

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 13th March, 2019

The House met at 2.36 p.m.

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

PRAYERS

Hon. Speaker: Good afternoon, Hon. Members. I think today is a rather hot day and also interesting. Hon. Eric, how are you? Alright, let us start Hon. Members the sitting for this afternoon. Mr. Clerk, proceed.

MOTIONS

APPOINTMENT OF MEMBERS TO POWERS AND PRIVILEGES COMMITTEE FOR THIRD SESSION

Hon. Speaker: Hon. Members, under this Order, we have three businesses; we have a business by Hon. Robert Kisini, we have business by the Hon. Majority Leader Mark Muendo and business by Hon. Mitaa. What I am going to request the House that we do is we start with the business of the Hon. Majority Leader and then we will come to the business of the Hon. Mitaa because of some urgency in it and then we will come to the business of Hon. Robert Kisini which is a relatively long report.

So, Members there is the work that we have to do this afternoon. Hon. Majority Leader; I can see Hon. Kiteng'u, Deputy Majority Leader. Go ahead.

Hon. Kiteng'u: Thank you, Madam Speaker.

Hon. Speaker, that aware that Section 15(1)(b) of the County Assemblies Powers and Privileges Act, 2017 establishes the powers and privileges Committee; Aware that the composition of this Committee as set in Standing Order 189A is the Speaker, the Chairperson of Committees and not more than three other members who shall be nominated by the Assembly Parties and approved by the House; Hon. Speaker, Standing Order 189A(c) provides that the Powers and Privileges Committee should be appointed at the commencement of each session; Aware that the Committee is crucial in inquiring into the conduct of members whose conduct is alleged to constitute a breach of privilege;

Aware that the nominations should take into consideration interests of independents and aware that parties have nominated members to serve in the Powers and Privileges Committee;

Hon. Speaker, I wish to move the motion that pursuant to Standing Order 189A(c) the House approves the appointment of the following members to the Powers and Privileges Committee for the Third Session of the Second Assembly of Machakos County in addition those members specified under paragraph 189A(a) and (b)

1. Hon. Robert Kisini.
2. Hon. Moses Mitaa.
3. Hon. Margaret Ndalana.

Thank you, Hon. Speaker. I would like to call upon Hon. King'ori to second the motion.

Hon. Speaker: Thank you, Hon. Kiteng'u. Hon. King'ori.

Hon. King'ori: Thank you, Madam Speaker. I second.

Hon. Speaker: Thank you.

(Question proposed)

So for purposes of the record, Standing Order is 189; Members please correct that so that the question is clear. Hon. Members I invite you to debate the motion. Hon. Katumo.

Hon. Katumo: Thank you, Madam Speaker. I stand to support this motion bearing in mind that the members that have been proposed for us to approve are very able. Looking at Hon. Robert Kisini, Hon. Moses Mitaa and Hon. Margaret Ndalana; these are able members who can further the mandate of this great committee and therefore I support. Thank you.

Hon. Speaker: Thank you Hon. Katumo. Hon. Mulatya.

Hon. Mulatya: Thank you, Madam Speaker. Madam Speaker, I stand to support this report on the members nominated once again to this committee. Madam Speaker, I stand on the platform of the Majority Whip of the House. These members, first and foremost, are disciplined; they have never had issues of discipline with them. They are very active when it comes to issues related with discipline and I think they fit these positions. Thank you.

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

Hon. (Ms.) Mutuku: Thank you, Madam Speaker. I stand to support the report and the nomination of these Hon. Members. For me I can say as my fellow Mheshimiwa has said they have high integrity these members and also they are very active in this Assembly. I can comment on Hon. Ndalana; she is a strong believer and I think she can perform in this committee very well. Thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Hon. Mueni. Thank you, Hon. Annastaciah.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I support the members who have been elected because as our Whip has said they are very active members like Mheshimiwa chair for agriculture. They are very active and we are always in the House waiting for what he decides so when he goes to the committee I hope he will be the same and remember the members they have elected him so that the Assembly can go on. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mueni. Hon. Members I now call upon the mover of the motion to reply. Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Hon. Speaker. Madam Speaker, I would request this House, since the Assembly cannot run without the committee of powers and privileges, to support the motion so that we can be on our toes as before and I ask the members who have been elected to the committee to also be fair to this Hon. House and judge correctly.

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

(Question put and agreed to)

(Applause)

The other business Hon. Members under the order is by Hon. Mitaa. Hon. Mitaa?

REPORT ON ADMINISTRATIVE PROCEDURES

Hon. Mitaa: Thank you, Madam Speaker, Member powers and privileges committee, I also take this opportunity to thank the House for bestowing confidence in the membership which has been there and I promise them that we will work in the same way.

Hon. Speaker, that aware that Chapter Six of the Constitution of Kenya, 2010, outlines the principles of Leadership and of much emphasis is integrity; Aware that Section 33(1) of the Public Officers Ethics Act, 2003 requires responsible Commissions, the County Assembly Service Board for our case, to develop administrative procedures to manage declarations of income, assets and liabilities by public officers;

Further aware that the Ethics and Anti- Corruption Commission, in exercise of its enforcement and oversight mandate, wrote a letter to all County Assemblies' Powers and Privileges Committees requiring them to develop and publish the administrative procedures pursuant to Section 33(2) of the Public Officers Ethics Act, 2003 thereafter which the procedures shall be operationalized;

Hon. Speaker, aware that the Powers and Privileges Committee developed the administrative procedures for declaration of income, assets and liabilities (part iv of the Public Officer Ethics Act, 2003)

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the Powers and Privileges report on Administrative Procedures.

Thank you, Madam Speaker. I wish to call upon Hon. Ndalana to second my motion.

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

Hon. (Ms.) Ndalana: Thank you, Madam Speaker. I stand to support the report, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndalana. Members, order! Thank you. Hon. Members I will propose the question but again the Clerk Assistants, you notice there are mistakes in this motion as drawn. You never write a statute in small letters, you need to correct that, remember these reports go for even historical purposes; we do not want to appear to be people who are not keen on things that are already settled in law and so you correct it and we will proceed with the debate with corrections. The last one that is part four, the second last paragraph.

(Question proposed)

Hon. Members, I invite you to debate the motion. There is supposed to be a report; you have not read the report you want it read? Had we not agreed that we will not be reading here. We agreed. You have received it just now so you want it to be read?

(Loud consultations)

Just a moment, Hon. Members. If you have received it just now, I think it is only fair that the Hon. Member, the mover just runs through quickly so as you support you appreciate why you are supporting it but going forward you need to be reading these reports so that we just propose the question straight away.

Hon. Mitaa, do you have an executive summary on the report so that you just read the executive summary?

Hon. Mitaa: Hon. Speaker, I think I do not have but I will not take long to go through the report.

Hon. Speaker: Go ahead.

Hon. Mitaa: Thank you, Madam Speaker. Report of powers and privileges committee; it is on task report on consideration of the administrative procedures.

1.0 INTRODUCTION

1.1 PREFACE

Hon. Speaker, integrity is one of the most important qualities of a great leadership. Integrity means the quality of being honest and having strong moral principles according to Wikipedia.

Chapter Six of the Constitution of Kenya, 2010 clearly outlines the principles of leadership and of much emphasis is integrity. The Ethics and Anti-Corruption Commission as established under Section 3 and the Ethics and Anti-Corruption Commission Act, 2011 is mandated to enforce and oversee implementation of Chapter Six of the Constitution of Kenya, 2010.

Hon. Speaker, Section 33(1) of the Public Officers Ethics Act, 2003 requires responsible Commissions, the County Assembly Service Board for our case, to develop administrative

procedures to manage declarations of income, assets and liabilities by public officers. A public officer is any state Officer or any person, other than a state officer, who holds a public office.

Hon. Speaker, the Ethics and Anti-Corruption Commission in exercise of its enforcement and oversight mandate wrote a letter to all County Assemblies' Powers and Privileges Committees requiring them to undertake the following:

1. Develop administrative procedures in accordance with Section 33(1) of the Public Officers Ethics Act, 2003.
2. Publish the administrative procedures in the Kenya Gazette pursuant to Section 33(2) of the Public Officers Act, 2003 thereafter which the procedures shall be operationalized.
3. Forward a copy of the gazetted administrative procedures to the Commission.

1.2 MANDATE OF THE COMMITTEE

Hon. Speaker, the Committee on Powers and Privileges is established under Section 15(1) of the County Assemblies Powers and Privileges Act, 2017. Further Section 15 (4) of the same act gives the Committee the Mandate to:

- (a) Inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege in terms of section 16; and
- (b) Perform such other functions as may be specified in the same Act.

2.0 COMMITTEE COMPOSITION

Hon. Speaker, the Committee is composed of the following members;

- | | | |
|----|-------------------------|-------------------|
| 1. | Hon. Florence Mwangangi | -Chairperson |
| 2. | Hon. Paul Museku | -Vice Chairperson |
| 3. | Hon. Robert Kisini | -Member |
| 4. | Hon. Margaret Ndalana | “ |
| 5. | Hon. Moses Mitaa | “ |

3.0 CONSIDERATION OF THE COUNTY ASSEMBLY SERVICE BOARD OF MACHAKOS PROCEDURES FOR DECLARATION OF INCOME, ASSETS AND LIABILITIES

Hon. Speaker, in November, 2018, the Committee met and considered the draft administrative procedures as received from the Ethics and Anti-Corruption Commission. The Committee customized the document whose components are as follows:

3.1 PART I- PRELIMINARY

Citation- This gives the name of the Administrative Procedures to be the County Assembly Service Board of Machakos Procedures For Declaration of Income, Assets and Liabilities (Part IV of the Public Officer Ethics Act, 2003)

Interpretation- This gives a definition of the various terms used in the context of the administrative procedures.

Scope of application- Provides room for which these procedures shall apply to the administration of part IV of the Act and in this case its Honorable members and employees of the Board.

3.2 PART II- PROCEDURE IN RELATION TO DECLARATIONS

Administration of the Procedures- The administration of the procedures on behalf of the County Assembly Service Board has been bestowed with the Secretary of the Board that is the Clerk to the County Assembly. Further, the Secretary of the County Assembly Service Board has been given powers with the approval of the Board to delegate the administration of the procedures.

Procedure in submitting declaration-This part highlights on the measures the Board should put in place to ensure that the MCA or Staff Members access the prescribed form of declaration of Assets and Liabilities.

Completion and submission of declaration Forms- This emphasizes on where the MCA or Staff Members are supposed to submit their declaration forms.

Register of declarations- This part mandates the Board to keep a register of details of all the MCA or Staff Members.

Reports on compliance- This part gives the board the mandate to submit to the Ethics and Anti- Corruption all details of the MCA or Staff Members. The deadline for this submission has been put at not later than 31st July every year.

3.3 PART III- PROCEDURE IN RELATION TO CLARIFICATION

Request for Clarification-The part gives the Secretary of the Board or the officer acting on behalf of the secretary the powers to seek for clarification from the MCA or Staff Members on any details provided for in the declaration form. If the Secretary finds that a member has given false information he/she can report to the powers and privileges Committee for disciplinary action. If a similar offense is committed by a member of staff, the matter should be handled by the Assembly Advisory Committee which will then report to the County Assembly Service Board for disciplinary action.

3.4 PART IV- PROCEDURE FOR THE ACCESS OR PUBLICATION OF INFORMATION IN A DECLARATION

Access and publication of information in a declaration- This part bars the board or any other person to disclose or publish the information in the declaration form except as may be provided in the Act, the Regulations, and these Procedures or any other written Law.

It also provides a procedure for one to gain access or to publish information in relation to a declaration under the Public Officer Ethics Act, 2003;

Access by declarant- This part gives a Member or an employee an opportunity to access their declaration after submission. This can be done through an application in writing to the secretary requesting for access of the said declaration.

Proof of identity- This part provides for conditions were the applicant or declarant can be denied access to information in a declaration by the board.

3.5 PART V—PROCEDURE IN RELATION TO STORAGE AND RETENTION OF DECLARATION FORMS

Mechanisms for Storage, Retention and Retrieval- This part mandates the board to devise appropriate mechanisms to ensure safe storage and easy retrieval of the declarations.

Cessation of Retention of Information- The Board has been mandated to determine the action to be taken in relation to information which has been retained for a specified period and the period has lapsed.

3.6 PART VI—GENERAL PROVISIONS

Powers of Board- The board has also been mandated to review the operational procedures put in place by the secretary in the application of these procedures.

Matters not covered by these procedures- The Board has also been given power to issue written instructions in relation to any matter that has not been provided for in these Procedures.

Representation to the Board- This Part allows the Board to consider representations from any person in the application of these Procedures.

Further Honorable Speaker,

APPENDIX I-Contains a request form to access a declaration or clarification.

APPENDIX II-Is an Acknowledgement of request for a declaration or clarification form.

4.0 RECOMMENDATIONS

The Powers and Privileges Committee recommends the adoption of this report which will operationalize the Administrative Procedures as provided for in Section 33(1) of the Public Officer Ethics Act, 2003.

5.0 CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, the Committee on Powers and Privileges is Committed in ensuring that it is responsible for the enforcement of Ethics and Integrity laws in the County Assembly. I wish to thank the Committee Members who participated in coming up with the Administrative Procedures and Compilation of this report. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mitaa.

(Question proposed)

Hon. Mitaa, do you want to reply without a debate.

Hon. Mitaa: I am not replying; I think I can now give my contribution as a member of County Assembly representing Kangundo Central Ward.

Hon. Speaker: Okay, go ahead.

Hon. Mitaa: Thank you, Mr. Speaker. I think Madam Speaker, I found it good to first make my contribution because it might have gotten my colleagues by surprise and they might not understand maybe what the report is about and I think it is good if we can a green light on the report. Madam Speaker, I think it is very clear that the Ethics and Anti- Corruption Commission deals with matters to do with integrity of public officers. That is anyone who holds a public office and Madam Speaker, to make it clear to my colleagues, it is like now the mandate you

remember Hon. Members when we are about to seek elective posts, we are requested to go to EACC and seek some clearance.

So, in short it is like from what I came to find out is that that issue is now delegated to this service board which will be now taking care of matters to do with integrity of all employees of like Machakos County Assembly that is Assembly so we will be seeking, we will be going to those offices and fill forms on our wealth status and matters to do with integrity. So, Madam Speaker, I think Hon. Members, I request them we have attached a copy of the forms it is good to go through it there is a deadline as I have gone through I think of July, if I am not wrong; the report is very clear when this information is supposed to be relayed to the board.

Thank you, Madam Speaker, and I support the report fully and I also wish to thank you for your guidance; you really took us all the information and I think it has taken care of any member within the precincts of the Assembly.

Hon. Speaker: Thank you, Hon. Mitaa. Hon. Members, I think I can see the smiles let me just say something although it is not my time to say anything. The silence and the failure to have hands up to contribute maybe as a result of members not understanding like Hon. Mitaa has said what it is. You do not want to sign a death warrant for yourselves. This is not the case.

(Laughter)

Hon. Members, one thing is that declaration of wealth and assets is something that has been going on since the Ethics and Anti-Corruption Commission came into being and then they came up the Ethics Act which governs the operations of state officers and public officers and so you look at these procedures; there are guidelines to guide you on how you are going to fill those forms. It is not a death warrant that you are going to be signing and again you have no option because it is the law.

Do not say it is the Speaker who crafted this; I have seen some Assemblies where when they hear ethics, they start collecting names to impeach the Speaker so it is not your Speaker who is coming up with this. It is the Ethics and Anti-Corruption Commission and actually they gave a deadline of last year November for the powers and privileges committee to come up with the procedures and one thing I want to notify you and I think I said it before. You remember when we were new we were taken through same procedure by the County EACC officer, that lady and I added something that do not be scared when you declare your wealth because what they want to know when you enter into a public office is how much are you worth; do not hide.

Nobody is going to come and take the sweat of your brow illegally. So if you under declare because you think you are going to escape, it is dangerous because later then you are caught up, you find that you did not declare a certain property and now you want to declare it. That is not one of the properties you have been declaring so you want to declare the property and it is at a time when you are already in public office like six months later; so what is the presumption? That you got that property illegally.

So, do not hide anything. In fact, if you can even over-declare so much the better but remember you are to give the right information. Then there is confidentiality; I noted that this information is not to be shared with any unauthorized person other than what is provided for in the law. Of course, in the law if Noordin Haji wants that information that you are being suspected, they will definitely get it. EACC wants it they will get it, DPP wants it they will get it if the law allows them and it does allow them to ask for the information.

So there is nothing to be scared of even if you do not vote for this it will still be implemented and it is good now actually Hon. Betty said we read the report; it is good it was read. Hon. Mulatya, do we still pass the report? Go ahead and make your contribution.

Hon. Mulatya: Yes, Madam Speaker.

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

Hon. (Ms.) Mueni: Thank you, Madam Speaker. We are going to pass the report because even if you do not know what you have the people around you know what you have. So it is better you tell us so that when you steal we also know.

(Laughter)

Hon. Speaker: Hon. Mueni, just a moment, point of order. What order has Hon. Mueni breached, what Standing Order Hon. Nyanzi has Hon. Mueni breached.

Hon. Nyanzi: Hon. Spika, kuna mtu anaweza kua na vitu lakini haiko kwa jina yake ;iko kwa jina ya mtoto au ya bibi. Kwa hivyo usiseme watu wanajua utafanya nini.

Hon. Speaker: So that is a point of information although; Hon. Mueni, are you informed accordingly? The form will guide you maybe Hon. Mueni I can assist you on the issue raised by Hon. Nyanzi. There is a form which you will be looking at which will tell you what you are going to declare and if it is a property of your child, you are not supposed to declare; it is not yours. Mali ile isiyo yako sio yako; unafanya declaration ya ile yako. Kwa sababu huyo mtoto wako, Hon. Nyanzi, ikiwa yeye ni mfanyikazi wa serikali, naye atahitajika kufanya declaration kule ako. Asante. Hon. Mueni, proceed.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I think Mhe. Nyanzi---

Hon. Speaker: Tumemaliza hiyo. We finished on the issue of Hon. Nyanzi, it was a point of information which we all have understood.

Hon. (Ms.) Mueni: Yes. But Madam Speaker, you know---

Hon. Speaker: Hon. Mueni, you don't say 'but' when you are informed by the Speaker.

Hon. (Ms.) Mueni: Thank you. Let me continue.

Hon. Speaker: Please continue.

Hon. (Ms.) Mueni: Madam Speaker, I think you know since the devolution started since 2013, there are some people who were too poor but now they are very rich. They are driving very big cars and if you ask somebody if you can make the salary the one he or she gets, it is too little to be eaten and buying the car; you cannot make it. They are still having houses, they are having

what, so I think it is also good to declare what you have because if you got a loan like me, I bought I bought a house and I also now having a vehicle and whatever and I will write all those.

When you talk the truth, nothing you can fear because everybody knows about you. So, the people who are stealing are feeling shame or are fearing to give what they.....when the money of Machakos county is getting lost about Ksh. 5 million and you go and see that person who was making the bridge or making the road has now changed the lifestyle. So, I think, Madam Speaker, we have to declare, we have to pass this even if members talk or don't talk. Thank you.

(Laughter)

Hon. Speaker: Thank you, Hon. Mueni. I will come to you Hon. Kiteng'u. Hon. Alice.

Hon. (Ms.) Nzioka: Asante Bi. Spika. Bi. Spika, kama sisi ni viongozi ukweli, tunapaswa kutambulisha mali yetu. Kamati ya uwezo na maadili imeleta mwongozo ambao umeletwa na sisi kama viongozi, tuwe mstari wa mbele kuangamiza ufisadi. Kama kuna mali ambayo umefanya kazi na umetafuta, hautakuwa na budi kuisema maana ni mali ambayo umeitafuta ukweli. Hata wakati wa bunge lililopita, tuliletewa makaratasi kujaza au kutambaua mali ambayo uko nayo na ni vizuri maana tutarekebisha ama tutapunguza ufisadi.

Kama nitapata mali ambayo imeshinda mshahara wangu, lazima nitasema nimetoa wapi pesa na kama sisi ni viongozi, tunapaswa kuwa kielelezo chema kwa Kenya yetu kuonyesha kwamba tunapigana na ufisadi. Bi. Spika, kumbuka kwamba utakuta mtu ambaye ameajiriwa mwaka mmoja, ukiangalia mshahara na mali ambayo anayo ni ya mabilioni ya pesa. Kama sio wizi umetoa wapi mali? Sisi kama viongozi tuonyeshe mwongozo na tuwe wa mbele kutambua mali yetu; hata ukitambua mali yako kama uko nayo na umepata ukweli, hautakuwa na shida yoyote.

Sisi kama viogozu hatuna budi, ni lazima tutambue mali yetu ndio maana hautasumbuliwa na mtu yeyote na itakuwa ni lazima kwa maana sisi kama viongozi, inaewezekana mwaka 2022 niwe nataka kuwa kiongozi tena ni lazima nimetambua mali yangu ndio watu waone ukweli kwangu. Pia watu ambao tumewaongoza wanatujua zaidi. Kama kuna mali ya wizi wenyewe watasema lakini kama mali ni ya ukweli, haina budi. Mimi nimeunga mkono hio kamati ya Uwezo na Maadili kwamba nitatambua mali yangu. Asante.

Hon. Speaker: Thank you, Hon. Alice. Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Hon. Speaker. Hon. Speaker, I do support the committee and the declaration of our wealth but Hon. Speaker, I see the declaration being not fair to the Hon. Members because as we know Hon. Speaker---

Hon. Speaker: You referring page number?

Hon. Kiteng'u: The declaration form. Page 12. Because Hon. Speaker, as Hon. Members, we may have businesses outside our work of Assembly but Hon. Speaker we have executive and we have the clerks who do revenue and us we know and we have been interacting with them. Some of them are doing five storey buildings, others are doing expensive investments.

My question to be guided by the same committee is; is it given a hand also to investigate on the same to the executive staff or what loophole has been given to the executive because I think there will be given the mandate just to enjoy and maybe loot the mwananchi money and us the elected leaders we are the ones who are being targeted. Thank you, Hon. Speaker.

Hon. Speaker: The declaration Hon. Kiteng'u and Hon. Members, this is for the Assembly; the executive is to do theirs as well if they don't have. The judiciary is doing, the ministries are doing and they have been doing. Everybody is doing, it is not just the elected members, and I think Hon. Alice said it, if you have been working and you are in business; even me I am in business, I have declared everything and I will declare again and again everything that I have. So it is not only the Assembly, it is everywhere.

Even teachers in primary school and Hon. Alice mentioned to one of the members, when you go for clearance by EACC, it is a ground for denying you clearance because they will look for each year if you are serving, where is your declaration form. So, this board, the CASB is just to receive and forward them, keep them and if they ask for copies by EACC whichever body, you give and they are not supposed to be given to anybody else. The same thing with executive and every other Assembly. Hon. Katumo.

Hon. Katumo: Thank you, Madam Speaker. I want to stand and support this report by power and privileges committee especially we know it is a tradition, it is a common practice for state officers to declare their wealth within the time given so that the authorities might ascertain the progression of their growth. But looking at this form does not look very detailed. I will not get a lot of time to through especially on this procedure.

Hon. Speaker: The form Hon. Katumo. Hon. Mitaa, are you able to explain what appendix you have put here?

Hon. Katumo: Because this is the access.

Hon. Speaker: This is not the form which you the members are filling.

Hon. Katumo. Yes. This is just the access; we did not get the right form to contribute to. You should have got it so that we can relate. But that is not it that we must do it. It is just a common practice of what is supposed to be done but I was taken to page five. When you go to page five 3.3 part 3, procedure in relation to clarification, Hon. Speaker, as we go down there at the second sentence says, 'if the secretary of the board finds that a member has given false information, he or she can report to the powers and privileges committee for disciplinary action and if a similar offense is done then action is taken.'

I am wondering how do you know that somebody has given a false information, because you are declaring yourself and of course we should know what action should be taken. But what I was saying is that we should also have the form because I think the other time we had issues with the form so that we can also relate to the issues that are before us as members of the County Assembly to make sure that they comply. They don't pin us down. They don't expose us more because you know customarily from where we come from, we sometimes we don't clear everything for purposes of what we are and therefore it is good to have form to see we put it in a better way. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mitaa, do you want to address that concern of the form that the members are supposed to fill? I also notice it is not attached here.

Hon. Mitaa: Thank you, Madam Speaker. I think we will provide the forms as soon as possible. Maybe it was an oversight.

Hon. Speaker: Do you want the debate now adjourn so that you provide the forms?

Hon. Mitaa: Madam Speaker, what I can guarantee the members, in fact, what is important is not even the forms. What is important is the rules. Hon. Members, as I have gone through, there is what EACC had sent to us and we went through it and we actually took care of our interests, if I can say. What we could remove we removed and what we did actually is the best what the Assembly and the employees can get.

So, Madam Speaker, in my own opinion, it is not the forms but the rules and regulations which matter because it is on the rules and regulations where maybe if what we had received from EACC we thought it is not good to my colleagues, we removed and we came up with rules and regulations which we believe will take care of everyone in this precincts. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mitaa. Hon. Members for information, EACC did a general draft which it expected each Assembly and each institution to adopt with necessary permitted changes and that is what Hon. Mitaa is saying we did. But again I also feel the members when they want to see the forms that they are going to fill. Hon. Mitaa.....(*Inaudible*)

So what we will do Hon. Mitaa from the Chair and noting the feeling of the members; it is good that the members read the report and understand it. Even outside of this debate but have in mind that it the requirement if the law and you cannot say 'no' to it. You only want to have clarification of what is not clear and then we can have the debate adjourned; Hon. Mitaa you have something you want to say? Why don't you let me finish because it is maybe what you want to say.

Hon. Mitaa: I feared that you might terminate the debate.

Hon. Speaker: We won't terminate the debate. We are just going to stop it at where it is so that we can ballot it again for next week.

Hon. Mitaa: But the advice I have just received is that the form is standard. It applies and it cannot be changed. So even if we postpone now---

Hon. Speaker: No, Hon. Mitaa; it is one thing to change is another thing for the members to see the form. Let them see the form. Are we in agreement?

Hon. Mitaa: Well-guided, Madam Speaker.

Hon. Speaker: So that we just have the form printed and attached to the report. In fact, now the members have the report, it is just printing of the form and Norah you are the Clerk

Assistant for that committee. Yes, it was an oversight on your part. You needed to attach that form as well so that members as they debate and as they vote they know what they are voting for. You showed them the other forms but not the forms they are supposed to fill. So it does not do any harm.

Let us supply each member with that form. Let us adjourn this debate; it will go back to the House Business Committee for balloting to come back the soonest. We have been calling and writing to EACC as for extension to give it this, and remember they are going to be gazetted so that we don't have time on our side. That is why we will re-ballot it quickly so that then you can pass you resolution on it. Hon. Members, that is the guidance I will give. Thank you Hon. Mitaa. We are going to re-ballot it. Thank you.

(Applause)

We have the other business under the same order. Hon. Kisini, please proceed.

ESTABLISHMENT OF FUNCTIONAL DUMPING SITES AND SUFFICIENT TOILETS

Hon. Kisini: Thank you, Madam Speaker. Before I read I also want to say thank you the members for the honor and for the confidence you have also bestowed on me and on us.

Hon. Speaker, that aware that Article 42 of the Constitution of Kenya provides that every person has a right to clean and healthy environment which includes the right to have environment protected for the benefit of present and future generations through legislative and other measures;

Aware that the Kenya Vision 2030 recognizes the efficient and sustainable waste management systems are required as the country develops into a newly industrial state by 2030;

Madam Speaker, aware that in this regard Machakos County needs to have a fully functional and compliant waste management system by developing strategies towards achieving sustainable waste management and clean and healthy environment for all;

Hon. Speaker, aware that in most wards, there are no designated dumping sites resulting to garbage being dumped everywhere and anywhere contributing to unhealthy environment;

Further informed that in June 2018 a motion that the county government of Machakos establishes functional dumping sites and constructs sufficient toilets in the entire county was tabled in this House by Hon. Betty Nzioki and the task was given to the committee on the Environment, Lands, Energy and Natural Resources for investigation and reporting back to this House;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the report on environment, lands, energy and natural resources committee on the Second Assembly on the establishment of functional dumping sites and construction of sufficient toilets in the entire county.

I request my vice chairman, Hon. Koki to second the motion.

Hon. Speaker: Hon. Kisini, please make the request again properly.

Hon. Kisini: I request Hon. Koki to second the motion.

Hon. Speaker: Yes. She is?

Hon. Kisini: The vice chairlady.

Hon. Speaker: Thank you.

(Laughter)

Vice chairlady Hon. Koki.

Hon. (Ms.) C. Koki: Thank you, Madam Speaker. I second the report.

Hon. Speaker: Thank you, Hon. Koki. Hon. Kisini.

Hon. Kisini: Report Environment, Lands, Energy and Natural Resources Committee. The task is to report on establishment of functional dumping sites and construction of sufficient public toilets in the entire Machakos County. T

Hon. Speaker, that aware that Article 42 of the Constitution of Kenya provides that every person has a right to a clean and healthy environment which includes the right to have the environment protected for the benefit of the present and future generations through legislative and other measures.

Aware that the Kenya Vision 2030 recognizes that efficient and sustainable waste management systems are required as the country develops into a newly industrial state by 2030. Madam Speaker, aware that in this regard Machakos County needs to have a fully functional and compliant waste management system by developing strategies towards achieving sustainable waste management and clean and healthy environment for all.

Hon. Speaker, aware that in most wards there are no designated dumping sites resulting to garbage being dumped everywhere and anywhere contributing to unhealthy environment. Hon. Speaker aware that the Machakos County E-waste Management Act 2015 was passed in this House by the First Assembly and part 6 (2) and (3) states that the county government shall put in place measures to ensure several dumping of e-waste and shall implement programs to ensure public awareness on matters relating to e-waste and 9(1) and (2) states that the government shall designate dump sites and landfills for e-waste and e-waste shall only be disposed of in the designated landfills and dump site. Further the Machakos County Finance Act (2019) makes provision for solid waste management.

Background

Hon. Speaker, aware that illegal dumping occurs when unwanted waste is disposed of in an undesirable location such as vacant or private properties, crown lands, woods, bushes, roadsides and waterways whereby this can cause serious health and environmental problems. Create risk of fires and lead to significant expenses from cleaning up the sites. Hon. Speaker---

Hon. Speaker: Hon. Kisini, on the first paragraph, members will ask what crown land is. Crown land is public land; it used to be crown land in colonial days. Now it is public or government land but they call it public land. So, we correct to read public land?

Hon. Kisini: Thank you, Madam Speaker; well-guided. Hon. Speaker, in June 2018 a motion that the County Government of Machakos establishes functional dumping sites and construct sufficient toilets in the entire county was tabled in this House by Hon. Betty Nzioki and the task was given to the committee on environment, lands, energy and natural resources for investigation and reporting back to the House.

Mandate of the Committee

Hon. Speaker, the committee on environment, lands, energy and natural resources is a sectoral committee established under Standing Order 190 and the Second Schedule with specific mandate to all matters related to implement of specified national government policies and natural resources and environmental conservation including soil and water conservation and forestry and control of air pollution. Noise pollution other public nuisances, gas reticulation, energy regulation, water management systems in build-up areas and water sanitation services.

Committee Membership

Hon. Speaker the committee membership of the aforementioned committee is as follows:-

Hon. Robert Kisini	-Chairperson
Hon. Christine Koki	-Vice chairperson
Hon. Alex Kamitu	-Member
Hon. Brian Kisila	
Hon. Cosmas Kieti Muia	
Hon. Jeremiah Munguti	
Hon. George King'ori	

Hon. Speaker: Point of information from Hon. Kisila. Hon. Kisini please resume the seat briefly.

Hon. Kisila: Madam Speaker, I just want to bring to your attention that we seem not to have quorum in the House.

Hon. Speaker: Mr. Clerk, what is the position of quorum? Serjeant at Arms, I understand we are lacking quorum when Hon. Kisila raised the question we were lacking one member and shortly after that we lacked two members. I was hoping that that member went to bring other members but we do what is necessary. Can we ring the bell, Serjeant at Arms.

(Quorum Bell rung)

Hon. Speaker: Serjeant at Arms, stop the bell; we have quorum. Hon. Kisini was on his feet so he will continue from where had stopped.

Hon. Kisini: Thank you, Madam Speaker. I continue and report on the committee membership. Hon. Speaker the committee membership of the aforementioned committee is as follows:

Hon. Robert Kisini	-Chairperson
Hon. Christine Koki	-Vice chairperson

Hon. Alex Kamitu -Member
Hon. Brian Kisila
Hon. Cosmas Kieti Muia
Hon. Jeremiah Munguti
Hon. George King'ori
Hon. Hellen Ndeti
Hon. Jackline Nziva
Hon. Jane Nyawira
Hon. Joseph Musau
Hon. Mark Muendo
Hon. Michael Mutiso

All are committee members.

Report from the Chief Officer-Department of Decentralized Unit

Hon. Speaker, Article 195(1) of the Constitution of Kenya states that a County Assembly or any of its committees has power to summon any person to appear before it for the purpose of giving or providing information. The committee wrote to the Chief Officer in the Directorate of Waste Management and explained that:

1. The county government has no gazetted dumpsite within the county. However, there are two unofficial dumpsites in Machakos and Mavoko sub-counties.
2. The dumpsite in Mavoko sits on a disputed piece of land that has an ownership case in court.
3. Through the Kenya Urban Support Program, the department has procured 400 large bins and 550 small bins to be distributed among Mavoko, Machakos and Matungulu sub counties.

Meeting with Residents in some sampled Wards

Hon. Speaker, the committee had an opportunity to meet with members of the public to get their views on the matter at hand. The major dumping sites visited include Mlolongo that is at Athi River, Kiima Kimwe that is in Mitheu; other areas visited are Machakos Town, Mjini, Majengo, Mutituni Town, Ikombe Town, Masii Town and Upper Kaewa and the following was gathered.

1. Residents in the towns visited complained that the issue of toilets had not been given consideration and they were not sufficient. The few available were in pathetic condition and the public complained of contaminating diseases from the said toilets.
2. Members of the public at Athi River and Mlolongo complained that they have suffered various respiratory diseases and other adverse health effects as contaminants are absorbed into the lungs into other parts of the body. In other towns visited, the public complained that they have frequently suffered from diarrhea caused by flies coming from these illegal dumping sites and the awful smell is very disturbing.
3. The Committee visited Mitheu and Athi River dumping sites but the biggest problem was that there was no order in which the litter is dumped. There were so many homeless children who had camped in the dumping sites sorting the

litter and making a living out of selling the collections. The public complained that there were no boundaries and litter was spreading all over the people's private land since the purported dumping sites were congested and could not accommodate more.

Committee Observations

Hon. Speaker, the committee during the site visits discovered the following:

(a) On toilets

1. There are no sufficient public toilets in most towns and especially the big towns like Machakos, Mavoko, Mulolongo and Tala resulting to people relieving themselves anywhere and everywhere.
2. Many members of public are not aware of the destination of the few available public toilets since they are not located in open areas.
3. Most of the toilets are not carefully kept resulting to health hazard in most parts.
4. The toilets do not have standby cleaners and water making them very untidy.

(b) On dumping sites

The committee discovered that:

1. There is no gazetted dumping site in the entire county.
2. The committee discovered that there is a misconception by Machakos residents that Mitheu in Kiima Kimwe is a legal dumping site yet it is not.
3. The committee further discovered that the E-waste Management Act 2015 had not fully been implemented since inception.
4. The committee discovered that there are two major illegal dumping sites at Kiima Kimewe, Mitheu and Mavoko/Mulolongo that is Mulinge Scheme which are poorly kept and litter scattered all over the place thus causing great health hazard to the neighboring people.
5. In other towns, residents come up with their own dumping sites within the estates since there is no nearby designated dumping site and on an inquiry, the committee was informed that the famous dumping site in Mitheu is too far and unable to get there since it was too expensive to transport the litter. When the committee visited the dumping site, they realized that the litter was composed of metals, papers, and electronics making it difficult to manage the waste since more material could not decompose.
6. There is a lot pollution on land, water and air in the neighborhood which are primarily caused illegal dumping. The chemicals and non-biodegradable materials in the waste affect the physical environment and the waterways by contaminating ground water and soil.

Effects of Illegal Dump sites

Hon. Speaker, the committee observed that there were numerous effects accompanying illegal dumping sites as stipulated below:

1. Illegal dumping damages the environment. Land and water air pollution in the neighborhood are primarily caused by illegal dumping. The chemical and non-

- biodegradable materials in the waste affect the physical environment and the waterways by contaminating ground water and soil.
2. Illegal dumpsites can be fire hazards. The illegal dumping of chemicals, tires, green wastes can trigger the risk of wild fires. Cigarette butts may also start fires.
 3. Dumped rubbish diminishes property values and affects tourism. The value of property obviously diminishes if it is littered by illegal dumping. Besides land, all places that have been turned into illegal dumping sites can serve as magnet for other criminal activities. The dirt and smell can also make such areas unsightly which impacts on tourism especially if the dumping is done in the forests or besides the road.

Health and Safety Risks

Illegal dumped materials contain toxic substances, sharp objects, nappies, contaminated medical waste, asbestos and tires just to mention a few. These materials pose serious health and safety to children who may pick it or play with them. The entire community is put at risk. It may never be distinctively clear but illegal dumping surely puts the entire community at risk.

Tires, construction waste and tree stumps left on the roads, for example, can result in the accident. Illegal dumpsites can also block storm water drainage system there by turning into breeding ground for diseases and causing flooding.

Some solutions to illegal dumping are:

1. Co-operation and collective responsibility on reporting illegal dumping.
2. Law enforcement.
3. Setting lower disposal fees at waste disposal sites and higher fines for illegal dumping.
4. Embracing the practice of recycling or re-using the 3Rs.
5. Education, awareness creation and publicizing success.

Committee recommendations

1. Hon. Speaker, the committee recommended that enough toilets be constructed in all towns within each ward and more be constructed in bigger towns like Machakos, Mlolongo and Tala to avoid the problem currently faced by the public.
2. All the toilets should be constructed in open spaces for easy access to the public.
3. There is need for a cleaner in each toilet within the County to ensure users do not get contamination of diseases.
4. There is need for the county government to come up with eight gazetted dumping sites to serve each sub-county in Machakos County putting into consideration the requirement of the law on establishment of dumping sites.
5. The public needs to be sensitized on how to sort litter from their households before taking them to the dumping sites which eases the work of waste management as we know solutions for waste management are within reach. We just need an attitude adjusted and the will to turn into a resource.
6. There is need to come up with a waste market which operates like any other market where buyers and sellers transact on the law of demand and supply applies. Waste pickers are fundamental to the waste value chain because they provide the waste and the volumes of frequency required by those who will recycle or sell to recyclers. Should this market run

and operate effectively, the taxes collected as it thrives should be allow the County Government to subsidize of provide free waste recovery services for specific areas whose households cannot afford to pay for waste collection. The waste recovered herein still finds its way into the market and can be processed for re-use for creation of new items and products.

7. The bin procured should be evenly distributed putting into consideration there are some bigger towns than others and therefore need for a bigger share of the said bins.

Conclusion and acknowledgement

Hon. Speaker, while waste generation is naturally part of healthy living, it becomes a threat if the systems in place are not sufficient to manage it properly. An increasing population coupled with the needs of the society continues to magnify and complicate the amount and the kind of waste that is generated demanding an equally sophisticated system to deal with the complex problem.

This means that people's perception and attitude on waste have to change; people should stop distancing themselves from a problem that is present in all aspects of their lives and start immersing themselves in finding how best to manage it for their benefit.

Hon. Speaker, the committee on environment, lands, energy and natural resources committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings and visitations. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report.

Hon. Speaker, it is therefore my privilege, on behalf of environment, lands, energy and natural resources committee to table this report for consideration and adoption. Thank you, Madam Speaker. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisini; there is a glass of water for you Hon. Kisini.

(Question proposed)

Hon. Members, the motion is open for debate. Hon. Johanna.

Hon. Munyao: Thank you, Madam Speaker. I applaud the committee on Lands, Energy and Natural Resources for coming up with such a report and also getting an opportunity to visit my ward. I want to agree with the committee that we have so many markets without toilets and the ones with toilets, the management of the toilets to some extent is also an issue.

Because health is very key and a healthy nation is bound to develop, I want advise that, when people are given free services, to some extent we make them lazy and less responsible. We know that due to the bloated wage bill, the county sometimes is unable to employ or engage new employees because of that limitation and at times the challenge of getting enough people to manage the toilets could be a challenge and I want to imagine that if we were able to get youth groups, women, people with disabilities and the likes, to have them in groups which can be able to set themselves in to committees to manage such, we could also be in a position to create some employment for some people to do the cleaning at the same time make them responsible other than using toilets as witnessed in some of the town.

I come in my car, a person who can be able to get such a facility and help myself for free and yet the facility requires people to clean it and maintain it. For maintenance and minor repairs and replacement of some accessories, it is very important for this House at later date to insist and

come up with a policy that we deviate from offering such very free services to make the people accountable, responsible and for sustainability of such services.

So, I want to thank this committee; the dumping sites with the establishment of the municipalities and the funds which go together with such arrangement, I want to believe we can be able to manage the waste through such funds and whatever would have otherwise been used in some of these towns, channeled to those other towns which are yet to be classified as municipalities and I am sure with that we are going to do much for our people. Thank you, Madam Speaker.

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

Hon. Kieti: Thank you, Madam Speaker. I want to start by thanking the chairman and the committee for the report and the research that they did so as to come up with a report of this nature. This report is a true testimony of what we have on the ground in our county and as Hon. Johanna has said, good health will guarantee development within our county and our people have suffered a lot due to negligence to some extent because when you look at some of the issues that are affecting our society, they are just because of policies that were not well addressed in the initial stages and at this point I want to concur with him that the Executive comes up with policies of not giving people free services like the free toilets.

It is a good gesture but to some extent it is making our people irresponsible because I cannot see why somebody can get into a hotel, eat food worth Ksh. 1,000 and lack Ksh. 5 to visit somewhere. So it is my humble request that the policies which are in place which are making our people not to be responsible should re-looked and addressed further so that we get people to clean those toilets and people to pay for the services and to extend to other services like the boreholes.

At the same time, we have seen in reports, sometimes back there was some quarrel of asbestos sheets that had been dumped somewhere in Muthwani and other areas and you see these are chemicals and they are being exposed to the soil and this is the same soil where we will get out food and it is the same soil where our children are playing and where water is passing and getting into the springs and the underground water which is getting into our boreholes.

This ends up giving us diseases in the long run and it is my humble request that the county government addresses the issue of the dumping sites. We create enough dumping sites and the issue the committee has raised on sorting of litter; this one will assist a lot.

I think it is also good if possible, when the litter is taken to the dumping site, it can be destroyed immediately; if it is burning, it burned immediately, if it is destroying using other means, it is done so immediately and any other litter that cannot be destroyed at that stage then it is sold as someone has suggested.

So, it is my humble request that this issue of dumping site, toilets be addressed so that we protect our people and our environment because our ecosystem is suffering a lot. Lately, I passed through Athi River and when you look at the water you just sympathize, if there was fish living in that water sometimes back and I know there were people who were fishing in that rivers sometimes back but now I know that water cannot sustain the life of a single fish because of the chemicals and the litter that has been deposited in the water resulting into that kind of pollution.

Our ecosystem is very important because this is where we live, this is where we play and we need a safe environment so that we protect ourselves from diseases and also to guarantee our

children and ourselves a better future. So, I strongly support the report. Thank you, Madam Speaker.

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

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker. I want to congratulate the committee for the great job they have done; this is the reality in our wards. I want to talk about Masii; in Masii we have a very big problem. Since elections, there was a county toilet that was being constructed and up to date, the contractor locked it up with reason being, he was claiming that he has never been paid.

Madam Speaker, the business men and women who do business along Kitui-Machakos, normally go to the bushes and that is the fact of the matter at Masii as at now. I want to ask the county government that for the sake of Mwananchi to pay the contractor to open up the toilet for the people.

In Masii Ward, there is no dumping site and you find most of the time, the county government workers normally sweep but they do not have a place to throw the litter; that is still a challenge to our people concerning health. I want to support the report and I would wish the county government, through the office of the Governor, he can hear the cry of our people and the right thing to be done to our people because they need better services from us. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Betty. Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Madam Speaker. I want to comment the committee for doing such a nice job, the report is self-explanatory and we have been crying for dump sites especially in Machakos town. I am a resident in Machakos town and this is a menace. I am strictly concerned with the committee's recommendations No. 5 where they have said the public needs to be sensitized on how to sort litter from their households.

I am going to quote an example where in Eastleigh last year, we had children who were playing with used condoms and using hospital syringes to drink water from bottles and so if the public had been sensitized on how to dispose these things, we could not have gone that far. Being a lady of few words, I want to support the report.

Hon. Speaker: Thank you, Hon. Rozina. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Madam Speaker. I would like to thank the committee for a comprehensive report and bringing in to light what is on the ground to the Assembly. Before I comment, the report reminds me of our first supplementary report where the Executive had said they will do to toilets per ward. I still want to believe that we need to chase for construction of the two toilets for our wards to have something which can help keep the environment clean.

Secondly, in Tala town we do not have a public toilet; the one we have was contested in court and the case was won by Tala House. So, as we speak now in Tala town we do not have a public toilet.

In fact we pay to Tala House and I believe the County Assembly needs to move fast and work closely with the Executive, more specific on Tala/Kangundo, Machakos and Mavoko Municipalities will need to work closely with the executive and make sure we use the money

which is there for the municipals economically and maybe we will solve of these problems in terms of the dumpsites and some monies may even go to some toilets.

Madam Speaker, in Matungulu East we have only one toilet in Kinyui Market which I managed to put in place when I was in campaigns. Other markets we have none, so you can imagine all the markets in our wards lack this very crucial facility. We need to work closely and make sure that we make use of the Ksh. 1 billion which was given to the municipalities which are mostly affected; Machakos, Mavoko and Tala/Kangundo.

Otherwise, the report is good and lastly is to make sure that we budget for the same in our supplementary and we allocate some monies for the same. Thank you.

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

Hon. P.J. Mutiso: I want to add something; what the committee has given us is a good report but it is only that I have a humble request through you; let all committees be consulting the area MCAs because for example, they went up to Mitheu which is a government land, over 3,000 acres and there is no license in that place and it is not well controlled by the staff who work there. There is also a cemetery around that place and I know in our county government when the residents collect litter they just put in some areas they are shown to but sometimes the government does not collect the litter.

So, it spreads all over and the failure is with our staff from the other side. If they collect the litter as they promise the residents, there will be no such problems, Madam Speaker. It is a dangerous issue and many people may not be aware of this; that stream you saw there called River Ekiwe is used up to Makueni and beyond and the residents down there draw water from the same. So it is serious issue and we need to handle it carefully because it can kill a lot of people.

In Mjini near KCB in Machakos town, there is no public toilet and the Executive had requested to give us two toilets and given them one because that area is a public land where we can construct a toilet for our people and it will be good for them. We have so many toilets here in town but the problem is that they are given to some people who make money from them. Some of them need to be given to our people for free if possible because some people cannot afford to pay Ksh. 10 for every call of nature. It is a serious matter and you know Madam Speaker there are some diseases and I can't remember, if you have a problem and not stomach---

Hon. Speaker: Tell us what you want to say Hon. Mutiso in parliamentary language.

Hon. P.J. Mutiso: I do not know how I can put it. Anyway what we need to do is to give our people good services because they pay taxes. We must be serious as a House and maybe our Governor is not aware of some things which are happening because he is given shoddy reports. For example, when he asks he maybe told there are toilets constructed in every ward which is not true. So I thank you Madam Speaker for what you did sometimes back because through the handshake, I believe many things will be done well and will be safe.

On page 8, it is clear that in some areas like Mlolongo and Machakos are bigger towns and we need bigger and more bins than other areas; so I urge this House to consider big markets when it will come to distribution of the bins. If we request on the same, some of the Members say that these resources must be distributed equally but they have to consider that, Madam Speaker.

I also request you come up with a day so that we go round the towns and see what is happening and we will be able to address some things with the knowledge of our people because if you go near the market, you would wonder what happens there; there is a place where there is no toilet and many people reside there. What do they do at night when they want to relieve themselves. They take polythene, put whatever they want to put there and they throw and this is dangerous so I request, through your authority, the Chair of environment to visit those areas. Thank you, Madam Speaker.

(Applause)

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

Hon. (Ms.) Luka: Thank you, Madam Speaker. My concern is recommendation No. 1 which talks about construction of more toilets and my request is that, while constructing more toilets, that the government considers PWDs because those people cannot enter any toilet because you can imagine a person using a wheelchair, he will be forced to come out of the wheelchair and enter a public toilet which is not healthy because that person can get some diseases.

In Nairobi, I visited one area where there were three toilets and one is for PWDs and it was free and only PWDs were allowed to use it. If Machakos County can follow that, we can be ahead. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Jacinta. Hon. Members, I call upon the mover of the motion to reply.

Hon. Kisini: Thank you, Madam Speaker. I want to thank all the Members for their contribution and I also want to thank the mover of the motion Hon. Betty for bringing such a good motion which cuts across all the wards. I have heard and we have all common problems more especially on the toilets and garbage. The worst hit area is Athi River where I come from and Mlolongo area.

As Hon. Mutiso, Madam Speaker, we pay a courtesy visit around the town and I also request Hon. Members to visit the dumping site in Mlolongo and you will see for yourself how pathetic it is. Thank you, Hon. Members.

Hon. Speaker: Thank you, Hon. Kisini.

(Question put and agreed to)

(Applause)

Hon. Members, looking at this motion, the resolution which you have just passed it is a matter of life and death; on our health and particularly it is appalling on the submissions of Hon. Jacinta and the children who are taking water through those syringes and playing with other likely contaminated items.

So, the Chair is directing the Implementation Committee chaired by Hon. Fredrick Muthoka; to urgently liaise with the CO on Environment and to bring a report on the implementation of the resolution the Members have just passed within 60 days; that is the period given in the Standing Orders but because of the urgency of the matter, within 60 days can even mean next week, Hon. Muthoka. So, let the Assembly know what the Executive is doing to implement the resolution of these Members. It is so directed.

ADJOURNMENT

Hon. Speaker: At this point, the sitting is adjourned and it will continue on the 19th March, 2019 at 10 a.m. Have a nice evening, Hon. Members.

The House rose at 4.26 p.m.