

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 13th December, 2017

The House met at 10.05 a.m.

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

PRAYERS

Hon. Speaker: Good morning, Hon. Members. This House is empty and it is like I was bowing to empty seats but for the Members who are present, I had to bow. Do we have quorum? We do not have. Mr. Clerk, can you ring the bell.

(Quorum bell rung)

Alright, Hon. Members. We have been able to get quorum even before the expiry of the 10 minutes as allowed in the Standing Orders. So, I call upon the Clerk to proceed on the business of the day.

COMMUNICATION FROM THE CHAIR
DECLARATION OF INCOME, ASSETS AND LIABILITIES

Hon. Speaker: Hon. Members, under this Order, there is a communication from the Chair and it touches on the declaration of income, assets and liabilities for state officers of this House.

Good morning, Hon. Members. Do you remember that sometime back we were addressed by Members of the EACC and they were reminding us about sections 23, 26 and 27 of the Public Officers Ethics Act, 2003, which requires that all public officers including state officers which you are, to make initial declaration of income, asset and liabilities within 30 days of taking office and thereafter to submit those declarations every two years.

I am in receipt of a letter from the Ethics and Anti-Corruption Commission dated 30th November, 2017, stating that the Commission is in a process now of finalizing the assessment report on the declaration of income, assets and liabilities and the aim is to establish the extent to which the officers particularly, you, have complied with the requirement of the Public Officers Ethics Act.

Hon. Members, it is now over three months since we took oath of office on the 7th, September, 2017, and as a matter of fact we should have complied with the requirements that Act as by 7th October, 2017.

A communication in form of a memo dated 13th November, 2017 reminded members on that requirement and that was supposed to be by 29th November, 2017, Hon. Members. Again

that has lapsed and we have not complied. Hon. Members, I just want to remind you that it is our duty to be in the forefront of complying with law and so, from the Chair, you are being requested to do this process and complete it before we go on recess by the 20th December, 2017.

Hon. Members, the forms are available in the office of the Human Resource Management; I have looked at them myself and really there is nothing much. It is short form. So, you should not worry and I again, I just want to remind you that, as Kenyan citizens you are entitled to own as much property as you can and of course earning it honestly.

So, you should not be scared of declaring it. It is not anything that is going to be held against you and you should be able to declare everything now because if you do not declare it and five months down the line, your properties which you earned through the sweat of your brow, is discovered, then it going to held that you acquired it illegally through this office. Please do not fall under that.

So, declare everything. Personally, I have started doing it and I am going to declare everything that I own. It is the right way to go. So, Hon. Members, take note of that. Mr. Clerk proceed.

NOTICES OF MOTIONS

ESTABLISHMENT OF MACHAKOS COUNTY WATER AND SANITATION BOARD

Hon. Speaker: Hon. Members, under this Order, we have three notices of motions as listed in the appendix and I call upon the first member, Hon. Mark Muendo.

Hon. Muendo: Thank you, Madam Speaker and Hon. Members. I wish to move the following motion;

Madam Speaker, that aware that, there are several water providers within the County owned and managed by the local communities and water companies; Aware that, these water providers have been unable to provide adequate water to the County residents;

Aware that, water companies like Mavoko Water Sewerage and Company, Mwala Water and Sewerage Company and Matungulu and Kangundo Water and Sewerage Companies have been unable to supply adequate water to the residents of Machakos because of accumulated electricity and staff bills;

Noting that, the County Assembly enacted Water and Sanitation Act in 2014 which provides that the Executive Committee Member in charge of matters dealing with water shall coordinate all water institutions in the County;

Further aware that the Act required establishment of a Machakos County Water and Sanitation Board to succeed Water and Sanitation Companies and other institutions established under the Water Act, 2002;

Acknowledging that the County Government and other Government Institutions such as Constituency Development Fund (CDF) have sunk several borehole in the County;

Aware that if these water providers are well managed the challenges of water shortage will be reduced;

Madam Speaker, I wish to give notice of motion that, this House resolves that all public water providers in the County be managed by a Water Board establishment by County Government of Machakos.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mark Muendo.

(Applause)

ESTABLISHMENT OF EIGHT MODERN VILLAGE POLYTECHNICS

Hon. Speaker: The next notice of Motion, by Hon. Helen Ndeti.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker and Hon. Members.

Madam Speaker, that aware that devolution was envisaged in the Constitution of Kenya, 2010 which got overwhelming support from the majority of Kenyans with a thirst to see resources and service delivery from the Government brought closer to them;

Further aware that the Fourth Schedule of the Constitution of Kenya bestows all matters related to village Polytechnics with the County Governments;

Madam Speaker, cognizant of the fact that the key objective of initiating these village polytechnics by the NCKK back in 1962 was to find solutions to youth unemployment in Kenya;

Aware that the establishment of village polytechnics aimed at a curriculum that would generate interest in vocational studies, match the skills in the market with the knowledge acquired in classroom, reduce youth migration to urban areas and enhance reliance through self-employment;

Acknowledging that according to the United Nations in the Human Development Index (HDI) 2017 report, the rate of unemployment in Kenya is the highest in the East African region hitting a new high at 39.1 percent;

Aware that Machakos County Government has 38 existing village polytechnics and most of them have been neglected in terms of infrastructure, instructors' enrollment and courses offered;

Madam Speaker, I wish to move a motion that this House resolves that the County Government of Machakos puts up eight modern village polytechnics, one in every Sub-County with modern facilities to offer courses which will impact beneficial skills to our youth.

Hon. Speaker: Thank you.

(Applause)

There is something left out?

Hon. (Ms.) Ndeti: Yes. I think we left out something. Sorry. Madam Speaker, I wish to give notice of Motion that this House resolves that the County Government of Machakos puts up eight modern village polytechnics, one in every Sub-County with modern facilities to offer courses which will impart beneficial skills to our youth.

Hon. Speaker: Thank you, Hon. Hellen Ndeti.

(Applause)

We have the third notice of motion by Hon. Moses Mitaa.

CONSTRUCTION AND REHABILITATION OF CATTLE DIPS

Hon. Mitaa: Thank you, Madam Speaker and this Hon. House.

Madam Speaker, the livestock sector has an important role in the overall economy and livelihoods of a large proportion of the rural areas as well as urban households in Kenya;

The contribution of the sector to the Kenya's economy is often given as 12 per cent of the Country's GDP and 42 per cent of agricultural GDP;

Recognizing that despite the sector's economic significance, the major challenge is livestock disease outbreaks;

For instance, Kenya experienced two major disease outbreaks over the past two years resulting in the imposition of disease-related export restrictions;

These had a negative impact on recovery of trade in livestock and livestock products;

Nevertheless, these diseases can either be controlled by vaccination or treatment; Vaccination is the most sustainable method of control and covers large proportions of animal herds;

Aware that plunge dipping remains the most efficient and economic method for periodically treating very large number of animals against ticks, flies, mites, lice and other external parasites;

This is the case in many cattle farms in several parts of the country, where thousands of cattle have to be dipped monthly or even weekly;

Madam Speaker, I wish to give notice of motion that, this Hon. House discusses and approves that cattle dips construction projects be incorporated in the second County Integrated Development Plan, existing cattle dips be rehabilitated and new ones to be constructed to have at least a cattle dip in each location in the County.

Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Mitaa. Clerk, proceed.

STATEMENTS

BUSINESS FOR THE HOUSE FOR 13TH DECEMBER, 2017

Hon. Speaker: Hon. Members, under this Order, we have two statements and the first one is by Hon. Francis Ngunga, Majority Leader.

Hon. Ngunga: Thank you, Madam Speaker. Hon. Speaker, I stand under Standing Order 41(2)(a), where during the Statement hour, a Member of the House Business Committee designated by the Committee for the purpose shall every Thursday or on the last sitting day, for

not more than 10 minutes, present and lay on the Table a statement informing the House of the business coming before the House in the following week.

Hon. Speaker, the House Business Committee met on Thursday, 7th December, 2017 and pursuant to the provisions of the Standing Order 151, balloted business for this week as follows;

Wednesday, 13th December, 2017

Morning at 10.00 a.m.

Motion that all public water providers in the County be managed by a Water Board establishment by County Government of Machakos by Hon. Mark Muendo;

Motion that the County Government of Machakos puts up eight modern Village Polytechnics, one in every Sub County with modern facilities to offer courses which will impact beneficial skills to our youth by Hon. Hellen Ndeti.

Afternoon at 2.30 p.m.

Motion to construct cattle dips in each wards and rehabilitated existing ones by Hon. Moses Mitaa.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Francis Ngunga.

EXTENSION OF TIMELINE TO FINALIZE JUSTICE AND LEGAL AFFAIRS COMMITTEE REPORT

Hon. Speaker: Hon. Members, the next statement is by Hon. Fredrick Muthoka.

Hon. Muthoka: Thank you, Madam Speaker. Madam Speaker, through communication from the Chair, on 5th December, 2017, the matter of the advisory from Attorney General was committed to Justice and Legal Affairs committee for consideration and tabling a report in this House on 13th December, 2017 at 10.00 a.m.

Madam Speaker, the report of the advisory is due for tabling in this House but due to many consultations involved and time given to communicate, the committee is yet to finalize on the report. Madam Speaker, I therefore wish to seek for an extension of one week to enable this Committee to finalize the report on the task and report on 20th December, 2017. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, the committee on Justice and Legal Affairs is directed to finalize the report, the extension they are seeking is granted noting the importance of the report that this House is awaiting from the m and they are directed to file their report with this House on the 20th December, 2017 at 10.00 a.m. The House will be expecting a presentation of the report on that day. Mr. Clerk, proceed.

MOTIONS

ESTABLISHMENT OF MACHAKOS COUNTY WATER AND SANITATION BOARD

Hon. Muendo: Thank you, Madam Speaker and Hon. Members of this House.

Madam Speaker, that aware that, there are several water providers within the County owned and managed by the local communities and water companies; Aware that, these water providers have been unable to provide adequate water to the County residents;

Aware that, water companies like Mavoko Water Sewerage and Company, Mwala Water and Sewerage Company and Matungulu and Kangundo Water and Sewerage Companies have been unable to supply adequate water to the residents of Machakos because of accumulated electricity and staff bills;

Noting that, the County Assembly enacted Water and Sanitation Act in 2014 which provides that the Executive Committee Member in charge of matters dealing with water shall coordinate all water institutions in the County;

Further aware that the Act required establishment of a Machakos County Water and Sanitation Board to succeed Water and Sanitation Companies and other institutions established under the Water Act, 2002;

Acknowledging that the County Government and other Government Institutions such as Constituency Development Fund (CDF) have sunk several borehole in the County;

Aware that if these water providers are well managed the challenges of water shortage will be reduced;

Madam Speaker, I wish to move the motion that, this House resolves that all public water providers in the County be managed by a Water Board establishment by County Government of Machakos.

Thank you, Madam Speaker.

Hon. Speaker: Hon. Mark Muendo, before you leave and sit or you can resume your seat, briefly for some guidance from the Chair. Hon. Members, I do notice that, this Assembly passed the Machakos County Water and Sanitation Act, 2014 and I noticed that, that law was to come into effect by notice.

What normally happens when a law is passed, there can be within the lower provision that it is starting to be in effect immediately or there can be a provision that it will be by a gazette notice. The only thing I am seeing under this law is that, it will commence by notice.

So, when I look at this particular law, whether or not it has commenced because it is not within the knowledge of the Chair, I see there is a part three which provides for the establishment of powers and functions of the Machakos County Water Board and that it is provided for in Section 6 to 13 of that Act that, there is indeed a Water Board, akin to what the Hon. Member is proposing.

What I would direct is that, instead of this House debating on this matter, which is likely to be already a law of this County Government, the matter is referred to the Implementation Committee and the beauty of it is that the mover of the present motion is also the chairperson of the implementation committee, and so the implementation committee will look at this Act, particularly part 3 and re-look at the motion which is very commendable and then bring a report to this House if possible on 20th December, 2017 at 10 am so that the House can then decide which way to go forward.

Possibly, it may be just a matter of pursuing the executive for the establishment of that water board because there is already a law in place and I thank the Hon. member Mark Muendo

for the far he had taken in the desire to have the people in this county have sufficient and good quality water.

Hon. Muendo: Thank you, Madam Speaker. I stand guided.

ESTABLISHMENT OF EIGHT MODERN VILLAGE POLYTECHNICS

Hon. Speaker: The next motion, Hon. Members is by Hon. Helen Ndeti.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker and Hon. Members.

Madam Speaker, that aware that devolution was envisaged in the Constitution of Kenya, 2010 which got overwhelming support from the majority of Kenyans with a thirst to see resources and service delivery from the government brought closer to them;

Further aware that the forth schedule of the Constitution of Kenya bestows all matters related to village polytechnics with the County Governments;

Madam Speaker, cognizant of the fact that the key objective of initiating these village polytechnics by the NCKK back in 1962 was to find solutions to youth unemployment in Kenya;

Aware that the establishment of Village Polytechnics aimed at a curriculum that would generate interest in vocational studies, match the skills in the market with the knowledge acquired in classroom, reduce youth migration to urban areas and enhance reliance through self-employment;

Acknowledging that according to the United Nations Human Development Index (HDI) 2017 report, the rate of unemployment in Kenya is the highest in the East African region hitting a new high at 39.1 per cent;

Aware that Machakos County Government has 38 existing village polytechnics and most of them have been neglected in terms of infrastructure, instructors and courses offered;

Madam Speaker, I wish to move a motion that this House resolves that the County Government of Machakos puts up eight modern Village Polytechnics, one in every Sub-county with modern facilities to offer courses which will impart beneficial skills to our youth.

Thank you, Madam Speaker. I call upon Hon. Angela Munyasya to support my motion.

Hon. (Ms.) Munyasya: Thank you, Madam Speaker. I stand to support Hon. Helen Ndeti's motion given the fact that our youth are overwhelmingly roaming about in the villages without employment, without any skills with which they can support themselves. Madam Speaker, our youth are the highest population in the county and they need to have something to do and without proper occupation of the youth, we will have more youth getting engaged in drug trafficking, and in drug consumption and in activities that will not be of use to the county.

Madam Speaker and the entire House, I would like to urge all of you to support this motion so that we can save our youth. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Angela Munyasya.

(Question proposed)

Hon. Members, I invite you to debate the motion. Hon. Minority Leader.

Hon. Kamitu: Thank you very much, Madam Speaker. In fact, Madam Speaker, this is a very noble motion that has been moved by our Hon. Member of this House and I am for it but my guidance from your Chair Madam is that may be the same guidance you have given to Mheshimiwa Muendo on the same regard is that we may also ask our secretariat, because as you said we may find ourselves doing a lot of duplication so that through our secretariat, we may know some of the motions we want to pass, whether they were passed by this House and at what stage they are and I concur and really agree with you, we may also check from the implementation committee and from the secretariat how far, what are the type of Acts that have been passed by this House so as to avoid duplication of the same.

Otherwise, this is a very noble move and I stand to support because as we know, we come from our wards, from the sub-county and for the village polytechnics even we go to an extent of checking and auditing the village polytechnics to know which are the polytechnics that can be promoted to a technical school and the like so that if we make the move, we shall be able to know which are in use now and those that have been left out.

Otherwise, thank you. It is a noble move and I support. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Minority Leader Alex Kamitu. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I support the motion and ask the house to pass it and to go to the ground and see that the 40 wards the members are elected we have one polytechnic for them so that our children can have something to do. There are so many who did standard eight, and not that they are so bad, but even they can work with their hands even if their heads are not well.

(Laughter)

Hon. Speaker: Hon. Mueni why would their heads not be well? Hon. Cosmus.

Hon. Masesi: Thank you, Madam Speaker. Morning Hon. Members. Madam Speaker, I stand to support the motion by Hon. Helen Ndeti and say that it is very much timely in view that we all know that knowledge is power. Madam Speaker, I want to agree with the Hon. Member that the number of youths in our counties are in demand for jobs is on the higher side in regard and on the same note, when you check the supply and the kind of jobs we have the number of jobs which are available.

We want to believe that, Madam Speaker, if we equip the youth with enough skills, they will do the needful and take care of their loved ones. Madam Speaker, I stand to support the motion. Thank you.

Hon. Speaker: Thank you, Hon. Cosmus. Hon. Mutiso.

Hon. P.J Mutiso: Thank you, Madam Speaker. I stand to support the motion and I want to say that it is prudent to have one polytechnic in every sub-county, it will be important and also let it be well facilitated, a modern one because for example, here in Machakos we have about two, three in this sub-county, but some of them are just the buildings which are there. For

example, in Mumbuni we have a gone there but there is nothing being done there. We have another one at Mua and another one Kalama, Lumbwa somewhere but they are not in good condition because nothing is going on there.

So, we need to have one. I support the motion that was brought by Hon. Ndeti and let it be well facilitated and equipped and it will be very important for us. I want to propose, if possible, some areas like Yatta because they are bigger than some sub-counties to have maybe two. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kieti.

Hon. Kieti: Thank you, Madam Speaker. I want to say that the motion at hand which has been brought by Hon. Ndeti is good to our people, noting that TIVET or technical vocational education and training institutions in Kenya are offering education that can sustain lives of so many youths and so many people. Noting that we can do some things, but we cannot do without clothes, we cannot do without buildings, we cannot do without furniture, we cannot do without driving and all these skills are acquired in these vocational training institutions.

So, I stand to support the motion that if it is a law that was passed before is put in place to ensure that our wards or our sub-counties have technical training places like a polytechnic so that our youth can get the necessary skills that can sustain them in their lives.

Otherwise as I talk now, in my ward I have no single polytechnic. I am fighting to have one so if this motion goes through, I will be a beneficiary of the same. So, I stand to support the motion that we establish and we equip polytechnics in our ward. Thank you, Madam Speaker.

Hon. Speaker: Hon. Helen, I am not going to give you the chance now because you will have the chance to reply to your motion so let it just be debated. I appreciate the desire to you have to discuss it. Hon. Mwikali.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. I wish to support this motion as I congratulate Mheshimiwa Helen for having brought it in this House. Indeed every Hon. Member of this House is pushed by the need actually to implement such an important facility in our county and the motion is as it is laid. In fact, it is all round and it takes the need of the most important part of our humanity, the youth and I am sure that every member is really pushed by this important need of our society.

Therefore, without belaboring it, Madam Speaker, I really support it 100 per cent because it has enlightened the use of this facility and distribution equally. If eight sub-counties in our area are actually covered each, eight of them each sub-county with equal distribution, then we have no other way but to really approve it and ask the implementation committee to make sure that it is done immediately so that come February, we will be talking about this facility having been done and dealt with once and for all. Thank you, Madam Speaker. I really support this motion.

Hon. Speaker: Hon. Johanna

Hon. Munyao: Thank you, Madam Speaker. I stand to support the motion and also wish to maybe point out that having one modern village polytechnic in a sub-county, could one, maybe serve to address the problem of lack of instructors because through such institutions, we

may also have a forum where instructors can also be trained to also manage or train in the other polytechnics based on the wards.

I am seeing that we have already 38 existing village polytechnics although according to this paper, they have been neglected and they lack instructors. We may also think of maybe having one per sub-county and based on the location of such polytechnic within the sub-county, it may also come up with some costs in terms of where the trainees are moving from maybe from their places of residence to where the institutions are such that may be we may not have the arrangement of day scholars commuting from their homes to and from the institutions.

So, that is why we are saying in terms of also the capacity it may also limit the number to be enrolled in such polytechnics. So, I would wish to support and say as we also establish modern village polytechnics per sub-county we also see how the 38 existing or may be ward level, where such institutions can also be maybe reinstated, equipped also to take care of either the lower academic achievers programs as we also take care of the higher academic achievers in the modern village polytechnics as maybe addressed per sub-county.

I wish to support the motion and I thank the mover of the motion.

Hon. Speaker: Hon. Members, I call upon Hon. Helen Ndeti to reply.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker, thank you members. Hon. Members I am very thankful for supporting my motion. I am convinced that currently we have got about 600,000 students who sit the Kenya Certificate of Secondary Education and the government policy now is for students to continue with the free education all the way to form four. So, soon we will have very many form four students, standard eight drop outs will no longer be there because students will be going all the way to form four.

So, there is a need for the dilapidated polytechnics, youth polytechnics that we already have in our county to be either modernized with workshops because some of the polytechnics that we have, the enrollment is very low because they don't have workshops.

You will find polytechnics teaching students on baking but there are no instruments to even show them or to practice the baking or even masonry but there is that need now that the students are going to be leaving from form four to join polytechnics, there is need for them to increase or expand the curriculum so that they can take more courses like ICT, electrical, mechanical, plumbing and construction.

I have seen that the government has got a very ambitious policy of putting up thousands of houses; so we will need our people, our youths to be employed in those sectors. I also feel convinced that there is need for every sub-county to have a polytechnic so that parents do not suffer in paying for accommodation for their youths if they go outside their sub-county for these training.

We also need to come up with polytechnics that are so well equipped such that Machakos county create academic tourism where we shall be having students from other counties coming to train in Machakos because our polytechnics are so well equipped, modernized with good, well-paid teachers and good facilities that will attract people from even not Kenya, from the region, the East African region coming to train because our youths are getting the best.

We need to also expand these curriculum so ensure that there can be some entrepreneurship whereby a youth after leaving the polytechnic does not just go looking for employment; they are able to create their own employment, and employ people within the

county. So, I am very thankful for supporting my motion and I would ask you please to help me to ensure that this is implemented. Thank you.

(Applause)

Hon. Speaker: Hon. Helen Ndeti, all your communication including gestures should be to the Chair, not to the Table. Nevertheless, thank you for moving the motion. Hon. Members, allow me to put the question.

(Question put and agreed to)

(Applause)

Hon. Speaker: Hon. Members, the Chair commits, through this House, this motion to the Education and Social Welfare Committee to investigate the matter of the motion noting that the motion acknowledges the existence of 38 village polytechnics already within the county.

The same motion also acknowledges that they are not in a good state of affairs and that has also come out in the debate from members, and the desire of the motion is to have a village polytechnic in each sub-county that is well equipped with also the necessary stuff so that the purpose for which that polytechnic is to be established is to be achieved. That is to provide employment for our youth.

It is also noted by the Chair that the purpose of the motion is allowable under the Fourth Schedule part 2, paragraph 9 of the Constitution and so the motion is well founded.

Now, the education and social welfare committee is requested to file its report before this House, on the 28th February, 2018 at 10 a.m. and that is the date that the report will be tabled before the House. It is so ordered.

Hon. Members, I now call upon Hon. Mitaa to move the motion. A moment please, just a moment. Thank you, thank you. Hon. Mitaa, I see the shock on your face. You are not prepared to do it now; you will do it in the afternoon. It is alright as per the Order Paper; it is in the afternoon.

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point the House will stand adjourned. We still have the sitting that is on 13th December, 2017 at 2.30 p.m. that is when the sitting of the House will resume. Enjoy your lunch break, Hon. Members.

The House rose at 11.00 a.m.