

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**  
**OFFICIAL REPORT**

**Wednesday, 6th December, 2017**

The House met at 3.17 p.m.

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

PRAYERS

**Hon. Deputy Speaker:** Mr. Clerk, Proceed.

**Hon. Maitha:** Point of order, Mr. Speaker.

**Hon. Deputy Speaker:** You cannot raise a point of order at this time please. Proceed.

**COMMUNICATION FROM THE CHAIR**

LEGAL ISSUES CONCERNING THE FORMATION OF THE PEOPLE'S ASSEMBLY

**Hon. Deputy Speaker:** Hon. Members, on that Order, I would like to give the following communication; there is, as you are all aware, a communication which this House is expecting from the Speaker concerning the legal issues concerning the formation of the people's assembly. Madam Speaker, has been working on this issue since yesterday, she even left here very late at night working on this item and this morning as you saw I was in this house chairing because she was still working on this.

And up to now she is still working on that Item and she has requested she be given up to 5.30 p.m. this afternoon when she will be able to come into this House and give advice or her communication as pertaining to that matter. So that is the communication I have. Mr. Clerk, proceed.

**Hon. Maitha:** Point of order, Mr. Speaker.

**Hon. Deputy Speaker:** Yes, Hon. Moffat, you have a point of order?

**Hon. Maitha:** Mr. Speaker, Standing Order 27 tells us about the hours of business. The hours of meeting of this House. If you look at the time we have been held hostage for almost two hours by one side of the House which did not turn up at the specified time. Mr. Speaker, I am asking, is this an assembly or a marketplace where we do not have the scheduled time to have discussions?

**Hon. Deputy Speaker:** Hon. Moffat, first and foremost, I would like you to withdraw the last statement where you are likening this Hon. House to a marketplace. I would like you to withdraw that please.

**Hon. Maitha:** Mr. Speaker, as I withdraw because I am going to withdraw---

**Hon. Deputy Speaker:** Withdraw unconditionally.

**Hon. Maitha:** Mr. Speaker, I withdraw. Can you now, Mr. Speaker, tell us are we supposed...when we are supposed to start the business of the House?

**Hon. Deputy Speaker:** Hon. Moffat, my advice to you will be as follows; that although you have stated or given time when this House should be running, those hours are not cast on stone and it is my belief that this House shall only be---

*(Loud consultations)*

Nobody interrupts the Speaker when he is speaking please. So, Hon. Alice can I finish with my communication then you can raise whatever---

So what I am saying this house business will be conducted when it is properly constituted. If the House is not properly constituted then it is not a House which can be able to deliberate on its duties and therefore the business of the house has started when the house has been properly constituted which it has now and I suggest that we proceed with the matters before us today other items we shall handle them at a later date. Proceed.

On item number 8, on the motions, we do have a motion by Hon. Judas Ndawa MCA Matuu ward and I would request that the Hon. Member to move the motion. What do you need clarified Hon. Minority Leader?

**Hon. Kamitu:** With due respect, Hon. Speaker, we need a point of clarification in regard when is the House assumed to be constituted because when we are talking about time factor it is well laid in the Standing Orders of this House that in the afternoon, the House business should start at 2.30 p.m.

Hon. Speaker, if you look at your watch, what is the time that you feel that we should come here when the House has been constituted because when you talk about House constitution what does it entail because everybody is supposed to be seated at 2.30 p.m so that House of business can continue so what would be the meaning and when is the house deemed to be constituted? Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Kamitu. I think I would like to give direction on this Hon. Minority before you give the information. I am going to give advice on this at a later time and therefore for now I will request the House business to continue. That item I have noted, it I will be able to give you guidance on the same. Hon. Ndawa please proceed.

*(Applause)*

### MOTION

#### RECONSTRUCTION OF THE DEMOLISHED KIOSKS IN MATUU TOWN

**Hon. Ndawa:** Thank you, Mr. Speaker, Sir. I want to move this motion.

Mr. Speaker, Sir, aware that an order from former Matuu town council occasioned the demolition of kiosks within Matuu market and Yatta sub-county to pave way for construction of a market shed;

Aware that the kiosks were a source of key income for the kiosks landlord's tenants and the employees, watchmen employed to provide security and the council itself;

Noting that up to date the completion of the construction of the market shed has never been accomplished and therefore under-utilization of public land;

Aware that the market shed does not hinder the reconstruction of other kiosks since the land is big enough to accommodate both the market shed and quite a number of kiosks;

Noting that these kiosks were a source of revenue for the council before they were demolished and since then the revenue has been lost;

Cognizant to the fact the Machakos County Government has not been able to attain its revenue targets;

Mr. Speaker, Sir, I wish to move a motion that this Hon. House discusses and approves the reconstruction of the demolished kiosks in Matuu town to provide a source of income to the four classes of people that is landlord, kiosks tenants, their employees, the watchmen employed and also provide revenue for the county.

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

**Hon. Kisila:** Thank you, Mr. Speaker, Sir. I stand here to second this motion by Hon. Judas Ndawa, MCA Matuu ward.

**Hon. Deputy Speaker:** Thank you.

*(Question proposed)*

Hon. Members, you may debate on this motion. Hon. Kisila?

**Hon. Kisila:** Mr. Speaker, I would like to tell members to cool down tensions so that we can look at the business at hand and I would like to thank you for the way you have guided the House up to now and we respect your Chair. Mr. Speaker, Matuu town is the third largest town, actually fourth in this county and in the last couple of years since the demolition of these kiosks, a lot of people have suffered.

Business has been lost, revenue for the county has also being lost, employment for our people has gone down and it was one of the biggest source of livelihood for a lot of people in Matuu. So, my humble request is that we adopt this motion and recommend that the county put up very modern kiosks which represent the image of this big town. They need to be well laid out and we need to look at the structures the way they are going to be so that we come up with a modern town which is going to be with very good image for our county.

So, Mr. Speaker, my humble request to all members is that we support this motion and we request the county government to immediately move forward and come up with designs and construct these kiosks with immediate effect. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Yes point of order, Hon. Margaret.

**Hon. (Ms.) Mwikali:** In the House, Mr. Speaker, there is one member who is not appropriate dressed. Is it in order, Mr. Speaker, for such a member to disgrace this House?

*(Applause)*

*(Hon. Musyimi withdrew from the House)*

**Hon. Deputy Speaker:** Thank you, Hon. Margaret for noting that and I have seen the Hon. Member as soon much obliged to go and properly dressed so I think we will continue. Point of order noted let us continue with the debate please. Is there anybody else willing to contribute to this motion or shall I propose the question? Hon. Kamitu, Minority Leader.

**Hon. Kamitu:** Thank you, Mr. Speaker. I stand here to support this motion on the strength that if these kiosks are going to be put in place Hon. Speaker, it is automatically that revenue and economic power in Matuu market will grow. Geographically, if you know where Matuu town is situated, it is a town that is coming. It is a point of correction, I think it is third in Machakos County in regard to economy and the area size so I stand to say the reconstruction of these kiosks in a good manner will bring money to the county.

It is going to promote areas like employment and as you can see if the landlords of the kiosks are going to employ watchmen, so it is on that regard that I say once again this is a motion that should be supported so that Matuu grows and within the surrounding the citizen around that area will also have an opportunity to have the economy come up. Thank you, Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Thank you. I see that there are no more contributions towards this motions and I request the Hon. Ndawa who is the mover of this motion to reply.

**Hon. Ndawa:** Thank you, Mr. Speaker, Sir. I want to take this opportunity once more to thank the House for participating in this debate. Mr. Speaker, Sir, these motion seeks to improve the living standards of business people in Matuu. Mr. Speaker, when these kiosks were working or when they were there and business was done in those kiosks, the economy of this county was better than today.

When the kiosks were being operated, Mr. Speaker, there was creation of employment to our young boys and young girls that were employed by the tenants to work in the respective kiosks. Mr. Speaker, most of the businessmen, when this demolition took place, were send home and their services were no longer seen. So, in one way I am saying the businessmen were rendered redundant.

Mr. Speaker, Sir, some business people might be willing to join business but they cannot have financial muscle to rent the shops which are expensive in that town of Matuu but with kiosks, I am very sure they can start there.

Mr. Speaker, Sir, the other issue is about the owners of the demolished kiosks. I want to cite an example of two ladies who were paid dowry for their daughters and they took all those goats and cows to the market. They sold those animals came back and built those kiosks.

So the moment the moment the kiosks were demolished that means their daughters were murdered. So, Mr. Speaker, Sir, I kindly request this Hon. House to consider approving this motion so that, at least, we can enable these two ladies back their daughters.

*(Laughter)*

That is very true and it is not a laughing matter, Hon. Members. The other issue Mr. Speaker, Matuu market where the market shed was intended to be built the land is enough. We can have the market shed and we can have the kiosks and I am sure if we approve this motion, we are going to ensure many people conduct business. So, Hon. Members, I kindly beg you approve this motion. Thank you very much, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Ndawa, for the motion which you have moved and at this juncture I would like to put the question.

*(Question put and negatived)*

*(Applause)*

I would like to say that Hon. Ndawa, you can be able to consider re-submitting this motion again. I think the time line is six months? It can be able to be re-debated again.

I would like to give a clarification on the issue which had being raised by Hon. Kamitu. If you refer to Standing Order 27; hours of meeting item number one of the Standing Orders states that 'unless the Speaker, for the convenience of the House otherwise directs the House shall meet at 10 a.m. on Wednesday and at 2.30 pm on Tuesday.' Unless the Speaker, for the convenience of the house otherwise directs. The Speaker, directed this House to start when it started and therefore it meets the Standing Orders.

*(Applause)*

That said, we do have that item which is going to be communicated by Madam Speaker, at about 5.30 p.m. in the afternoon. At that time, we will be able to read the next motion, after the communication from the Chair which the motion is to be moved by the Majority Leader Hon. Francis Ngunga.

## ADJOURNMENT

**Hon. Deputy Speaker:** Therefore, this House stands adjourned to resume again today, Wednesday, 6<sup>th</sup> December, 2017 at 5.30 p.m.

The House rose at 3.41 p.m.