocate the monies which skipped this financial year without being spent so that we can implement the projects.

Hon. Speaker and Hon. Members you understand that we only have this financial year to implement or the executive to implement projects in our wards; the next financial year it will be a bit late. Let us be serious, let us work hard and make sure we monitor and make sure we oversight the executive and make sure they do the right thing. Thank you, Hon. Speaker. That is all I have, Hon. Speaker.

**Hon. Speaker:** Thank you very much, Hon. Kiteng'u. Hon. Mutiso.

**Hon. P.J. Mutiso:** Asante Bi. Spika, kwa kunipa hii nafasi niweze kuongea. Yangu Bi. Spika, nikusema yakwamba naunga mkono vile wengi wamesema ya kwamba tusipitisha bajeti yoyote kama kazi ile tulipitisha na tukapeana pesa haijafanywa. Kwa sababu hii *supplementary budget* ni lazima tuone yakwamba kuna pesa ya *development* imewekwa tuone hio kazi imefanyika. Kwa mfano mahali tumepitia ni kuzuri lakini kuna mahafanyiwe kazi lakini kuna kwingine tulienda ambao ni kubaya. Na Mheshimiwa Kasyoki nilimsikia kwamba alipitisha pesa ambayo ilikua ni Ksh. 10 million hio ifanyiwe kazi. Sio yeye anafanya kazi; kuna wale wanafanya kazi ambao ule anawaongoza ni Governor wetu. Wal ambao wale wanapewa hio kazi naona yakwamba ni kama hafanyi hio kazi.

Kwa hivyo wale watu ambao tunaweza kufuatilia na wananchi watusaidie pia maana wametuchagua tuwakilishe; ni wajue yakwamba kuna wale watu ambao wanafaa kuwa wanafanya hiyo kazi. Waheshimiwa wabunge kazi yao nikupitisha ile pesa na kupeana miradi ambayo wanachukua kwa wananchi Bi. Spika. Tunaenda kwa wananchi tunachukua zile kazi wanataka kufanyiwa sio Mheshimiwa Kasyoki ama waheshimiwa wale wengine halafu tunapeleka bunge tunapitisha pesa na tunapatia Mheshimiwa Gavana wetu ndio aweze kufanyisha hiyo kazi. Kwa hivyo nasema yakwamba kuna pesa ambao *supplementary* ile inakuja kuna pesa ilikua ya *development* hiyo pesa tuone imepeleka pale sio ipelekwe mahali kwingine kwa maana inaweza pelekwa mahali kwingine.

Tunaona mvua iko karibu na hii mvua ikinyesha kwa barabara zetu itakua watu hawawezi kutembea. Na ule mtu atakua anaumia ni Mheshimiwa mbuga aliyechaguliwa. Kwa mfano, Madam Speaker, kama kwangu saa hii kuna barabara inaendelea, nimeona watu wakilalamika kwa mitandao wakisema hakuna kazi inafanyika. Lakini hapa tunaongea tukisema pesa ipelekwe kwa miradi ambao inafaa kufanyiwa kazi. Kwa hivyo kwa yale maombi nimeona bajeti waheshimiwa wa kamiti ya bajeti imepitisha yafuatiliwe.

Hakuna haja yakwamba katika IFMIS wakihitaji hawapatiwi vile wanasema. Niwapewe mapema, wake chini waone vile mambo iko. Sio eti...na bajeti iwe inaletwa mapema sio ati inaletwa siku ya mwisho. Maana ikiletwa siku ya mwisho inamaanisha yakwamba kuna *information* ambayo inafichwa ndio waheshimiwa wale wa kamati ama wa bunge wasijue ile mambo inaendelea. Kwa hivyo ndio maana inaletwa kwa haraka. Mheshimiwa Spika, naomba yakwamba waheshimiwa wabunge wajue yakwamba hii ni mwaka wa mwisho na tusipofanya kazi, kuna wale wanakaa pale wakiangalia umeanguka wapi. Kwa hivyo ni lazima tuweke bidii na tuweke *pressure executive* waweze kufanya kazi. Asante Mheshimiwa Spika.

**Hon. Speaker:** Hon. Ngunga. Remember to keep the one-minute Members.

**Hon. Ngunga:** Thank you, Madam Speaker. I think I would like to maybe participate in this debate but first of all Madam Speaker, as a high school teacher and one that used to mark composition, I would like to stick to the point and the point here is strictly, the Hon. Member, budget Chair was reading about the request that was placed before the executive asking about an IFMIS.

Madam Speaker, when I look at this I see the IFMIS was brought but then there are issues with the IFMIS and that is where I want to assist my Hon. Members in ensuring that their prayers and their cries are sorted out. One of the things Madam Speaker, that I have realized with the observations here is; a comparative analysis shows that the expenditures that have been uploaded into the IFMIS are approved by the County Assembly. They were approved, that is number one.

Secondly, it shows that the County Treasury has not provided monthly reports. So as a House, Madam Speaker, I think the onus is on us here to ensure that this IFMIS system the reports are given to the House on a monthly basis as here demanded by this report.

*(Applause)*

So, Madam Speaker, without having to look at the budget, without having to look at the forthcoming supplementary budget there is one thing that is very critical here and I want to appreciate the Member who must have come with this asking for reports of the IFMIS systems which should be on a monthly basis. Now look at the recommendations of the committee, Madam Speaker.

The committee recommends that the County Treasury should prepare the budget estimates in the IFMIS Hyperion module to eliminate errors. Whatever that means I do not know but Madam Speaker, it must be a good thing.

*(Laughter)*

Why then don't we say because of course this is a technical term, I do not know what a Hyperion module means but if the recommendation of the committee should therefore, be done why do we not recommend as a House that therefore, any IFMIS reports are done through this module---

*(Loud consultations)*

**Hon. Speaker:** Order! Members Order!

**Hon. Ngunga:** Thank you, Madam Speaker. Now, what I am trying to say in essence Madam Speaker, here for us to be able to do our oversight role effectively, expenditures are done on a monthly basis and you know that monies are also requisitioned on a monthly basis. So what the House is demanding is a situation where after the expenditure has been done on a monthly basis the House is furnished with the expenditure from the IFMIS system. Not verbal but IFMIS system because expenditure is done through the IFMIS system.

So Madam Speaker, I do not think this is too much for us to be asking for. It is our role so I want to join the rest of the members let us not go away but let us now stick to the point so that in future we will not have a situation where like Hon. Mutiso is saying, monies are appropriated to this department or to this project and they are taken to another project.

With this kind of a system, the IFMIS system I am sure that we will not be able to do virement or borrow money from here take it there in an irregular way. So, Madam Speaker, I want us to pass a resolution here that we agree and we say that on a monthly basis the House should be furnished with IFMIS systems. Madam Speaker, we are heading to 2022. In fact, for your information we are just about one, two, three corners here and we are going to see a lot of stress here.

Madam Speaker, you are likely to see a lot of agitation coming from the members because 2022 means election year and what election year means for Members here is going to be accountable for every member to show what you have done within the period you are given, five-year term. *Mheshimiwa* Kasyoki, I want to appreciate the public that are here I am sure they will be kind enough to re-elect you because I have seen what you have done.

*(Applause)*

I want to ask the rest of the Members to join hands so that together we can elevate the situation as it is in our community. Madam Speaker, thank you, for according me this and let us pass as a House to say going forward, from today onwards IFMIS system should be given to us every month. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Ngunga. Hon. Alice, Hon. Daniel Mbevi and Hon. Nick...Hon. Annastaciah, please stick to your one minute because you have said it all. I know you want to emphasize but do not take too long in emphasizing.

**Hon. (Ms.) Nzioka:** Asante Bi. Spika kwa kunipa nafasi tena. Kongole mwenyekiti wa kamati ya bajeti kwa kazi nzuri ambayo amefanya. Nimshukuru Mungu, hivi majuzi mwenye kiti wa bajeti alihusika katika ajali ya barabara; Mungu ni mwema ako na nguvu na anaendelea vizuri. Asante. Bi. Spika, nataka kukujulisha kwamba majukumu yetu kama wabunge wa kaunti ya Machakos ni majukumu matatu. Jukumu la kwanza ni uangalizi, jukumu la pili ni uakilishi na jukumu la tatu ni kutengeza sharia.

Bi. Spika, hio ripoti ambayo mwenyekiti wa kamati ya bajeti ameleta iko katika yetu na majukumu ambayo tunapaswa kufanya. Sisi katika bunge tukipiisha bajeti, haja yetu hatuhitaji bajeti ya ziada bali tunahitaji kama bajeti imepitishwa kazi ifanyike, pesa mabazo zimepeanwa zimalize kazi kwa sababau tukisema.....hapa hivi umesema bajeti ziada imeshaletwaa ili kungojea kupitishwa.

Kama kazi ingefanyika vizuri, hatungekuwa na haja ya kupitisha bajeti ziada. Sisi kama wabunge tunansema, kwa mfano waheshimiwa ambao wamechaguliwa wana kibarua kigumu sana maana wakati unakutana na wananchi, unawaambia kwamba mkinichagua nitawatengeneza barabara. Mkinichagua, nitaangalia kazi ya mashule; mambo mengi wanayasema lakini kazi yao sio kutekeleza. Kazi yao ni kupitisha bajeti na kuna wale ambao wanatekeleza. Mwenye kiti wa kamati tekelezi na kamati yako, angalia kwamba kama miradi imewekwa ipitishwe angalieni ipitishwe.

Maana mwishowe, wananchi watasema kwamba Mheshimiwa ambaye tulimchagua ni mwongo; hafanyi kazi ambayo anatuambia anafanya. Na hivi hawajui kwamba majukumu yamegawanywa. Kwa hivyo tunauliza Gavana na bunge tushikane pamoja ili kuona kwamba bajeti ikipitishwa, utekelezi wa bajeti inafanyika.

Gavana wetu wa Machakos kila wakati huwa anasema anataka maendeleo, na sio maendeleo tu, ni maendeleo chapchap. Hivi sisi tunasema wale ambao wana majukumu katika Kaunti yetu ya Machakos wafanye maendeleo na iwe ni maendeleo chapchap. Asante sana.

**Hon. Speaker:** Thank you, Hon. Alice. Hon. Daniel Mbevi.

**Hon. Mbevi:** Thank you, Madam Speaker. *Kwanza nataka kumshukuru sana Mheshimiwa Kasyoki kwa kazi nzuri tumeona kwa barabara tukija. Mimi ndiye Chairman wa roads department in Machakos na wakati nimeona barabara nzuri I was very happy kwa sababu inamaanisha department yangu inafanya kazi. Kile ningependa kusimama hapa nisupport the recommendations of the Budget Committee which I am also a Member; that the IFMIS report should be provided to the Assembly on montlhy basis because that is the only way we can account well.*

As one of our Hon. Members *Mheshimiwa* Ngunga has said, monies are requisitioned on monthly basis so if we get the reports on monthly basis it will be a very smooth way for us to do our work smoothly and that is oversight.

The other issue which I would request to our Hon. Members is to work closely with the Executive, reason being, like me in the department of roads we have three categories under roads; we have the major roads, the access roads and we also have these sub county grader programs. So it is very good to know which project is being done under which road because you may find a road is being done under major roads but you find that it is under access roads.

So in this budget, we provide each road with its own budget; let us avoid that mix up Hon. Members because you might find that a road is being done under access road then you may not be aware that it is under the major roads. So it is important we work hand in hand with the Executive so that we avoid all these misunderstandings.

It is also very important for us as Hon. Members to work with the Executive because some of the CEC members do not follow their allocations well, they do not fight for their allocations to be used in the right positions. In fact, Madam Speaker, these allocations of monies from a department to another is because of the carelessness of the Executive because whoever is the Chief Officer is not fighting for his money under his department. So it is important we also help them to ensure that all monies allocated in a certain vote is utilised in that vote. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Mbevi. Hon. Nicholas.

**Hon. Muia:** Thank you, Madam Speaker. I want to appreciate the budget committee for the good work they have done. We did a good budget and we allocated good money to the major departments, especially roads, water and health. We have had some challenges for example, in the roads department, when the machine breaks down whether it has a puncture or the battery is spoilt, we are told that we did not plan the budget for maintenance. This time round I hope we have enough money for maintenance because I do not want to be told to spend my own money to do some minor repairs.

When it comes to the Health department, we have the Community Health Volunteers; this time round we need to have them paid because last time I checked, they have been working for more than 17 months and they have not been paid. So let us have this considered to ensure that here in Kyeleni we have some CHVs here and I am sure they have not been paid let us make sure they have been paid. I also, recommend the monthly update of IFMIS and we stick to that so that we do not have money taken from roads to water, from water to health un-procedurally. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Members, for the valuable contributions. You appreciate that the oversight exercise that you started on asking for the IFMIS, uploading reports has succeeded, going by the contributions on the floor and by the report. That is the way you need to continue working and what you remain to do is to ensure that the uploaded development expenditure is used for the purposes that you voted in the Assembly.

As we indicated, the monthly reports we need to follow them very keenly; not just the budget and appropriations committee or the finance committee or just the Implementation committee but all of you and that is how you will succeed in the oversight role because if you manage to oversight implementation of the budget then half of your work is done. Thank you, Hon. Members. I will call upon Hon. Kituku; he is the one who has business under this order, Hon. Kituku.

EXTENSION OF TIME FOR REPORT ON DRAFT MACHAKOS COUNTY EMERGENCY FUND  
REGULATIONS 2020

**Hon. Kituku:** Thank you, Madam Speaker. The select committee on delegated county legislation is established pursuant to Standing Order 190 and is mandated to consider statutory instruments submitted ....Madam Speaker, I appreciate that I am tall.

**Hon. Speaker:** It is a plus; you thank God for that height.

**Hon. Kituku:** Hon. Speaker, The select committee on delegated county legislation is established pursuant to Standing Order 190 and is mandated to consider statutory instruments submitted to the county Assembly for consideration by the House.

On 8th September, 2020 during the afternoon plenary sitting, the House considered the report of Select Committee on Delegated legislation on consideration of the draft Machakos County Emergency Response fund regulations 2020 and the Chair directed the committee to ensure the following is undertaken by the regulation making authority before tabling the report.

- 1) Facilitation of public participation and consultative forums on the regulations.
- 2) Provision of regulatory impact statement.
- 3) Publication of the regulations.

The committee was further directed to report back to the House upon consideration of the above stated issues on 29th September, 2020. Based on the directives, the Committee engaged the County Treasury and the County Law office for Machakos County Government and has been able to develop and harmonised draft of the said regulations. Madam Speaker, I therefore wish to seek extension of time to enable the committee complete the assigned task. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Kituku before you leave the floor, how much extension do you need; note that this is an urgent matter because we need that Act in place to deal with emergency issues. Would one or two weeks be sufficient?

**Hon. Kituku:** Madam Speaker, at least three weeks since the Executive has not....

**Hon. Speaker:** You are yet to engage the Executive and the public so you are granted an extension of 21 days. You will submit the report on 21st October, 2020. I am hoping it is falling on a weekday because I know on 20th is a public holiday.

**MOTION**

ENFORCEMENT OF MACHAKOS COUNTY MANAGEMENT OF QUARRYING ACTIVITIES ACT,  
2016

**Hon. Speaker:** Hon. Members, under this Order, we have one business by Hon. Kasyoki.

*(Applause)*

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

Madam Speaker, that aware that the Article 209(4) provides that the National and County Governments may impose charges for the services they provide; Aware that

paragraph 9 of the Fourth Schedule part 2 of the Constitution provides that the County Governments have powers to implement specific National Government policies on natural resources and environmental conservation, including soil and water conservation and forestry;

Acknowledging that the Machakos County Management of Quarrying Activities Act, 2016 was enacted by the County Assembly of Machakos to bring into effect these provisions of the Constitution;

Aware that the Act provides for the issuance and cancellation of quarrying permit;

Further aware that the Act provides that a person shall not undertake quarrying activities or transport quarry materials between the hours of 6.00 p.m. and 6.00 a.m. and that such transportation of quarry materials should only be done through designated roads;

Noting that the quarries in Matungulu Sub-County and especially Kyeleni ward operate at night in total disregard to the Machakos County Management of Quarrying Activities Act 2016;

Aware that the County is not able to collect revenue from quarrying activities from these quarries as transportation of quarrying materials is done at night;

Madam Speaker, I wish to move the motion THAT the House approves that:

- a. The Department of Lands and Natural Resources of the County Government of Machakos enforces Machakos County Management of Quarrying Activities Act 2016 and ensures that quarrying activities or transportation of quarry materials be done between the hours of 6.00 a.m. and 6.00 p.m. and through designated roads;
- b. The Department of Finance and Revenue Collection of the County Government of Machakos collects the appropriate and applicable revenue from quarries in Matungulu Sub-County including Kyeleni Ward;
- c. The Department of Finance and Revenue Collection of the County Government of Machakos to ensure that basic facilities like sheds and toilets are provided to the staff collecting revenue in quarries.

Thank you, Madam Speaker. I now call upon Hon. Moses Mitaa to second my motion.

**Hon. Speaker:** Thank you, Hon. Kasyoki. Hon. Moses Mitaa.

**Hon. Mitaa:** Thank you, Madam Speaker. I want to support the motion by Hon. Kasyoki and thank him for thinking on behalf of his people. Madam Speaker, if you grant me permission, sometimes back we were in this ward and Hon. Kasyoki had invited us to come and check on some of this issues and I thank God today we have the opportunity to handle that issue because I understand it has been thorny and he has been looking for ways of how we can solve it since it is becoming a challenge both locally and to the extent of affecting the income of our county government. Thank you.

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

*(Question proposed)*



Hon. Members, I now invite you to debate the motion. Hon. Muthoka.

**Hon. Muthoka:** Asante Bi Spika. Nasimama kuunga mkono huu mswada umeletwa na Mheshimiwa Kasyoki. Mheshimiwa asante na asante nimeona uko na watu wengi. Wakati mwingine tunaenda tunakosa watu kwa hivyo asante sana. Huu mswada ni muhimu sana kwetu kwa sababu hizi malori zikitembea usiku zinakuwa *source of insecurity*. Mbuzi ikiibiwa, hawa vijana wanatumia hizi malori inapelekwa Ruai kwa sababu hizi malori zinaendeshwa saa sita, saa saba ya usiku, saa nane ya usiku hata huwezi kujua ni nini inaendelea.

Hapa Koma kulikuweco na wizi ya ng'ombe, mbuzi; wanachinjia kwa msitu, wanaweka nyama kwa gunia na zinapelekwa Ruai. Kwa hivyo imekuwa changamoto sana kwa hivyo hizi lori zifanye kazi mchana; saa kumi na mbili asubuhi hadi saa kumi na mbili jioni.

Pili, hizi malori zikiendeshwa usiku, *they collude with our county inspectorate* hawalipi. Kama lori inapaswa kulipa Ksh. 1,500 anapeana Kshs. 500 inawekwa kwa mfuko kwa sababu wanajua hakuna mtu atawaona usiku. Kwa hivyo, hizi lori ziendeshwe mchana walipe kodi mchana na sisi kama Kaunti ya Machakos, nauliza Executive na nyinyi mkichukua hio pesa, raia wanataka kuona maendeleo maji, stima, *boreholes* kwa hivyo mnavyochukua hio pesa, mnawarudishia na maendeleo. Ukichukua na hii mkono, hii ingingine inaleta maendeleo.

Ya mwisho, hawa wafanyikazi wanaokusanya kodi, ukienda Mavoko wanashinda kwa jua mchana kutwa, hakuna *sheds*, hakuna vyoo, akipatwa na haja, ni kwa msitu halafu wewe unangojea akuletee pesa; hapana, atachukua hii pesa aweke kwa mfuko. Kwa hivyo huyu mtu anapaswa awe mahali pamejengwa vizuri, pamewekwa *CCTV cameras* upate hawezi iba. Upate hata *Chief Executive Member* wa *finance* akiwa kwa ofisi yake anaweza mulika Mavoko na ajue ni nini inaendelea wakati huu na anaweza kuona vyenye huu mfanyi kazi anaendelea. Asante, *Madam Speaker*.

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

**Hon. (Ms.) Mutuku:** Thank you, *Bi Spika kwa kunipa nafasi hii. Bi. Spika, ningependa kuchangia hio mswada na ningependa kumshukuru Mheshimiwa Kasyoki kwa muleta hio motion. Nimeona ni muhimu sana kwa sababu kumekuwa na changamoto nyingi sana haswa wakati wa usiku hizo lori zikitembea. Na ndio maana tumeona ata watoto wengi wakidungwa mimba.*

*Ningenelea tutengeneze sheria ya hizo lori zitembee asubuhi hadi jioni. Vile wenzangu wamesema hapa, nikiwa njiani mimi uona hizo lori, na wengi wao hawana heshima hata kidogo; kwa raia na hata kwa madereva wanaondeshwa magari kwa barabara.*

*Nashukuru kwa sababu nimeona kazi kidogo imefanywa kwa wadi ya Kasyoki na kongole Mheshimiwa, umejaribu, umejaribu sana. Na ningependa kushukuru serikali ya Kaunti ya Machakos imeng'ang'ana na kufanya kazi. Kukiwa na changamoto za pesa kuteremka kutoka serikali ya juu hadi za Serikali za Kaunti lakini ningependa kupongeza Mheshimiwa Gavana na serikali yake kwa kufanya kazi vile inafaa. Vile tu kuna changamoto kwa wafanyi kazi wake; wanaweza kuleta changamoto kwa utendakazi wake kwa sababu wengi wao wanaangalia matumbo zao na si wananchi.*

*Bi. Spika, niseme ukweli, ni lazima sisi kama Bunge tutengeneze sheria vile pesa ya mwananchi italindwa kuanzia mwenye kukusanya. Pawe na watu wa ku-monitor hao watu kwa sababu sidhani wanapokusanya pesa zinafikia Kaunti; sidhani. Zile pesa zingekuwa zinafikia Kaunti vile inafaa, Kaunti ya Machakos ingekuwa na maendeleo zaidi vile tunajua Gavana ana maono*

*makubwa ya maendeleo. Kwa hivyo ningesema kwamba na-support hio motion ya Mheshimiwa Kasyoki na ningependa kusema kama Mwakilishi bunge wa Kibauni; kuwe na monitor group ya kuangalia hawa wanaokusanya ushuru kule mashinani.*

*Wengi wao, hizo pesa hata risiti haandiki. Mimi nimekuwa nikiwaangalia, na unapata Chief Officer wa finance amekaa kwa ofisi hajui mashinani kukoje na Gavana angekuwa na team ya kutembea na kuchunguza wale wafanyikazi hata hapa tumekuja tumekuja na barabara ya lami.*

*Bi. Spika, mimi nasupporti hizo lori, kazi wafanye mchana, walipe levy fee vile itakikana na wakikataa washikwe na wenye kupewa hongo, kwa sababu corruption inaanzia kwa mtoto, unatuma mtoto anakwambia 'mum nikienda dukani yenye inabaki ninunue peremende,' sasa corruption inaanzia hapo. Tupigane na hii corruption kama wawakilishi. Kazi yetu ni kuangalia utendakazi wa Kaunti na kufanya bajeti kama vile imefanywa lakini bajeti ikifanywa pesa inatoka wapi. Inatoka kwa mwananchi, na lazima mwananchi akilipa hio kodi aone anafanyiwa kazi.*

*Silaumu mtu yeyote kuhusu utendakazi wa kaunti lakini ningeomba sisi kama wabunge wa Machakos County, wakati huu wetu tufanye kazi vile inafaa; kazi yetu ni kumonitor serikali ya kaunti ni kazi gani inafanya. Hata wewe jipatie jukumu la kutembea na kushika huyo mtu. Uko na right ya kumshika na kumweka ndani, Gavana akija na Chief Officer wapate wewe umemweka ndani. Kwa sababu hio ni kunyima mwananchi haki yake. Bi. Spika nashukuru kwa kunipa hio nafasi. Asante sana.*

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Annastaciah. Hon. Agatha.

**Hon. (Ms.) Mutunga:** Nashukuru Bi. Spika kwa kunipa hii nafasi kuchangia mswada ulioletwa na Mheshimiwa Kasyoki unaouliza jimbo la Machakos kuwapa mamlaka kitengo cha ardhi na raslimali zilizoko ndani ya kaunti ya Machakos kwa ajili ya ushuru na kupewa haki yao. Bi Spika kwa majina naitwa Kuhani Almasi lakini bunge la Machakos linanifahamu kama Hon. Agatha.

*(Laughter)*

**Hon. Speaker:** I want to know Hon. Agatha, because I almost called you by another name which I realised is not official. So, what is your name, the one we know you in the Assembly.

**Hon. (Ms.) Mutunga:** Bi. Spika, ndio maana nikasema bunge linalijua kama Hon. Agatha.

**Hon. Speaker:** When you took your oath, what name did you use?

**Hon. (Ms.) Mutunga:** Hon. Agatha.

**Hon. Speaker:** Thank you very much. Proceed.

**Hon. (Ms.) Mutunga:** Bi. Spika, nakubaliana na Mheshimiwa Kasyoki, jambo la kwanza kitengo cha ardhi na raslimali cha Kaunti ya Machakos kuzuia kabisa lori zinaotembea usiku. Kuna mwanamziki wa dunia alisema kazi za usiku ni mbaya na ni hatari. Tunapokubalia hizi lori zinazosafiri kwenye vichorochoo lakini sio barabara iliokusudiwa basi ni kukwepa ushuru. Alisema

rais Thomas Sankara wa Burkina Faso mwaka wa 1983; unapoona taifa lolote linaokwepa ushuru ni sawa na kuu wananchi.

*(Applause)*

Bi. Spika. hatuwezi tukaendelea pasipokua kuchukua ushuru kwa hivyo mimi naunga mkono kabisa na pia nashauri mamlaka ilioko utawalani; kama hawataki kulipa ushuru masaa yanayokubalika basi serikali ichukue hatua na iwaadhibu adhabu kali. Bi Spika, nimefanikiwa kutembea mataifa tofauti wanaochimba kwa mfano Kaunti ya Machakos tunachimba mawe lakini nimepata kibali kutembelea taifa la Zibambwe na Tanzania vilevile wanaochimba. Wanachofanya eneo linalochimbwa linawekwa ulinzi wa ukuta ndio ile ushuru inaokotwa iwe imedhibitika. Kwa hivyo Bi Spika tukifanya hivo tutakuwa tumefanikiwa.

Jambo la pili nauliza kitengo cha fedha na raslimali pia waweze kukusanya mahali hapa tulipo. Bi Spika ni hatia, dhambi na makosa kwa kufanya kazi pasipokupeana ushuru. Kwa hivyo kama ilikuwa inafanyika hivyo basi ina maana hatujui tunachokifanya hasahasa tunaosimamia hizi kaunti.

Tatu Bi Spika, ni kwa ajili huwezi ukafanya kazi kwa mazingira sio rafiki, hauwezi kuokota ushuru mahali hakuna usafi, choo na pia hakuna kivuli. Hio ni hatia na kutesa binadamu. Pia kwa hawa wanaokota, inapaswa irudishwe kwa wahusika ndio waweze kufanya kazi inayofaa mwananchi kwa ajili ya kuendelea juu. Nashukuru kwa nafasi Bi. Spika.

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

**Hon. King'ori:** Asante Bi Spika kwa kunipatia nafasi kuchangia mjadala ulioletwa na Mheshimiwa Kasyoki kutoka hapa Kyeleni. Ningependa kugusia kidogo mahali hii mswada imetoka na kusema, katika katiba yetu ya Kenya, Article 69(h) ambayo inaangazia vile pesa zinazopatikana katika *quarries and natural resources* na tujue ya kwamba wananchi wanafaa wafaidike namna gani. Katiba inasema ni lazima tuangalie njia ile tuta-utilize *the development and natural resources benefit for the people of Kenya* ambao ni wananchi wetu.

Pia kuna sheria ingine iliyopitishwa na bunge ile kuu ambayo iliongea maneno ya vile wananchi watagawiwa raslimali zile zinazotoka kwao na wapate kiwango fulani ambao wamesema serikali kuu itakuwa inapata ya 70 na ya katikati 20 na wanachi pia wapewe asilimia 10 katika hio kiwango. Ningetaka kusema, tulionelea ni vizuri na ikapitishwa katika Section 25 Act of 2016.

Ningependa wananchi wafufuke macho wajue hio pesa ni yao na hio ndio pesa wanaweza kuza hii *area* wakipata kuna *quarry* hapa wanapata sehemu ya hio kodi na wanatumia kwa mambo yao. Ile wanaeza shughulika kama zile vitu ambazo haziko kwa Kaunti ama kwa National government zile ambazo wanaweza jifanyia wenyewe wao waamue. Na hiyo ni kitu ambayo inafaa tuichukulie kwa ile njia kamili inayotakikana ifuatwe na ninaongea nikijua pia, katika hii tunayoongea juu yake na ile Mheshimiwa anataka iidhinishwe---

*(Loud consultations)*

**Hon. Speaker:** We want to hear what the Hon. Member is contributing about; is it because you are sitting outside. Why all this noise. Let us give an opportunity to the Members to be heard.

**Hon. King'ori:** Asante Bi. Spika kwa hayo. Ningependa kusema, *Section 3* ya hii kitu umeandika hapa bila kufafanua lakini ukasema itekelezwe (a), nadhani Mheshimiwa hapo ndio ungefafanua vizuri kwa sababu watu wa Kyeleni wangukuwa wanafaidika. Na mimi naongea kwa sababu najua wananchi ndio walinileta hapa kwa hivyo ile kitu inafaa niongee ni ile inasaidia mwananchi kwanza.

Na *objective No. 3(e)* inaongea juu ya hizi raslimali za *quarrying* kuna ile kiwango inafaa igawiwe mwananchi, na mwananchi apewe hio haki kiwango yake kama vile *Act* ya *National government* imesema kwa hio *Section 25*. Wananchi wanahitaji pesa yao na kwa sababu tuko kwa wananchi ni lazima tuwaeleze kinagaubaga kwamba ni haki yao *to demand for those rights*.

Nikuje kwa kitu ingine tulipitisha juzi ambayo ni katika *budget* na *revenue* yetu tukasema kuwe na pesa ambazo tunachukua asilimia sijui 200 watu wa *budget* wako hapa watatuambia ni pesa ngapi. Lakini patika hio *cess* ambayo tunacharge wananchi, wananchi wanapaswa wapate kiwango kutoka kwa pesa zinazopatikana kwa hio *sub-county* ambayo pia tumeweka katika sheria na tulipitisha juzi katika ile mswada ya *environment*.

Nadhani niliangalia vizuri na nikaona njia zile zinafaa zifuatwe pia zimetajwa katika hii *Act* yetu ya 2016 ya kuweza kutengeneza *committee* itakayohusisha wananchi wa kawaida. Tunahitaji Kuwaits na *committee* katika *government level* na mpaka *village level* tune na *committees* ambazo zinasimamia *quarrying activities* ndio tuweze kujua pesa ya mwananchi ni ngapi ambayo inafaa kupewa mwananchi.

Na ndio sababu tupkapitisha hio sheria na ni panzima tuambie wananchi saa hii kwamba kuna pesa yao mkiona *quarry* kuna pesa yenu hapo, mkiona mawe inachimbwa, kuna pesa yenu hapo, mkiona mchanga inaokotwa hapo kuna mchanga yenu hapo. Na hio iko katika katiba ambayo inafaa tupewe *regulations* ambazo zimeitishwa katika *Section 22* ya hii *Act*. Inaongea tuletewe *regulations* ambazo zinasaidia mwananchi kupata hizo pese kihalali.

Hatutaki kuiba pesa ya serikali, tunataka kuipitisha kihalali; wacha tupatie Kaisali haki yake na wananchi wapatiwe pesa yao, Kaunti yake na serikali kuu pesa yake ndio pia mama mboga pale apate pesa yake.

(Applause)

Asante sana na natoa shukrani kwako na kwa bunge ya Machakos na sanasana kwa watu wa Muthwani kwa kunipatia nafasi ya kuwakilisha katika hii bunge ya Machakos.

(Laughter)

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

**Hon. (Ms.) B. Nzioki:** Thank you, Madam Speaker. I support the motion that Hon. Kasyoki has brought to the floor of this House regarding revenue collection within our county and especially in Kyeleni ward. Madam Speaker, if you see the environment that we are in, more needs to be done and to enable the able MCA Kasyoki to work for the people of Kyeleni together with the Executive is 100 per cent collection of revenue.

I stand here discouraged by the way the lorries normally operate at night. Madam Speaker, in terms of insecurity you find the people from this area cannot understand what is going on because most of those thugs maybe come from outside and come into their area and become a source of insecurity.

Secondly, when they travel at night it means us as Machakos County we are losing our revenue. It is the high time that the Executive with the House we move with speed and we take some measures so that we can make the people of Kyeleni get their rights because that is their gold and that is where they can harvest and have more development on the ground.

Lastly, Madam Speaker, is about taking care of our employees within our county. As human beings, with all humanity, when you go to quarrying places, I am a member of finance and revenue collection committee in the Assembly; you find that the people collecting the revenue do not have a toilet, even where they sit it is for the mercies of God. Not forgetting that some of them are our mothers, brothers and sisters so I would request the Executive to take care of our staff that they can work in a peaceful manner for them to deliver for our county. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Betty. Hon. Francis Kalumu.

**Hon. Kalumu:** Thank you, Madam Speaker. Sometimes when I speak kiswahili *huwa na ...*(inaudible) *Nataka kuanza na wimbo kidogo---*

**Hon. Speaker:** Hon. Kalumu, proceed because we are running short of time

**Hon. Kalumu:** Madam Speaker, *kuna wimbo ambao uliimbwa wengi wanafanya kazi usiku, chai wanauza usiku, mawe wanachimba usiku na pale mwisho akauliza nyinyi watu wa Kyeleni mnalala saa ngapi.*

Doing work at night might be of great importance sometimes because sometimes it brings extra coins in to your pocket but when you do it in vain in such a way that we are losing revenue as in the case of Machakos County, it becomes a problem and that is why you see our colleague Hon. Kasyoki has brought a motion so that we can try and rectify and bring sanity so that what you are doing in terms of economic interest of mining stones in this area will be of benefit.

Madam Speaker, sometimes it needs the organization of the government of the day to bring sanity into a certain area where the efforts are needed like now if we want the people to benefit from what they are doing is to partner because when they are doing it alone they are hiding some things when they are doing it at night. Unless now the department in question of mining comes on board to partner with the residents of Kyeleni ward, bring investment here and partner with the people, the mining will be of big benefit to them.

The Department of Environment in Machakos County should come on the ground and meet all the mining people together in a Sacco, help them and give them ways of mining. There are a number of mining in a proper way and try to fund them a bit so that later you can claim and when you partner you will not lose what we are calling revenue because you are there and part of it as a government.

I have heard the motion saying that the revenue collection people are not given tools of trade and most of them will not bank that money and that means they are also not monitored. So, how do you look for something that you have never invested in. What we are asking the Executive is to organise in a good manner so that whatever is being collected can be monitored well and brought in book.

Another thing Madam Speaker, is to help these people, because when you collect revenue and these people do not see it; like I appreciate the Hon. Member has done a lot of work here in terms of

roads, *kongole*. We cannot be collecting revenue as Machakos County and at the end of the day you find that there is nothing you can show.

So, as the Assembly we need to keep the government of the day on toes so that you may find whatever is being collected as revenue from here is repatriated back in terms of development. If it is not done so, then you will be enabling these people to work at night and not pay revenue because they will work at night and sleep during the day. *Hio inaitwa kukwepa ushuru na mwishowe inamaanisha hakuna maendeleo. Nashangaa serikali yetu siku hizi serikali nyingi sio hii ya Machakos*; there is a good organization in crime of collecting money which we call corruption---

**Hon. Speaker:** Hon. Francis, let me remind Members of the motion on the table so that we remain on the motion because we are running short of time and we are in difficult situation today.

Members of the public have been sitting since morning and MCAs too. Members please stick to the motion and if you don't then I will stop you. The motion reads like this and I will read it while seated; I proposed this:

- a. That the department of Land and Natural Resources of the County Government of Machakos enforces Machakos County Management of Quarrying Activities Act 2016 and ensures that quarrying activities or transportation of quarry materials be done between the hours of 6.00 a.m. and 6.00 p.m. and through designated roads. Address us on that;
- b. The Department of Finance and Revenue Collection of the County Government of Machakos collects the appropriate and applicable revenue from quarries in Matungulu Sub-County including Kyeleni Ward. How that money is going to be spend, let it be another motion;
- c. The Department of Finance and Revenue Collection of the County Government of Machakos to ensure that basic facilities like sheds and toilets are provided to the staff collecting revenue in quarries.

Please stick to that motion Members.

**Hon. Kalumu:** Thank you, Madam Speaker. I rest my case.

*(Laughter)*

**Hon. Speaker:** Thank you very much, Hon. Kalumu. Hon. Johanna. I am looking for Members who have not uttered a word since morning.

*(Hon. Ndawa spoke off record)*

Hon. Ndawa, I have not allowed you to inform, please hold your peace. I want order in the House.

*(Loud consultations)*

I am here and Hon. Ndawa, I will see you and I have been seeing you. In fact, my eyes are very large I can see from very far, so please rest assured that I am seeing you. Hon. Johana please proceed.

**Hon. Munyao:** Asante Bi. Spika. Ningetaka kuunga mkono mjadala umewasilishwa hapa na mheshimiwa kaasyoki. Na niseme ys kwamba, kunko mradi wowote kuna shirika ambalo ni la National Environmental Management Authoriy (NEMA) ambayo kupitia *public participation*, linapaswa kuhakikisha ya kwamba kuna mambo ambayo yanakubalika huo mradi ukkendelezwa. Cha muhimu na kuhuzunisha ni kusikia ya kwamba hii miradi ya *quarries* inaendelea kwa mazingira ambayo hayafai.

Mojawapo ya mambo ambayo yanapaswa kuwa, hata ukifanya kazi ya ujenzi mahali popote, choo ni kitu cha maana ambacho kinastahili kuanza kwa sababu tunajua ni lazima watu wawe na haja, na wakifanya kazi ni lazima wawe na mahali pa kujisaisidia. Nashindwa kwamba kama ni jambo ambalo linapaswa sisi kuja kujadiliana hapa; hio kwangu ni kitu ambacho kingekuwa kimefanyika na tuwe hapa kusema ni wakati wa kuulizana ni vipi hjo fedha ambazo zinakusanywa hapo zinasitahili kuwa zinafanya kazi.

Bi. Spika, nataka kusema, kukiwa na mradi wowote na kuwe hakuna utaratibu, ni njia moja ya kuhakikisha kwamba pesa ambazo zinakusanywa haziendi mahali ambapo zinafaa kuingia ama, hazifanyi kazi inastahili. Ningetaka kusema ni vizuri tuweke mikakati ambayo inafaa hili kuhakikisha ya kwamba tumeanalyze tukaona *potential ya collections* ya hizo *quarries* halafu *we can be able to see to what extent we are collecting what is supposed to be collected from such quarries*.

Again masaa ya kufanya kazi, watu wanahitaji amani; wakati wa kulala ni vibaya sana kusikia kuna *pollution* ya kelele. Ni vizuri watu wafanye kazi masaa ambayo yanafaa kwa sababu tunahudumia wananchi na inasemekana *a healthy nation is a wealthy nation* na ni vizuri sana kujali maslahi ya wananchi. Nataka kukomea hapo; asante sana, Bi Spika.

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

*(Hon. Ndawa rose in his place)*

Hon. Ndawa, I have not called you to speak as yet. Remember you had a chance in the morning. We still have Hon. Wambua Joseph and Hon. Musyimi. When we have finished with the Members who have not uttered a word, we will see whether we can come back to those who have. Hon. Musau, please proceed.

**Hon. Musau:** Thank you, Hon. Speaker. I thank the mover of the motion Hon. Kasyoki for this timely motion and for hosting and I appreciate the people of Kyeleni. Madam Speaker, the situation is very calm, friendly and good for this business.

In 2016, the First Assembly of Machakos sat and enacted a law on quarrying; it is this law we are seeking the Executive to enforce Madam Speaker. My worry is, should we remind the Executive to enforce this law which is their mandate Madam Speaker. It is law that will enable them collect more revenue because we will not have so many loopholes of losing this revenue.

Madam Speaker, the Deputy Speaker, the budget Committee and the trade committee have been projecting that we can add our own revenue collection by Ksh. 1.5 Billion and it is practical. If these loopholes are sealed completely, then we can improve our revenue collection by more than that Madam Speaker. My little calculations shows me that, if we can enhance our revenue collection by Ksh. 1.5 Billion and we divide by the 40 wards, then we shall have more than Ksh. 37.5 million per ward for development, Madam Speaker.

(Applause)

Madam Speaker, it is the time our Executive acts accordingly; we should have the inspectorate enforcing this to the dot. We do not have to remind them of such; it is their duty and obligation. We as the Assembly have done our duty and if they cannot implement, then we should not blame the low end person, the revenue clerk *ambaye ako pale chini*. It means there is a chain there which is benefitting from this system.

Madam Speaker, *kwa nini kazi isifanywe mchana; ukienda kwa those toll stations utapata wako na taa wanawakisha usiku. Sheria iko very clear, the 2016 Act; fanya kazi kuanzia saa kumi na mbili asubuhi hadi saa kumi na mbili jioni. Kwa nini iende hadi usiku; there is something sinister.*

Madam Speaker, the people of Kyeleni need repatriation of some of this money through development projects and it is good that the money is collected in totality and it is the time we advice the Governor. Madam Speaker, I remember through your guidance, in the matatu sector, these matatus where paying daily and a lot of money was being lost. Through your guidance, acted accordingly and the money was paid monthly; it was paid to the accounts and not through the cashiers Madam Speaker, and the Governor appreciated and acknowledged there was a super improvement in the revenue collection Madam Speaker. Super collection of revenue to work for the people of Machakos.

The people of Kyeleni it is time the Executive move with speed to implement, operationalize and to actualize the vision that *Waheshimiwa* had in acting this law. Thank you, Madam Speaker, thank you Hon. Members, thank you people of Kyeleni.

**Hon. Speaker:** Thank you, Hon. Musau. Hon. Musyimi.

**Hon. Musyimi:** Asante sana, Bi. Spika. Bi. Spika, nimesimama kuunga mkono mswada amabo umeletwa na mheshimiwa Kasyoki amabaye ni mwakilishi wa hii eneo la Bunge. Bi. Spika, nataka kusema hiyo nikama tumekubaliana ya kwamba hizo malori zisikuwe zikifanya kazi usiku. Bi. Spika, ni kweli wengi wamechangia na kusema zinachangia kuleta mambo ya *insecurity*. Bi. Spika, mimi ningesema hivi; tukitunga sheria kwa hii Bunge isikuwe wengi wanaifanyia kama mchezo, vile tumepitisha ikuwe inafuatwa.

(Applause)

Na tukiona wale ambao wanavunja sheria, Bi. Spika hii vile umetufunza sheria za hapa Bunge ulituambia hii ni kama korti pia. Wale ambao wanavunja kusikuwe na budi washikwe na kuwekwa ndani ndio wengine wajifunze kufuata sheria vile inasema.

Bi. Spika, ningependa kusema hivi; kama hiyo sheria haitafuatwa, inamaanisha sisi hapa tutakuwa tunacheza na haimaanishi tunafanya nini, kwa hivyo ndio kazi yetu itambulike natujulikane sisi waheshimiwa tuko na mamlaka tumepewa na wananchi, Bi. Spika tunaomba yale ambayo yote tunapitisha hapa yafuatwe kikamilifu. Bi. Spika, sina mengi ya kusema lakini nitasema ya mwisho kwamba, Mheshimiwa Kasyoki nimesema kongole kwa hiyo mswada amelea maana unafaa na vile tunalia kuitisha maendeleo basi na tulie zaidi kuona ile kodi inafaa iokotwe ndio Bunge ya Machakos ifanye kazi isipotee. Kwa hivyo nasema hiyo mambao ya kuokota kodi itiliwe mkazo na wale ambao wanahusika ifuatwe kikamilifu. Asanteni sana na nakoma hapo Bi. Spika.

(Applause)



**Hon. Speaker:** All right so Members, we start winding up and if we say one minute let it be one minute so that we can wind up. Then we will start with Hon. Ikusya, Hon. Ndawa, Hon. Ngunga, Hon. Cosmos, Hon. Kituku; in that manner, kindly one minute and I will stop you if you don't keep one minute.

**Hon. Kaloki:** Thank you, Madam Speaker. I was very anxious to be given an opportunity because I am a concerned party. I want to support this motion by Hon. Kasyoki my very good friend, because one I represent a ward which has 25 per cent of the ward is quarry and that is Kathaana, Syanhi; the entire location is actually a quarry area and I know what I have been going through. Madam Speaker, I want to say that this is a very good motion and we need to take it seriously, one I want to start by saying that the County Government of Machakos which I represent and which I work for because I am on the government side is high time we recommend that serious action must be taken when it comes to enforcement.

I once brought a motion on sand harvesting to be enforced, I once brought a Statement but to date nothing has ever been done. Madam Speaker, I want to say that we have been reduced to an echoing House because every time we bring serious motion, they end up gathering dust in the shelves. Is high time Madam Speaker we recommend that; His Excellency the Governor of Machakos county government establishes a special team to look into some of these issues if our revenue collection has to improve.

Madam Speaker, this is being done by rogue Members of the revenue collection department in cahoots with the transporters with an intention to steal money from the county government Madam Speaker. The reason I am saying this is because why do we have roadblocks at night erected by some officers of the county government and some police officers? It is because they know there are some transporters who are operating at night. They are either charging them halfway and the money is never delivered.

So what I would want to recommend is that we need to do away with these roadblocks once it gets to 6.00 p.m. all the trucks should be out of the road, Madam Speaker.

If you go to Kangundo somewhere along Matetani, you will even find a permanently parked police vehicle every night from 7.00 p.m. which assists; their main business is to assist the sand harvesters and the trucks from the Kathaana quarries to do their business uninterrupted and they part with something small, Madam Speaker, which denies our county government revenue.

Madam Speaker, last but not the least; insecurity is what these business contributes to. If you remember about two three years ago, because I know you don't come very far from Kathaana, there was an incident of GAZA is a criminal gang from Kayole. They were operating from Kathaana, they sleep at Kathaana, they go to Nairobi, they steal and sleep in Kathaana simply because, Kathaana is flooded with laborers and casual laborers who work in these quarries and it is not possible to differentiate who is a genuine casual laborer and a gangster.

*Ya mwisho kabisa* Madam Speaker so that I can sit down; if you look at areas where quarries are being managed by international investors like Tiomin and Tullow have given back to the community what we call corporate social responsibility and that is exactly what we are talking about, they need to give back to the community by building toilets some restaurants and also assists in building schools. Thank you very much, Madam Speaker.

**Hon. Speaker:** Thank you. Members who are contributing please be looking at the Serjeant at Arms. Hon. Ndawa.

**Hon. Ndawa:** Thank you, Madam Speaker. Madam Speaker, I will start by congratulating the area MCA, who is Hon. Kasyoki for coming up with this important motion. Madam Speaker, one good thing with Hon. Kasyoki is that before he brings any business in the House, he does enough research and this is evident by the motion before this House. Madam Speaker, the prayers in this motion are only three. Hon. Kasyoki is very much aware that there is a law which exists and the only problem that we have Hon. Speaker, this motion is similar to the Statement which was sought by Hon. Moffat in the morning about illicit brews. There is a law, the only gap or *lacuna* which is there is that those who are supposed to enforce the law are not doing their business. So, Hon. Kasyoki is requesting that we ensure that the law is followed and there is enforcement of that law. So, Hon. Kasyoki Thank you very much.

Madam Speaker, I want to speak here and I want to be very clear; people of Kyeleni brought the best man because when we are in the Assembly the other Members can confirm that Hon. Kasyoki is always talking about Kyeleni, Kyeleni and unless issues of Kyeleni are sorted the other issues may not be sorted. So, *kongole* Hon. Kasyoki for standing with your electorates.

*(Applause)*

Yes, I am finishing, Madam Speaker. The other issue Madam Speaker that Hon. Kasyoki is requesting is about time of doing the business and he is very clear that the law says from 6.00 a.m. to 6.00 p.m. Madam Speaker it is known all over the world the only business that can be properly transacted at night is only one and it is known by every adult in this country.

*(Laughter)*

So, Madam Speaker I totally agree with *Mheshimiwa* that the business of these quarries should be done in a broad daytime.

Lastly, Madam Speaker, there is no need of trying to fill a pot which has already been punctured. You will keep on filling and the water is going; Hon. Kasyoki is pumping a lot of resources to ensure that the roads are in good condition but these trucks are trying to deviate from the main road, they want to use these *panya* routes so that they deviate from paying the tax. So, Madam Speaker, as an Assembly, let us agree with *Mheshimiwa* that these trucks should use the designated roads and not *panya* routes. Lastly, Madam Speaker---

*(Laughter)*

**Hon. Speaker:** Hon. Ndawa you are now on the third minute, please honour the order that I gave. Finalize.

**Hon. Ndawa:** Yes, I want to finalize. Where this mining or these quarrying is done there are some holes and because of lack of these toilets and latrines these people who are doing the business relieve themselves in those holes, so when the rains come the holes will be full of water and people will start fetching water from those holes where some people went and relieved themselves. So, if we are not careful, we might be getting another epidemic. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ndawa; and please watch the---

**Hon. Ngunga:** Thank you, Madam Speaker, for giving me this opportunity. I don't like speaking after *Mheshimiwa* Ndawa has spoken because most of the time he seems to read my mind but I will say this Madam Speaker, we have traveled from far as an Assembly to come here today. Madam Speaker, looking at the spirit which *Mheshimiwa* Kasyoki brought this motion, it must have been a spirit of frustration because there is a law that is already there but the law is not being followed.

Madam Speaker, I want us to agree in this Assembly that we are not supposed to be coming here *tuanze kulia; sisi ni viongozi. Na kama sisi ni viongozi, sasa basi tukiwa mbele ya hawa tunapaswa kuwapa suluhu na suluhu iliyopo hapa kwetu ni kwamba*, there are very many Acts Madam Speaker that has been before us, 2016, 2014, 2013 and all those Acts have been there Madam Speaker. But the problem has been implementation operationalization of the same Acts. So as where we are Madam Speaker for example, when you talk about these quarrying activities Act, which is 2016, this is about four five years ago and this is not in effect. When you talk about quarrying activities Madam Speaker, they are not only in Kyeleni.

Actually as *Mheshimiwa* Kaloki has said, they are actually all over, in Muthwani, in Mlolongo, in Mua now, in Kangundo, in Ndithini. It is all over and Madam Speaker I wanted to propose that we enlarge this motion so that it touches Kyeleni and Machakos as a County so that you know as legislators we are supposed to legislate for the county so that this law is a law that can be enforced. And then again Madam Speaker, as a proposal we must now start holding those people that are supposed to be implementing this liable.

The committee on Implementation should now follow up and take up now this matter and follow up immediately and if the officer that is charged with this duty is not taking up the responsibility, then Madam Speaker, we have the tools of discharging our duties. We have these people discharged from their responsibility and hire others that can do this work immediately. *Tunaelewana nyinyi? Sisi tulichaguliwa na tunazo vyombo vya kufanya kazi. Kwa hivyo sasa kama kuna mtu ambaye hataki kufanya kazi yake, sasa atoke kwa hiyo mamlaka mwingine aingie pale, hawa raia wamemsoma*, there are university students here who wants to get these responsibilities *ambao kesho watafanya kazi*.

*Mimi* Madam Speaker *siwezi kutoka Mua nije kulilia mbele ya raia, mimi nimekuja hapa niwape suluhu, na suluhu ni kwamba* if we don't always stop by 6 p.m. we should give a time frame *tuseme kutoka leo, kama mwezi moja malori haijasimama, basi tuchukue yule ambaye ni mkubwa wa enforcement atoke kwa hiyo kiti tuweke mwingine. Mnasema namna gani waheshimiwa? Kwa sababu tukija mbele ya raia hapa na tuanze kulialia, nao sisi ndio wanatuangalia*.

*Kwa hivyo tunasema Mheshimiwa tumeona changamoto ambayo iko area hii, barabara tumeona vile imetengenezwa vizuri so tunataka ambao wanapeana leseni wakae chini, na wachimba mawe, na wenye kusafirisha mawe wajue ni barabara gani watakuwa wanapitia, watakuwa wanatengeneza hizo barabara namna gani, na kama hayo hayafanyiki basi mheshimiwa kasyoki ulete hoja bungeni tumchukue youle ambaye anawajibika tumeweke chini kama hana suluhu, basi naye achomoke*.

*Mimi Mheshimiwa Spika sitatoka kwa kiti yangu, sitatolewa kwa kiti yangu kwasababu mimi nafanya kazi yangu. Sitatoka kwa kiti yangu; nitakalia kwa kiti yangu kwasababu nitamuonyesha nyinyi ambaye hafanyi kazi* because *saa ingine itaonekana Mheshimiwa Kasyoki ndiye hafanyi kazi, lakini Kasyoki anatunga sheria, sheria ifuatwe. Kama sisi tukiweka sheria na sheria haifuatwi basi tunafanya namna gani, yule ambaye hafuati sheria tunafanya nini? Tunamtoa. Asnte Bi. Spika, nashukuru kwa hiyo nafasi*.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Ngunga. We have Hon. Masesi and Hon. Jeremiah finally.

**Hon. Masesi:** Thank you, Madam Speaker. Madam Speaker, I want to appreciate the motion by the Hon. Kasyoki, its very much timely, Madam Speaker, as much as quarrying is a source of employment and revenue to the County Government, the disadvantages outweighs the advantages. Madam Speaker, I would just want to say that as a Member of the finance committee we are coming up with a proposal that these trucks pay on monthly basis instead of daily or in terms of trips. So, Madam Speaker, I want to believe this will counter a lot in terms of revenue, which we lose in these times of 6 p.m and 6.am.

Madam Speaker, lastly I want to maintain the sentiments by my last contributor that let these trucks maintain the roads which have been designated for that purposes. Madam Speaker, it is very hard to maintain these other small roads which are being used by these trucks and we don't have those funds. So, Madam Speaker, as an Assembly we must make sure that the implementers of our legislations, if they are not up to date, Madam Speaker, we need to push them out of their offices. Thank you very Much.

**Hon. Speaker:** Thank you, Hon. Masesi. Sorry Hon. Kituku Patrick.

**Hon. Kituku:** Okay, thank you Madam Speaker. I will be very brief. Madam Speaker we have so many Acts that we have passed and these Acts only one and this is on Bursary Regulations that has been implemented fully, and this because we have the regulations in place. Most of the Members of the executive are sleeping on their job and we are about to issue summons and Madam Speaker, when my committee gives the recommendations that we are about to make, let the Members support us because we have been asking for these regulations. Like in the morning I was asking for extension of time because Members of the executive have failed to do what they are supposed to do so that we can table the regulations in the House.

The Quarrying Activities Act does not have the regulations, the same case applies to the Liquor Act and so to operationalize these Acts has been a challenge and actually to prosecute people who break these laws is a challenge. So, Madam Speaker I call upon the executive to wake up and do what it is supposed of them because as we have noted is that most of them they don't know what they should do, and why and when. So, Members of the County Assembly, let us open our eyes widely so that we can assist our electorates. So in regard to the roads, let the lorries use the designated roads. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Kituku, Hon. Jeremiah and Hon. Irene, and Hon. Kasyoki the mover of the motion please start preparing to reply.

**Hon. Munguti:** Thank you, Madam Speaker. Madam Speaker much has been said but you will concur with me last year but one, we made a resolution that all the matatu operators be paying their revenue through automated machines and now every Member can agree with me that everything is going well in terms of the operation of the matatus. Madam Speaker, I once again want to stand

here and say that these quarries must have an automated machine which will be collecting revenue and this revenue should go direct to the account of the County and by so doing we will not lose these funds again.

On the issue of the time to operate, it is very clear because the law is there Madam Speaker that the lorries operators must know from 6 a.m. to 6 p.m. after that then the owners must be held accountable and for those lorries those will be held for not obeying the law, then punitive action must be taken so that these people may not repeat the same mistake again.

Lastly, as I wind up Madam Speaker, on these quarries like here in Kyeleni, we have our young boys who are doing the mining and in this society we need to have a CSR where the monies can be returned to the community so that they can also benefit. Therefore is my request that in this House as we move today, we must ensure that the executive ensures that some monies have been returned back to this society so that the society can benefit through their quarries. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Jeremiah. Hon. Iren.

**Hon. (Ms.) Mwende:** Thank you, Madam Speaker and Members and the whole congregation. Thank you, Hon. Kasyoki for such great mobilization. It is really a great attendance and I applaud all of you. Going back to the motion, it is really timely and I appreciate that quarry business is a great business in our County and it brings in a lot of revenue but doing it during the wrong hours of the night denies our young people business or because it creates business for our young people. So, doing it at night is a double loss for our County and for our young people meaning that if they do it at night they will only benefit, they are not paying revenue to our county and our young people also miss business.

Secondly, you will appreciate that a while ago and Hon. Kaesha of Kajiado County will concur with me that their Governor wanted to shut down 90 per cent of the quarry business in Kajiado County because they had breached environmental regulations. So, Madam Speaker, it is also for the Machakos County to take some measures that if our quarry businesses or the owner of the quarry business are not adhering to the regulations that have been put in place they should be put down or strict measures should be taken to ensure that regulations and the policies that have been put in place have been followed to the letter.

Lastly, the third prayer that the motion speaks about is about creation of toilets and security. It is a great concern that if I am collecting revenue and I do not have the facilities that I require; if I need to relieve myself and for example a woman has great issues and during that time of the month, I am on duty to collect revenue but I need to go and change or do something but I don't have the resources that supposed to change and continue helping the County collect the revenues that are required.

So, it is upon the County Government to provide the services that are required for *mwananchi ndio aweze kujisaidia na aweze kuleta maendeleo na pesa kwa Kaunti. Asante Bi. Spika.*

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Irene. Hon. Kasyoki the mover of the motion, please reply.

*(Applause)*

**Hon. Kasyoki:** Thank you, Madam Speaker. Members I have really appreciated your contributions. When I was putting this motion forward, in fact, I was wondering what if I miss the quorum to support the motion. We have been having problems Madam Speaker; in fact when it rains, these lorries are using any passable way and at the end of the day, nobody even us who are coming from this area can go anywhere because they have almost blocked the ways. So, when I was bringing this motion, I wanted the County Government to at least enforce the laws.

The timing has been very bad and those collecting the revenue mostly from Kyeleni ward are people whom I know; I am the Vice-Chair of finance committee in our Assembly, those people mostly women have been going through hard time. You have to stay in the quarries up to midnight because lorries are there and they are many and you have been given orders those lorries should not leave there without paying the revenue. Madam Speaker, if we leave this revenue, if this revenue is not collected, what will happen, so many things will happen. Having *Bunge mashinani* will not happen, your allowances Hon. Members will not come, so we need to push for those people who are supposed to collect revenue to do what they are supposed to do.

The other thing is about the environment of the officers working there. The environment is so hostile; you see a grown up person, he/she has nowhere to go and relief himself or herself and as you all..... the designated roads. In fact, I was talking with my people, I was telling these young men, very soon if the county government doesn't act, we will have our *kangaroo* laws. We can erect barriers so that not all lorries can operate through these feeder roads because if we allow them, there will be a lot of problems. So Hon. Members, I thank you more sincerely for supporting my motion and I do hope you will pass it. Thank you, Madam Speaker.

*(Applause)*

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

*(Question put and agreed to)*

*(Applause)*

Hon. Members, you have passed the motion and we have been talking about implementation and the motion having several parts, the part on implementation of No. 2 and 3 of the motion shall be under the committee on finance and revenue collection so that the issue of revenue collection and the issue of the finance and revenue collection department putting up the facilities is implemented.

Hon. Members, general implementation of the law, Hon. Muthoka; you have a work here to do. So, on the implementation of this law, because we are dealing with a particular motion, the committee on implementation needs to move very fast and do the needful and bring a report to the House on implementation of the law and Hon. Muthoka your committee will need to meet the necessary officers from the executive and we agreed in the debate that it is not just about Kyeleni ward, it is the whole county on quarries operations. So, Hon. Muthoka you need to bring a report to the House on or before the 27th day of October, 2020; that is 30 days.

## ADJOURNMENT

**Hon. Speaker:** So Hon. Members, at this point, the sitting of the House is adjourned and it is going to resume on the 6th October, 2020 at 10.00 a.m. Have a good afternoon.

The House rose at 3.09 p.m.