

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 18th September, 2019

The House met at 10.10 a.m.

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

PRAYERS

Hon. Deputy Speaker: Please ring the bell we get more Members on board.

(Quorum Bell rung)

You can stop ringing the bell we have quorum now. Mr. Clerk, proceed.

STATEMENTS

Hon. Deputy Speaker: Good morning Hon. Members. Under this Order, we have two businesses to transact. The first one is by the Hon. Judas Ndawa MCA Matuu ward and the second one is by the Hon. Jacinta Luka special elect MCA. Hon. Judas, start with your statement please.

HARASSMENT OF TRADERS BY INSPECTORATE OFFICERS

Hon. Ndawa: Thank you, Mr. Speaker, Sir. Hon. Speaker, Article 28 of the constitution of Kenya, 2010 provides that every person has inherent dignity and the right to have that dignity respected and protected. Article 26(f) further stipulates that every person has the right to freedom and security of the person---

Hon. Deputy Speaker: 26 or 29?

Hon. Ndawa: 29, sorry. Article 29(f) further stipulates that every person has the right to freedom and security of the person, which includes the right not to be treated or punished in a cruel, inhuman or degrading manner. In view of the above and pursuant to Standing Order 41(1), I wish to seek the following statement; what measures the County Government of Machakos has put in place to ensure that the residents and traders of Machakos County are not harassed by the County Inspectorate Officers during their line of duty in enforcing the law.

A case cited in Matuu ward whereby an inspectorate officer subjected a trader to physical torture because the trader was unable to pay Ksh. 100 fees and charges. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Judas Ndawa. As is the custom in statements, I am going to allow the House to ventilate a bit on this statement and comment on the issues which have been raised. I will allow Hon. Judas Ndawa to give more information on the same and then the House can be able to ventilate on the statement for a few minutes and then we move on to the other Statement. Go ahead.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. The statement I am seeking is very urgent because what is happening on the ground is something which is not acceptable and cannot be tolerated in this era. Mr. Speaker, if the inspectorate officers can go ahead and start fighting or insulting traders who pay to the County, traders who contribute money that is used to pay the inspectorate officers, honestly Mr. Speaker, this is an act which cannot be tolerated at all.

Mr. Speaker, if you allow me, I will mention the names of the people who did that so that when investigations start we are aware of whom to go for. Mr. Speaker, the first culprit is one Ndeto Musembi. The second culprit is Tabitha Kitheka, the third one is Hillary Nthwau and the fourth one is Tony Muindi. Mr. Speaker, I do not want to mention the names of people who were harassed because if we mention their names, they will also be subjected to further harassment. So Mr. Speaker, I will request this Hon. House to move with speed and call upon whoever is responsible to address this matter.

I personally made efforts and called the Chief Officer who is in charge of inspectorate, one Mutunga; up to now it is almost two months and nothing has happened. So, Mr. Speaker, I would humbly request that if the Chief Officer is not competent to handle the officers, he should also be removed from that position because you cannot be given the position to man and you are not delivering. Mr. Speaker, we are recommending, if possible before disciplinary action is taken, let them be removed from Matuu and we have new officers to assist us. Thank you, Mr. Speaker, Sir.

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

Hon. (Ms.) Ndalana: Thank you, Mr. Speaker. We were with the Governor of Machakos County on Monday at Mlolongo and the community addressed the same thing and the Governor said whoever will do that to the community will be sacked and let him be given the information and the names. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Ndalana. Hon. Alex Kamitu.

Hon. Kamitu: Thank you very much, Hon. Speaker. Hon. Speaker, this is a very demanding Statement that as an Assembly we should actually see to it that such harassment does not occur. Hon. Speaker, it is very much known that in the departments, we have got lines that all people have got to have their responsibilities so in this regard and what I have heard from Hon. Ndawa is really disheartening because enforcement or the inspectorate officers are not even supposed to harass the traders. They are supposed to be working hand in hand with our revenue collectors.

So I am just...it is very surprising because the inspectorate officers are not even supposed to be demanding any fee for that matter because we have got our officers who are mandated to give receipts and these are revenue officers.

(Applause)

Inspectorate officers are supposed to go to a scene when they are called to enforce but we cannot sit as an Assembly and see our traders in the markets being tortured by members of the inspectorate because there is a line already drawn. The members of the inspectorate know their duties. They are not supposed to harass the traders.

In any case, they are supposed to be accompanied by the revenue officers as I have said because their work is only to enforce when they are called upon a situation where their duties are demanded. So, in this regard, I cannot see the reason why these Matuu traders are being harassed and we have got the revenue officers.

So mine, Hon. Speaker, it is also important we summon the CO in charge of the inspectorate so that we may have some clear lines where the members of inspectorate and their duties which are well-defined and their mandate, otherwise they are crossing their mandate. Thank you, Hon. Speaker.

Hon. Deputy Speaker. Thank you, Hon. Moffat Maitha.

Hon. Maitha: Thank you, Mr. Speaker. Mr. Speaker, this is a very serious allegation because if it is true that enforcement officers are beating traders they should be sacked immediately and a report given to police for them to be arrested. Mr. Speaker, the work of enforcement officers is not to collect taxes as Mheshimiwa Kamitu has said; it is to assist where there is chaos. Possibly where the traders and wananchi have a scuffle over something but to go where traders are and start punishing them and beating them that is unheard of in modern Kenya.

Mr. Speaker, you hear of committees summoning Chief Officers and Chief Officers not reporting or coming; that is a bad trend. That officer must be summoned by the relevant committee and grilled on why those enforcement officers have the mandate to beat traders.

If they refuse to pay and that is not their work, they should have reported to the people who collect taxes but not for them to be seen as if they are collecting taxes. Mr. Speaker, we must demand the sacking of those officers immediately. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moffat. Hon. Alice.

Hon. (Ms.) A. Nzioka: Asante Bw. Spika kwa kunipa nafasi. Bw. Spika, ni juzi tu kiatika hili bunge tulitengeza kamati teule ambayo itashugulikia ukusanyaji wa fetha katika kaunti yetu. Hiyo ni sehemu moja ambayo sisi kama kaunti tunapoteza pesa. Askari wa kaunti wamekuwa na tabia ya kutembea kukusanya pesa; kama unakutwa hujalipa leseni, wanachukua pesa na kukwambia kwamba usilipe.

Hiyo ni sehemu mojatunapaswa kuiangalia zaidi maana imekua ni mtindo hata hao askari wantembea bila sare, bila kitambulisho wanakusanya pesakila mahali. Imekua ni tabia yao kupiga watu, kunyanyasa watu na sisi kama viongozi ni jambo ambalo hatuwezi vumilia. Juji Gavana wa Machakos akiwa Mlolongo wananchi wa Mlolongo walitamka hilo jambo kwamba askari wa kaunti wanawapiga, kuomba pesa kiholelaholela na matamshi yake alisema kwamba atakayepatikana akikusanya pesa ama bila sare, bila kitambulisho na ashikwe polisi.

Mimi maoni yangu ni kwamba hao ambao wametajwa na mheshimiwa Ndawa wapelekwe polisi. Kitambo tumuite afaisa mkuu katika wizara ya ulinzi katika kaunti yetu wawe wamepelekwa kortini na kuhadhibiwa. Ni kwa maana sisi kama viongozi hatuwezi kuwa katika bunge na kuona wananchi wetu wananyaswa. Asanti.

Hon. Deputy Speaker. Thank you very much. Hon. Constance.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker. Mr. Speaker, this is not a joke. Thank you very much Mheshimiwa Ndawa; this thing has been going on, it is absurd it is unethical and uncouth. I witnessed it myself Mr. Speaker, outside a building just behind here. Somebody was parking his vehicle to load a big lorry and he had bought cement and an officer comes and tells him 'this lorry comes from Nairobi, why are you here, you must pay, I will take you in, you must pay.' and the guy is like what is wrong?

So, I intervened I asked the officer 'why are you doing this.' He said 'no, no, no they must pay' and the guy was abused beyond my belief in front of me and I reported to the authorities but nothing has come up. Recently, Mr. Speaker, I saw another one live; people were being beaten somewhere there by those *askaris* and then when they saw me they started screaming. *Mheshimiwa tunaumia, Mheshimiwa tunaumia* and so I asked them why are you beating people? 'They have not paid so we are taking them to court.'

I said do you take them to court because they have not paid? Can you ask them to pay if they have no money, I will pay for them and they just threw them in that big van it is No. 16 Machakos, I do not know maybe you must have known it, it goes just carrying people and if you pay, it will drop you somewhere in the way and you go with your mistakes.

So, that time I watched them and they took them to that court there and I followed. I found them in a small room, they had been put there and I asked the *askaris*; what is happening? They say 'they refused to pay' and so I identified myself to the other officer in the court and the people are told you can go. They went but their equipment was left there up to this minute that equipment is there because they are afraid; do we go to claim them and we are arrested.

So, Mr. Speaker, this is a very important Statement; can we do something immediately? Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Constance. Hon. Nyanzi.

Hon. Nyanzi: Asante Spika. Mimi nimeona hii kitu imekuja kwa wakati wake ambao umefika. Kwangu walikuja wakashika watu, wakaanza kutupa kwa gari, wakatupa. Chairman wa hio soko ni *Pastor* iko na *ndang'a (clerical collar)*, akaja akawauliza 'ni kitu gani kinaendelea mnashika watu namna hii.' Akackukuliwa juu kwa juu akatupwa ndani ya hiyo gari na akaletwa hapa wakalala hapa. Asubuhi akashtakiwa na bangi msokoto ya bangi na *Tusker* nne.

Akambiwa alikua akinywa hio pombe ndio tumemshtaki sasa hii ni kitu inataka ichukuliwe kwa uzito sana na ni aibu kwa kaunti ambayo imekua *number one* Kenya mzima kuwa na tabia kama hizi za utoto. Juzi nikiwa kwa ofisi yangu magari karibu kumi ilikuja kwa hio soko hapa kwa Mutisya, ikazunguka na kushika watu na na ofisi yangu iko hapo; wakati walisikia niko hapo wote wakawacha hao watu na wakaja wakisema 'Mheshimiwa tulikua tunatembea hapa tunashtua watu.'

Kwa hivyo ni maoni yangu Bw. Spika hatua ichukuliwe mara moja na hawa watu wanaofanya hivyo washtakiwe na wafungwe maisha.

(Laughter)

Hon. Deputy Speaker: Thank you, Hon. Nyanzi. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. Mr. Speaker, I thank Hon. Ndawa for the statement he has sought from this House. These are things we witnessed on a daily occurrence, Mr. Speaker, especially Hon. Members, who happen to have a town within their jurisdiction. Mr. Speaker, this reminds me recently that some of my traders from Kangundo town were arrested and trying to make a follow up, at least to know where they are for me now to know how to begin on trying to assist them was a challenge because even the head of the operations was very rude. She could not divulge information which I was humbly requesting from her.

Again, another scenario happened; I had gotten information that someone was scooping sand in a river on a Sunday evening and Mr. Speaker, I had all the time to go but when it came time to seek enforcement I could not get a single inspectorate officer to come and assist me. I had to release that lorry because unfortunately those guys were charged against me that I was against what they were doing and when I called the person in charge of the inspectorate, she told me we do not work on Sundays.

So I was left...when you are arresting people for lack of paying permits when you are after something which can give you something you are available but when we need you at that hour of need, you are not available. Mr. Speaker, I think it is the highest time we actually reshuffled this department and if it is training were re-train them because these traders are our bosses. These are the people who are paying revenue and without this revenue Mr. Speaker, we cannot move.

So, actually to me any trader is my boss because without that trader, I do not have salary. So, it is the right time now these inspectorate officers know how to handle such cases and why we do not want bullies to work in that department. We want people who have courtesy, someone who have time to explain; if I have made a mistake I have made a mistake you give me time to correct if it is a genuine mistake but harassing people taking peoples belongings, I think, Mr. Speaker, that we cannot tolerate and I am very happy this House is now very active.

It has been active but now it is more active; let us get out, as I always request, let show these people they are not alone. If they make a mistake, we are behind them because we represent Machakos County people and we need to air their grievances. Whenever there is a problem it is our problem, Mr. Speaker. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Rozina.

Hon. (Ms.) R. Kanini: Thank you, Mr. Speaker. By the look at the mood of this House Mr. Speaker, you will agree with me that Hon. Ndawa's Statement is trending. So, Mr. Speaker, I have a case whereby a friend of mine was taking a video of an *askari* at the bus park who was harassing a tout and his phone was taken away by the *askari* and all the contents in his gallery was deleted and the phone was broken to hide the evidence. So, Mr. Speaker, I think this House should move with speed. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Dominic Ndambuki.

Hon. Ndambuki: Thank you, Hon. Speaker. I first wish to thank Hon. Ndawa for bringing this Statement to the Assembly. Hon. Speaker, we have rogue inspectorate officers and these rogue inspectorate officers Hon. Speaker, I wish to bring to the attention of the House that some of them are no longer working with the County Government but they are purporting to be working with the County Government of Machakos.

Hon. Speaker, there is a team that is operating at our Machakos Bus Park; they are also harassing traders as well as passengers who use our bus park. It paints this county in bad light especially to the people on transit to Kitui or to Makueni when they harass motorists and our passengers. I would wish to request as the House looks into this Statement we also extend our mandate to ensure that we also look into this issue of people who masquerade as legitimate County Government Inspectorate officers.

They are harassing our people and they are taking advantage of the fact that they used to work with the County Government and they were well known to be officers of the County Government but they are no longer working with the County government.

Also Mr. Speaker, the issue of our traders being harassed by officers working for the County Government seems to be getting out of reach. About two or three months ago there was a case at a market called Kathalani in Upper Kaewa where these officers had gone to harass traders but our people were not happy with the way they were being treated and they chased them away. Hon. Speaker, just try to imagine if one of these officers got injured, who would be answerable.

It calls for them to operate with decorum and to be restrained; not to use excessive power when they are coming to inspect constructions going on or they are on routine inspections of trade licenses. There is a good way of requesting from the traders for them to show the officers that they have paid for these licenses. If they come with some decorum, our people will reciprocate but if they use excess force then our people will not be happy and then they will retaliate. Hon. Speaker, this is something that needs to be stemmed so that it does not escalate and get out of hand. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Dominic. Hon. Kieti.

Hon. Kieti: Thank you, Hon. Speaker, for giving me this chance. I want to start by thanking Hon. Ndawa for bringing this statement. Hon. Speaker, I have three scenarios that I want to put across. About rogue inspectorate officers whom I understand were sacked from the inspectorate department and I also shared the same with one of the Chief Officers and he confessed that we have some officers that have been sacked but the most unfortunate thing is that they retained the uniform. The officers still have the uniform and they have the handcuffs and they are using them and in my ward I have two who are having the uniform and handcuffs and they are making use of them.

Of late, they went to Masii and they harassed people and that is how I got to know about the existence of one of them. So, Hon. Speaker, there is some degree of negligence in that department and that is why you see all Hon. Members are charged. At the same time, I want to support what Hon. Constance has said. I witnessed a case outside Cathedral whereby there is a disabled persons selling boiled eggs and he was pushing the eggs in a kind of trolley and there were sausages and smokies and then I do not know where the inspectorate came from that vehicle that Hon. Constance has talked about.

I tell you, in a flash of a second, those guys invaded that person, carried away the eggs and everything. They put in the vehicle and got the gentleman and they also put him in that

vehicle. It was a funny scenario because this is a person who is just trying to make ends meet by selling these things and if they are saying that he is supposed to pay, then it should be requested in a good manner and decorum should also be exercised when we are carrying out these activities of reinforcing. So Hon. Speaker, what members are saying is true that our people have been harassed by these inspectorates.

I have another case which was witnessed in Kathiani whereby they came at night and harassed traders; they were in two vehicles. They harassed traders at night, they were demanding cash. They went to the night clubs and demanded those ones selling Keg, a beer called keg which is sold with a pump. They carried away the pumps, they went to another market called Kalie, they also demanded the same, they went to a market in my ward called Ithaeni they did the same and then they went to another market called Mbuuni whereby they settled for a drink.

So Hon. Speaker, what Members are saying is very true. We have a lot of dirt in that department which needs to be cleaned. Otherwise, thank you, so much Hon. Ndawa for bringing this into light. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Musau.

Hon. Musau: Thank you, Mr. Speaker. Mr. Speaker, first I would like to thank our brother Hon. Ndawa for highlighting the plight facing our traders down there. Mr. Speaker, it is horrifying, it instills fear when you come to think that the people mandated to enforce law are breaking the law. They have made themselves anti-law. It is that time our County Inspectorate comes to differentiate themselves with the municipal askaris we had before. This is a new era.

They have become a nuisance, very high levels of harassment when conducting their business. I do not know who stated and where that they should carry away the traders' belongings, they should confiscate them for no good reason and I do not know whether we have a regulation in this House or any by-law that was passed by this House.

Mr. Speaker, it was in June when Mheshimiwa Kisila and I spent almost the entire night outside Machakos Police Station for traders having been arrested by these officers and they had paid their licenses. We had to plead with the Director, revenue at the end of the day they spent the night in the cells and in the morning they were charged Ksh. 1,000.

So, one wonders, surely what are the inspectorates up to? It is not in Matuu alone; its cuts across all the Wards. Every Mheshimiwa will testify something insane through the inspectorate has happened to his or her people. It is alarming. We do not know where we are heading to; I think that big van has become almost a monster in every Ward it goes because something sinister will happen through the inspectorate.

I think the CO in charge of the inspectorate should come to the whole House and possibly face the committee of the whole House because every Mheshimiwa here is affected and shed some light on what is happening. That van loads almost 100 passengers in it, passengers in quotes. By the time it arrives at the police station, we have around 30, 70 have paid to alight; does this money go to the County or does it go to the pockets of the inspectorates? If it goes to the pockets of the inspectorates, then they will do it again and again so that they may achieve more.

Mr. Speaker, we have our neighbours in Tanzania here, even the police officers do request you to accompany them to the police station because there is this and this but with our inspectorates it is battering; why fight? The economy of Machakos County is highly-dependent on the SMEs; it is unfortunate these SMEs are the target of the inspectorates. We need to rescue

our people are rectify the situation of the Machakos County. It is very unfortunate to hear this and I think they need to reform.

If it is training, let them be trained, there is a lot of money for that but I think they have been trained. I remember there is a time they were trained for almost three months. So, Mr. Speaker, this is just breaking the law; a law enforcer breaking the law. Mr. Speaker, as a Member of the second House of Machakos County, I will be very happy if I will one day say we brought sanity of the inspectorate back to Machakos County. Our people are really suffering, Mr. Speaker. Thank you, Mr. Speaker, thank you, Members, for highlighting the plight facing our people down there. Thank you so much.

Hon. Deputy Speaker: Thank you. Hon. Francis.

Hon. Kalumu: Thank you, Mr. Speaker. I would like first of all to thank my colleague Hon. Ndawa for coming up with such a business which has shown failures of parts of our department. Mr. Speaker, the highest law of the land is the Constitution of Kenya where it says the power of the constitution is vested in the people themselves; not even us, not even the askaris. It is vested on those people who are treated badly.

It is the highest time that this House comes to know that everything that is done by any County Department, we make laws for them and we can trim those powers. It is the highest time we come up with a delegated legislation on how arrests should be conducted. Mr. Speaker, there are several fundamental rights of each person even the convicted and arrested and there is nowhere in the Constitution or any other law that says somebody should be mistreated when he is arrested. I have never seen it, I have looked on several laws but I have never seen that.

Our people should be treated with honour the way we treat them, they are leaders. Several inspectorate officers have been misconducting themselves in several ways and more so when it comes to revenue collection and payment of licenses. During that time it is when you hear that there are several inspectorate officers in parts of Kithimani or Matuu and then they do not even hear us; even when we request them not to use a lot of powers, they use a lot of powers which we do not know where they draw from.

Most of them in Matuu Sub-County, if I can mention them by names is one Mr. Ndeto Musembi, another one is Tabitha Kitheka, Hilary Nthwau, and Tony Muindi. I am requesting the department of devolved units to take a stern action on those officers.

(Applause)

This is so that we may not give them a leeway to disturb our people because if they have formed their own laws or Constitution which they follow to arrest our people, we need to know. We need a report as a House concerning the inspectorate because they are disturbing our people. If the business is conducted that way then I think Machakos will be one of the Counties which violate the rights of people and I think now, as we are speaking Machakos is at a certain level in terms of legislation and we should take care of our people. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Remember Hon. Members, there is another Statement so, I am just going to request Hon. Patrick Kituku to speak and then from there I will call of the mover of the statement to respond. I will commit it then I will allow the next lady to continue Hon. Jacinta. Hon. Patrick.

Hon. Kituku: Thank you, Mr. Speaker. This is a saddening issue that is why we have a lot of pressure to contribute to it. Actually, it becomes more serious when these officers are even identified by their names and the names being mentioned before this House. This is a matter that requires a lot of attention and discipline should actually be very important when it comes to these officers on the way they are treating our electorates.

You know, when they cause harm, they inflict injuries to our people, they destroy their properties, even affect us negatively because we are left to even get into seeking for attention when it comes to medical because some of them as you have heard, they do beat up our people. So, disciplinary action should be taken and these officers either sacked or serious action should be taken on them and the damages caused, each and every officer should be responsible for it. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Members for your very active on this. It is an emotive issue because it is affecting our people and I commit that Statement to the Committee on Trade, Economic Planning and Industrialization under which the enforcement and decentralized units falls under and they need to work on it and to bring a report before this Assembly in the next 15 days; we need urgent action to be taken.

(Applause)

So, I would like to see that the Committee bring a report before the House in the next 15 days so that we can be able to take action on this. It is apparently surprising that when it comes to assisting a Hon. Member who is calling for help, you say you do not work on Sundays and you are an enforcement officer. Enforcement does not have day or night, it does not have Sunday or holiday because enforcement has to be done throughout and if a Hon. Member of this House requests for enforcement to forestall a situation and the person who is in charge says we do not work on Sundays yet that Hon. Member is working on that Sunday, then there is a lot that needs to be desired.

One of the things which the Committee needs to look at is if somebody is sacked or they leave employment, you must retrieve the working tools. If you have handcuffs, if they have ID, if they have uniforms, you must retrieve it even if it means utilizing the National Police to ensure you return those items. Handcuffs are things which are, by law, designated on who should be having them.

So, it is something which needs to be looked at and also advertise them, put them in the dailies. I think you have seen in newspapers people being advertised that this person is no longer in our employment; the reason why those things are there, is because such a person can no longer go and masquerade as what he was before.

So we need especially for the Inspectorate who are handling those sensitive issues and they have been removed from employment, let them be advertised in newspapers that this person is no longer an employee of the County Government of Machakos Inspectorate Unit and the public will know and make sure that they do not harass the people. Thank you. Hon. Jacinta Luka.

CARE FOR CHILDREN WITH CEREBRAL PALSY

Hon. (Ms.) Luka: Thank you, Hon. Speaker. Hon. Speaker, the Persons with Disabilities Act, 2003 stipulates that children and other persons with disabilities have a right to education, health, and other amenities. Hon. Speaker, in view of this Act and pursuant to Standing Order 41(1), I wish to seek the following statement:

1. What is the number of children suffering from cerebral palsy in the County and what has the Government done to make sure that all the children with this condition access education and physiotherapy services.
2. What is the Government doing to assist the parents of children with cerebral palsy who are providing care for them considering that the children cannot talk nor fend for themselves and need more care compared to many persons with other disabilities.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, very much Hon. Jacinta Luka and again I am going to allow some ventilation or some contribution towards this also very important item brought about by the Hon. Member. Hon. Members, you may comment on the issue of the specially elected Member on the issue concerning cerebral palsy affecting children in our County. Hon. Hellen Ndeti.

Hon. (Ms.) Ndeti: Thank you, Mr. Speaker. I stand to compliment or congratulate *Mheshimiwa* Jacinta Luka for bringing this to our attention. Cerebral palsy is not anybody's wish; this is somebody who is born with that deformity and it is very important that our County sets aside some funds to ensure that such people are properly taken care of because they need as she says, somebody massage, they need some medication and they also need to be taken to school so that they can also be educated. So, I support the Statement and I feel that County Government should set aside some funds to assist these people. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Hellen. Hon. King'ori.

Hon. King'ori: Thank you, Mr. Speaker. I want to congratulate the mover of this Statement because cerebral palsy is a condition that nobody would like to have it or any of his siblings or even friends. If you have one and it can start from the age of since birth until the age of five. That is when you can have cerebral palsy occur or when you have a major accident which involves the brain and the backbone because sometimes children with cerebral palsy undergo a lot of problems because if they cannot move themselves, they cannot even move at all and they cannot even feed themselves and the caregivers of those children sometimes get hard times even to buy nappies for that older age who have lived with cerebral palsy.

It is a condition that would want even to say that you can even afford to do what those people do because I have several in my Ward and the condition they live is that they always to have drugs and it is very expensive that we should do something. We should provide for funds to give to those people who are affected by cerebral palsy because they need us more to help them at least to cater for those patients who have that condition because sometimes they even go without eating so that they can provide for those expensive drugs that are used so that they can reduce the---

Hon. Deputy Speaker: To increase the comfort of the children?

Hon. King'ori: Yes. But there is something that usually happens during that time, I am trying to get the right word.....seizure. So, it is good to hear their cry and feel their pain because we need to at least to have a special fund for them. Not even a special fund for them, we need also to have a special school for them because they need the utmost care.

So, we should even have at least we start a station where they could take their children and they play together or they understand the pain they are going through; it is not only for them because they need somebody to talk to them and give them hope because that disease makes you hopeless because everything you need is just you must be fed, you must be given, even some of them do not feel they are answering calls of nature.

They do not understand what is happening to their bodies so, it is good also to help them understand that those problems occur and they will need our support. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Jacqueline Nziva.

Hon. (Ms.) Nziva: Thank you, Mr. Speaker and the Hon. Members present. First of all, let me thank God for taking care of me while I was undergoing my pregnancy process.

(Applause)

Let me say God took care of me and let me thank Members for your prayers, your good wishes and now at least baby Ethan is doing well, he is now one and a half months. Back to the business, Mr. Speaker, let me applaud the mover of this Statement who is one Hon. Jacinta Luka. Really disability is not inability, our people down there need to be sensitized on how to take care of those people with the cerebral palsy condition and even the disabilities because many of them will hide these children, they do not even want them to be exposed to the community.

It is only the other day like two weeks ago when I had to chip in; there is a girl who had such a condition and I had to talk to people from the department of children so that they can assist that family. That girl even gave birth to a baby girl and I had to assist them even in the hospital and the girl was not even using medicine, I had to organize for such a process.

So, I think we need, as Hon. Members and even members of the community, to talk to these people so that they expose those children because really disability is not inability. Thank you, Mr. Speaker and Hon. Members.

Hon. Deputy Speaker: Thank you, Hon. Nziva. Hon. Annastaciah.

Hon. (Ms.) Mutuku: Thank you, Hon. Speaker. Hon. Speaker, as I understand, the parents of children who are affected by cerebral palsy face a lot of challenges even to bring those children up is a challenge. They do not have even time to go anywhere so it is very important as Hon. House to come up with some regulations to protect these children because some of them stay for long like 10 years and some guardians or parents ignore their children and that is why these children are suffering a lot and they need support from the Government.

If the County Government can come up with some rehabilitation, it could be better and I want to thank the Hon. Member Jacinta Luka for coming up with this Statement. These guardians or parents need counseling because some of them do not take these children like other

human beings. Actually, it is very pathetic to find those children left at their home alone and especially the girl child, no one to feed them.

So, it is very important as a Hon. House to come up with regulation so that they can protect these children and also to make sure they are taken care of by the Government. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Koki.

Hon. (Ms.) C. Koki: Thank you, Mr. Speaker. I thank the Hon. Member for seeking this Sin the Hon. House concerning these children with special needs of cerebral palsy. Mr. Speaker, the fact is that these are our children, they are our brothers, they are our sisters, our relatives, our friends and we cannot evade from that fact. So, we should take the necessary care and speak for them.

We have been elected to come to this House to represent such people and it is very worrying to see that the Government is not even so much concerned with such people. I have a certain case, in Mitaboni Ward we are privileged to have two special units and in these units, we host such children and then it has been a challenge and it came to my attention yesterday that the donor that has been supporting Mitaboni Special Unit is withdrawing the aid that they have been offering.

We have been sponsored by Advantage Africa and then they have threatened to withdraw their support and it also came to my attention that the Government of Kenya is not giving any assistance to these schools; apart from paying for the teachers, they are not giving any other help. The Unit runs only through the fees that are being paid by the parents and most of these children's parents live in abject poverty whereby raising a fee of Ksh. 8,000 per term is quite a challenge and even providing for the necessary tools is also a challenge.

Initially, the Government was providing apparatus, they are called assistive devices which are being used by those children but right now they are receiving totally nothing from the Government. So, I thank the Hon. Member who sought this Statement; it is our duty as a Hon. House which represents the people of Machakos and we demand to know what the Government is doing. We have seen cash transfers for the elderly people, for the people living with disabilities but then they have not captured everybody; they have not captured these children, they have not captured most of our people living with this issue.

So, Mr. Speaker, I pray that this House moves with speed and demand for a report to know what the Government is doing concerning these children and their parents. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Moses Mitaa.

Hon. Mitaa: Thank you Hon. Speaker for granting me the opportunity. I start by thanking Hon. Jacinta Nthambi for seeking this Statement. I think we have failed as a County Government of Machakos because it seems we have forgotten cases of special needs. This issue falls under special needs cases. I happen to develop an ECDE class in one of my schools, Kangundo DEB, and I must apologize because in between the headmaster called me and told me; Mr. MCA, you have done an ECDE class but you forgot that we have special cases for blind and partially blind students in that school.

It might not have been deliberate that is why we are saying we have failed as a County Government because much of the time we forget we have cases of special needs in our society. Mr. Speaker what I would request is if we can do an audit and through the Department of special needs and see on our budget how we can be allocated, not a matter of a Hon. Member bringing or asking for Statements.

For us to have permanent budget on matters to do with special needs in Machakos County; if it is a matter of constructing places, rehabilitation centers, if it is a matter of providing medicine, if it is a matter of providing any care which County Government of Machakos can come up with because these are our people who have the right to enjoy the resources which we have and to live a better life and their parents might not be able to make them comfortable but if we can go an extra mile, I believe we can make them feel like human beings.

So, Hon. Jacinta Nthambi and the rest, I appreciate, let us see how we can get out of it Mr. Speaker and much of my request because we have been passing and passing, I remember there was also another issue we discussed with matters to do with special needs; let us get updates on how far they have gone because we will be having a business in the Assembly, we will accumulate our time but what happens after we are through with those businesses? We need reactions and we need feedback and we need tangible results. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Moses. Hon. Margaret Ndalana.

Hon. (Ms.) Ndalana: Thank you, Mr. Speaker. Today is my day; I thank Hon. Jacinta for bringing this Statement. I am supporting it with all my heart because I know what they go through. What we need is to get them a center where we can go there and massage them; they need therapy at least twice per week so that they can start moving or walking. I really support it. May God bless you. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, very much. Let me call Hon. Jacinta Luka to just make one statement and then I commit it.

Hon. (Ms.) Luka: Thank you, Hon. Speaker and thank you, Hon. Members for your contribution to this statement. It has been a great challenge for parents with these kids because as I have read the Statement they cannot feed themselves, they can do nothing, only the parents take care of them and those parents have other kids and other things that they should do and also seek for food and other necessities in their families and they do not have time because they spend a lot of time taking care of those kids. So, Mr. Speaker, I ask something to be done towards this case. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Jacinta Luka, for that. Hon. Members, I think the Statement is self-explanatory; we need to have a budget, we need to sensitize ourselves in terms of being able to cater to our less disadvantaged in the society. The health of a Nation or the health of a County, one of the key factors which are looked at, is how the County looks at its less-advantaged people.

When we are judging the performance of a Government, when you are judging the standards of living of the people, when you hear people being judged, it is a good place to live in.

Kenya is a good place to live in it is not judged by the climate, it is not judged by how many people are going to the social places, it is judged by how the community takes care of the less-advantaged people.

How the community takes care of cerebral palsy children, how the community takes care of people with disabilities; that shows your level of development, that shows your level of care to your community. So, I do commit this to the Committee of education and social welfare because education also has special needs and social welfare for those children to be taken care and to respond to this House again within 15 days, give us a report on what the County Government is doing and the status of cerebral palsy-affected children in our County so that the necessary steps can be taken. Thank you very much. Mr. Clerk, proceed.

MOTION

Hon. Deputy Speaker: Hon. Members, under this Order, we have one Motion to be moved by the Hon. Geoffrey Kamulu, Chairperson, Youth, Women, PWDs and Sports Committee or a Member of that Committee and I think Hon. Jacinta Luka will be moving it. Hon. Jacinta.

REPORT ON PROMOTION OF SPORTS AMONG PWDS BY THE COUNTY GOVERNMENT

Hon. (Ms.) Luka: Thank you, Hon. Speaker.

Hon. Speaker, that aware that a statement pursuant to Standing Order 41 was sought in the House on 2nd July, 2019 by Hon. Jacinta Luka on the inclusion of persons living with disabilities in the County's sporting activities;

Further aware that the statement was committed to the Youth, Women, PWDs and Sports committee for deliberations, consideration and reporting; Recognizing that the Youth, Women and Sports committee is mandated to deal with all matters related to youth welfare, women affairs, matters of equality and affirmative action;

Appreciating that the committee held several discussions with the Chief Officer-Youth and Sports interrogated the current and previous budgets and consequently compiled this report for discussion and consideration by the Hon. House;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the Youth, Women, PWDs and Sports committee report on Persons living with disabilities inclusion in sporting activities within the County.

Thank you and I call upon Hon. Margaret Ndalana to second the Motion.

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

Hon. (Ms.) Ndalana: Thank you Mr. Speaker. I second the motion.

Hon. Deputy Speaker: Thank you very much, Hon. Margaret. Hon. Jacinta Luka, you may read the report please.

Hon. (Ms.) Luka: Thank you, Mr. Speaker

INTRODUCTION

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Hon. Speaker, Article 54 of the Constitution of Kenya, 2010 provides for the rights of persons living with disabilities; there is a need to develop, appreciate---

Hon. Deputy Speaker: Yes, point of order.

Hon. King'ori: Mr. Speaker, I request you to allow Hon. Jacinta to read the report while sitting.

Hon. Deputy Speaker: Thank you very much; that is allowed. Hon. Jacinta, you can read while seated, it is your choice. Thank you very much.

(Applause)

Hon. (Ms.) Luka: Thank you, Hon. Member. I start with introduction. Hon. Speaker, Article 54 of the Constitution of Kenya, 2010 provides for the rights of persons living with disabilities. There is a need to develop appropriate opportunities for people living with disabilities throughout their life course. The provision of access for people living with disabilities to quality physical activity and sporting opportunities must be addressed on an equal basis with those of their non-disabled peers.

The access of people living with disabilities to physical exercise, through recreational and competitive sports and physical education curricula must be planned for and incorporated into all structures, strategies and programs within the County. These include community facilities, leisure and sporting venues, national, regional and local strategies and public awareness campaigns, physical activity and sports programs in schools and in the community.

Hon. Speaker, barriers that contribute to low levels of participation in physical activity and sport by people with disabilities in Kenya include the following: poor physical education (PE) provision in schools, negative school experiences, low expectations from teachers, families and peers, lack of access to facilities and programs offered by County governments and concerned stakeholders, transport difficulties, untrained staff and lack of accessible facilities.

Participation in physical activity has a role to play in personal development. It improves physiological and mental functioning and gives rise to feelings of physical, psychological and social competence. Through physical exercise and sport people can learn values and habits such as perseverance, consistency and competitiveness, fair play and sportsmanship. Sport can play a role in facilitating social participation, friendship and inclusion.

Hon. Speaker, pursuant to Standing Order 41 a statement was sought in the House on 2nd July, 2019 by Hon. Jacinta Luka on inclusion of persons living with disabilities in the County's sporting activities. The Statement was committed to the Youth, Women, PWDs and Sports committee. The committee held several discussions with the Chief Officer, interrogated the current and previous budgets and consequently compiled this report for discussion and consideration by the Hon. House.

MANDATE OF THE COMMITTEE

Hon. Speaker, the Youth, Women, PWDs and Sports committee is established pursuant to Standing Order 190 and the Second Schedule of the Standing Orders define its mandate as follows: to deal with all matters related to Youth welfare, Women affairs, empowerment of women, matters of equality, affirmative action and gender related issues and sports activities and

facilities.

COMMITTEE COMPOSITION

Hon. Speaker, the committee is comprised of 13 Hon. Members as listed below:

- | | |
|---------------------------|-------------------|
| 1. Hon. Geoffrey Kamulu | -Chairman |
| 2. Hon. Justus Katumo | -Vice Chairperson |
| 3. Hon. Phoebe Koki | -Member |
| 4. Hon. Margret Ndalana | -Member |
| 5. Hon. Irene Mbivya | -Member |
| 6. Hon. Christine Koki | -Member |
| 7. Hon. Jacinta Luka | -Member |
| 8. Hon. Antony Mulu | -Member |
| 9. Hon. Michael Mutiso | -Member |
| 10. Hon. Margret Mwikali | -Member |
| 11. Hon. Grace Mutwiwa | -Member |
| 12. Hon. Fredrick Muthoka | -Member |
| 13. Hon. Agatha Mutunga | -Member |

RELEVANCE OF SPORTS TO PERSONS LIVING WITH DISABILITIES

Hon. Speaker, sports provides the opportunity for physical improvement such as stronger muscles, enhanced cardiovascular aerobic levels and improved motor skills. On the emotional and psychological levels, it helps in developing stronger self-esteem and personal sense of worth, and alleviates depression and anxiety.

Sports also create an environment that allows the disabled to develop crucial life skills. Participation in sport teaches about teamwork, cooperation, working towards objectives and handling defeats and disappointments. Team sports also enable the disabled to acquire and develop leadership and organizational skills. Essentially, sport can enhance the lives of the disabled and help them lead a more fulfilling and productive life.

According to the Kenya National Population Census, 2009, the overall disability rate in Kenya is 3.5 per cent which translates to 1,330,312 persons with disabilities. Of this, the largest proportion is physical impairment with 413,698 followed by visual impairment 331,594---

Hon. Deputy Speaker: Hon. Jacinta, just read the numbers as they are.

Hon. (Ms.) Luka: 331,594 and others are shown below.

Hon. Deputy Speaker: We are able to see the table just move ahead.

Hon. (Ms.) Luka: Hon. Speaker, research has acknowledged the importance of sports/exercise for strengthening the body, enhancing recovery from diseases and for prevention and care of mental problems. Indeed, according to the available literature, regular physical activity has been variously said to prevent osteoporosis, heart problems, type II diabetes mellitus, lower backache, migraine headaches, among many other infirmities.

Sports also liberate and enhance character development. These benefits of sports and exercise to the community must be enjoyed by people with and without disabilities without favor or discrimination.

When persons living with disabilities participate in physical education and sports, they are adapted to their levels of bodily conditions in order for them to benefit fully and attain total physical fitness, enhancing their cognitive, psycho-motor and affective development. In other words, when one develops mental fitness, physical strength, and psycho-social well-being through sports, one is thus adequately prepared for meaningful undertaking in other activities to the best of his/her capacities.

It has variously been shown in a number of studies that, persons with disabilities who participate in sports improve in strength, coordination, and flexibility. Research has conceded that individuals with disabilities, who participate in sports activities are less depressed, perform better academically, are more stable in behavior as well as in their overall social interactions.

Sport is increasingly being used as treatment complementing the conventional methods of physiotherapy. Some sports develop selected groups of muscles; for example, weightlifting and archery help to strengthen the arm muscles of paraplegic patients, enabling them to gain independence in self-care activities. Wheelchair sports such as basketball helps develop coordination as the disabled person has to propel the wheelchair and learn to pass, catch, and intercept the ball.

BENEFITS OF PHYSICAL ACTIVITY AND SPORT

The physical benefits

Hon. Speaker, the positive effects of physical activity in persons with learning and physical and sensory disability include improvement in general health, physical fitness, bone metabolism and increased functional independence. There is also increased mobility and a reduction in chronic diseases and secondary complications.

Ideally in practice, physical exercise influences long-term health status and also general well-being, personal and social development effectiveness and achievement. The psychological benefits include improved mood, confidence and self-esteem, a reduction of anxiety and depression and an increase in a person's ability to cope with a range of stress.

Regular physical activity prevents a range of illnesses and reduces the effects of age and the incidence of chronic illness and disease such as coronary heart disease, stroke, diabetes mellitus and colon cancer. Muscle and bone pain, shortness of breath, pain, including back pain, fatigue, depression, difficulty with sleeping and weakness can often be improved by physical activity.

The World Health Organization (WHO) summarizes the benefits of regular physical activity. It points out that much of the health gain from activity is obtained through at least 30 minutes of cumulative moderate physical activity every day.

The positive effects of physical activity in persons with learning and physical and sensory disability include improvements in general health, physical fitness, bone metabolism and increased functional independence. There is also increased mobility and a reduction in chronic disease and secondary complications. Physical activity also has a mitigating effect on challenging behavior. A wide variety of sports can be enjoyed by people with disabilities and can be of benefit.

Being overweight, particularly in people with mobility impairments can affect their functional ability and independence and increase the likelihood that they develop associated complications such as pressure sores. Larger health status differences among people with disabilities have been noted between exercisers and non-exercisers compared to their non-

disabled counterparts. The health status differences between people with and without disabilities have been shown to be smaller for people who exercise.

Inactivity can exacerbate conditions that people with disabilities have and can precipitate secondary conditions to which they are prone like kidney failure and obesity. Inactivity can also lead to an increase in dependence on others, a decrease in social interactions and the development of symptoms such as fatigue, depression, low functional capacity, obesity and pressure sores.

Some people with intellectual disability, notably persons with Down's Syndrome, have low Vitamin D levels and are at risk of bone disease with an increased prevalence of osteoporosis. Thus, physical activity may yield particular benefits for them by decreasing the risk of osteoporosis.

THE SOCIAL AND PSYCHOLOGICAL BENEFITS

Participation in sport has a number of social benefits. People establish friendships and social networks from which collective identities can be forged. Participation facilitates social integration, can bridge cultural difficulties and pave the way to employment. Participation in sport with diverse others can overcome prejudice and discrimination on the grounds of ethnicity, social background or disability, for example, and can play a role in achieving an inclusive society.

Through sport people usually learn the tenets of fair play, teamwork and solidarity and can become more aware of the problems that exist for people with disabilities.

In people who have acquired a disability, participation in sport/physical exercise can help them come to terms with their disability, regain self-esteem and social integration. Persons with learning difficulties appear to gain significant mental, social, spiritual and physical benefits from sport and leisure activities.

BUDGETARY PROVISIONS IN 2018/19 AND 2019/20 AND SUBMISSION BY THE CHIEF OFFICER

Hon. Speaker, the County Assembly has appropriated funds in the various financial years to programs/projects meant to support the persons living with disabilities within the County. Financial year 2018/2019, department of youth and sports, amount appropriated was Ksh. 75,000,000 during the supplementary for the construction of stadiums.

Hon. Speaker, the committee met with the Chief Officer and deliberated on matters concerning persons living with disabilities. The committee's objective was to understand how the department had managed or planned to promote sports amongst the persons living with disabilities in the County over the current and previous budgets.

The Chief Officer presented the following list of activities and projects that have been undertaken to support sports among the persons living with disabilities. Below we have chart on what the government has been doing.

Activity	Strategy	Status
Sports policy with emphasis on Persons living with disabilities empowerment	Draft policy which has an item on empowerment of Persons living with disabilities and	The draft policy is already with the County Executive legal team for their input

	their participation in sporting activities	followed by public participation and then pass it to the County Assembly for approval
Inter County Sports and Cultural games (KICOSCA)	Identify Persons living with disabilities and in cooperate them in the games for their	Identified the County staff with disabilities and have participated in KICOSCA games
Sitting volleyball	The Persons living with disabilities in the County have been identified and formed a volleyball team for training and participation in the national league for sitting volleyball and even formed an association to represent them.	The team has participated in sitting national league since 2015.
Athletics for Persons living with disabilities	Provided training facilities for the Persons living with disabilities at the stadium	Hosted regional games Athletics in 2017 Training facilities at Kenyatta Stadium for blind, deaf and physically disabled schools
Modification of sports facilities to be conducive for Persons living with disabilities use.	New stadiums to be fitted with suitable ramps and modification of the Kenyatta stadium terraces	New stadiums drawing have the specifications

Hon. Ndawa: Point of Order.

Hon. Deputy Speaker: Point of Order Hon. Judas.

PROCEDURAL MOTION
EXTENSION OF SITTING TIME

Hon. Ndawa: Thank you Mr. Speaker. I am standing on Standing Order 27 to request extension of time.

Hon. Speaker, that aware that Standing Order 27(2) provides that the Speaker shall interrupt business at 12.30 p.m. for the morning sitting;

Aware that Standing Order 27(3) provides that House may resolve to extend its sittings time; Aware that Standing Order 27(4) requires a motion to extend sitting time to be moved at least 30 minutes before the time appointed for adjournment;

Hon. Speaker, I beg to move the motion that this House resolves to extend its sitting time until the business is completed.

I call Hon. Kamitu to second my motion.

Hon. Deputy Speaker: Go ahead, Hon. Kamitu.

Hon. Kamitu: Thank you, Hon. Speaker. I second the motion.

Hon. Deputy Speaker: Thank you. Hon. Members this being a procedural motion, we have business at hand and it is only fair that we finish it before we finish the sitting so I allow it. Hon. Jacinta, you may continue.

Hon. (Ms.) Luka: Thank you.

Activity	Strategy	Status
County Budgets for Persons living with disabilities	The department of youth and sports to lobby for supplementary budget allocation for persons with disability games	The process has begun in hope for better budgets for Persons living with disabilities in terms of sports
Stake holders meetings and capacity buildings	The department of Youth and Sports is going to host stakeholders' forums for the Persons living with disabilities in terms of Sports. To articulate their sports development	Process is underway and a program for the same is being created.

COMMITTEE OBSERVATIONS

Hon. Speaker, the committee made the following observations:

- a. That most of the programs/projects intended to benefit the persons living with disabilities did not fully actualize; this was occasioned by delay in the release of funds by the County Treasury. The Chief Officer informed the committee that as the accounting officer for the department, he would raise requisitions to facilitate certain time-bound persons living with disabilities events but they would not be actualized due to the delay of funds.
- b. The committee also noted that the department of youth and sports did not have own generated programs for facilitating sporting activities amongst the persons living with disabilities. The committee observed that majority of the programs/projects highlighted originated from other Persons living with disabilities stakeholder organizations.
- c. That the Machakos County Persons living with Disability Act as passed by the County Assembly had not been implemented. The committee resolved that it would take up the matter and report back to the County Assembly on its implementation.

Committee recommendations

Hon. Speaker, informed by the interrogation and discussions with the Chief Officer, the committee makes the following recommendations:

1. *Formation of a persons living with disabilities association*

The association will aim at empowering students with disabilities to participate in sports at both recreational and competitive levels. Through the association, students with disabilities will participate competitively in athletics, tandem cycling, goal ball, swimming, weight training and other games. It is expected that with the interest created, more students with disabilities within the County will be encouraged to participate in sports.

2. *Implementation of the Machakos County Persons living with Disabilities Act*

Implementation of the Act will ensure creation of a board that will manage the affairs of the PWDs and provide a framework for a coordinated approach by all government departments and institutions in the mainstreaming of disability across all planning, designing budgeting, implementation and monitoring of services and development programs;

3. *Generation of County-owned policies/projects*

The committee noted that generation of County owned policies and projects relating to persons living with disabilities within the County will go a long way in ensuring inclusivity in sporting activities. The department should prepare a work plan on how to actualize the generated policies/projects. The work plan will aid in planning and in timely requisition of funds.

4. *Disability Awareness*

The committee recommends the creation of disability awareness within the County whereby persons living with disabilities will feel acknowledged and recognized by the County Government. This will help in reducing stigma and in improving the sense of belonging by Persons living with disabilities.

5. *Improved and expanded inclusive community facilities*

The County Government should ensure that all facilities are accessible to persons living with disabilities. In construction of community facilities including playgrounds the contractors should be compelled by the respective department to ensure that they are physically and socially accessible to PWDs.

CONCLUSION

Hon. Speaker, advocacy for the marginalized in the society is a noble duty as it ensures equity and equality. As a County, we should strive to ensure that persons living with disabilities in the County are provided with equal opportunities socially and economically.

Hon. Speaker, it is therefore my privilege and duty to present this report to this Hon. House for consideration and approval. Thank you, Hon. Speaker

Hon. Deputy Speaker: Thank you very much, Hon. Jacinta Luka.

(Question proposed)

Hon. Members, you may debate on that motion. Hon. Alice.

Hon. (Ms.) Nzioka: Asante Bw. Spika kwa kunipa nafasi. Bw. Spika, nataka kukujulisha nchi nyingi katika Afrika yetu hasa Afrika kusini kuna wakati mwaka jana nilitembea na kamati la bunge hili; Bw. Spika, nikujulishe ya kwamba hiyo nchi inawatambua sana walemavu. Bw. Spika, utakuta kwamba kwenye viegezo vya magari, utakuta kuna sehemu imeachwa ya walemavu. Kila jumba hata kama ni mahali mnaenda kununua vitu kuna sehemu ambayo imeachwa kwa walemavu.

Bw. Spika, sisi tunapaswa kuwa kielelezo kama kaunti moja amabayo inawatambua walemavu. Bw. Spika, nikujulishe kwamba kuwa mlemavu sio kwamba huwezi; wakati ambapo wanahusika kwenye michezo, kwenye mipango yote ambayo tunapanga kama kaunti, itakuwa tunawatambua na wanatambulikana kama ni binahadamu kama sisi. Aliyeleta huu mswada ni mmojawapo wa kielelezo kwamba licha ya kuwa mlemavu ni mbunge ambaye anahusika sana katika bunge la Machakos na amekuwa kipao mbele kuwatambua walemavu.

Bw. Spika, sisi kama bunge tuangalie kama ni kutengeneza bajeti tuwe tunaweka pesa ambazo zinaweza kuwatambua, pesa ambazo zinaweza wafanya waingie kwenye michezo maana wakati wanacheza hawatapatwa na magonjwa mengi, wakati wanacheza mafikira kuwa ni walemavu hawatakuwa nayo. Tuwatambue maana msemu unasema kwamba; huachi kuumbwa kama uko dunia hii. Hata sisi ambao ni wazima ambapo tuna uzima wa miili yetu tunaweza kuwa walemavu.

Kwa hivyo sisi kama Bunge tuweke hata na sheria kwamba tuongeze pesa katika bajeti yetu na kila kitengo tuwahusishe Hata kwenye katiba yetu imesema kwamba sehemu moja ya uajiri ambayo tunafanya tuwaajiri walemavu. Kwa hivyo Bw. Spika ni mswada mzuri na nineuliza kamati tekelezi, tumekuwa tukipitisha mambo katika hii bunge na kamati tekelezi ifuatilie kuona kwamba kile ambacho tunapitisha kinatendeka.

Mwisho Bw. Spika, unajua tukipitisha na hakuna kutekelezwa tutakuwa tunafanya kazi ya bure. Sisi kama bunge tumejitolea ili kufanya kazi kwa wananchi wa machakos waone kwamba kila jambo amabalo tunasema linatekelezwa. Itakuwa si vizuri sisi kama wabunge kuingea tunaongea zaidi na vitendo havionekani, kwa hivyo ni kusema na kutenda. Ahsante.

Hon. Deputy Speaker: Thank you, Hon. Alice. Hon. Kisila.

Hon. Kisila: Thank you, Mr. Speaker. This is one of the best motions we have had in this House and I fully support it; it is not only focusing on people living with disabilities but it's also youth and women and very good recommendations and this is the future of our people. Unfortunately, Mr. Speaker, we are passing very good motions here but there is a committee called implementation which is failing us and let us now start calling a spade a spade.

I don't know if there is a Member of this committee seated here today because as Mheshimiwa Alice has said, if we are going to be passing motions but they don't see the light of the day then we are just going to become a talk shop. If you realize since we started in this Assembly how many motions, good motions have we passed?

Mheshimiwa has taken their time with the committee, done a very thorough job; the executive must be very happy because we are not putting pressure on them and then it is reaching us time whereby two years ago three years ago, we will not have a check list of what we have implemented as an Assembly.

Hon. Deputy Speaker: Point of information from Hon. Angela.

Hon. (Ms.) Munyasya: Mr. Speaker, I do appreciate the contribution from our colleague Hon. Kisila but I would like to inform Hon. Kisila that it is not all motions that are referred to the Implementation Committee. So, I don't think the Hon. Member is in order when he says that all motions are failed by the Implementation Committee. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Kisila, be informed; may be you need just to clarify what you meant.

Hon. Kisila: I would take the point of order with all due respect but we realize the only arm of this Assembly, Mheshimiwa which can actually ensure that whatever we pass here sees and is implemented by the Executive; I think the Implementation Committee has a very big role. I am not saying it is the only role but it has a very big role because even if that committee that the motion will be passed to a respective committee, who is there to follow through to ensure that it is being done? Not necessarily the respective committee but my point is Bw. Speaker, I stand guided by the member.

(Hon. (Ms.) Munyasya spoke off record)

Hon. Deputy Speaker: Hon. Angela, speak through Chair please.

Hon. Kisila: Thank you, Bw. Speaker. My issue is that this Assembly has very intelligent Members and if you look at some of the recommendations we are passing, they are very important and they touch on the heart of our people. Look at, for example Mheshimiwa Angela with your permission, look at the people living with disabilities; since we started talking about them, has anything tangible been done to them? Have we even one day gone and said we are presenting wheelchairs to a particular area for people with disabilities.

Even we gave a project now Bw. Speaker, for women chicks; we have a chick hatching department here but how is it been implemented leaves a lot be desired. What I am saying is there are a lot of good proposals we are coming up with and I fully support that report. If youth is a time bomb and let me tell you *waheshimiwas* those of us who will want to go back 2022, this three areas are very important focusing; youth is a time bomb, youth is not being empowered we have a lot of areas, a lot of recommendations of how youth needs to be supported including empowering them economically even contracts.

There is a percent of the contracts which our youths are supposed to get. Talent development in our county is a very important part because we have very good soccer players; we have very good people who are talented. Women are the backbone of our economy; if we don't support them, we are finished.

(Applause)

So, Bw. Speaker, this is a very emotive issue and I think we need to sober up and agree that we are not doing justice as an Assembly and as a county government on these key three areas and the minute we accept that we are not doing well on that, we need to put a very proper road map on how we are going to catch up because if we are don't catch up then we will just become an area where we just talk for the sake of it.

So, I am kind of failing to say that I think some of these motions need to be given very special attention because they touch on the heart of some of the people who cannot even support themselves. Look at bursaries, Bw. Speaker; I wonder how many of us as *waheshimiwas* how many gave people living with disabilities bursaries and how much?

(Applause)

If we just and that is why I am talking about Implementation Committee coming to this Assembly and giving us facts because we do not have facts we are just talking. How many were given to support people with disabilities? How many people with disabilities are being given businesses to do in this county? How many people have been employed in this County Assembly with disabilities? In fact, that we advertised positions here, we saw them in the newspapers, how many were employed and let us forget even about the executive; let us talk about here.

Ni wangapi wako hapa who have been; give me one employee who has disability who is employed here? None! And that is the role of the Implementation Committee you can't call it anybody else's role. It is the Implementation Committee to make sure that whatever we talk about here is implemented.

So, Bw. Speaker, time for calling a spade a spade has come and I think if we do that then this county will go to very good limits and will be guided to the fact that we are our brothers' keeper and we actually helped. We even allocated the 41st ward by Mheshimiwa Katumo money; I wonder how far we have gone on that aspect. So, Bw. Speaker, I stand here to support the motion and I am just saying clearly, please let us now move to action mode instead of doing talking. Thank you, Bw. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kisila. Hon. Alex Kamitu.

Hon. Kamitu: Thank you very much, Hon. Speaker. I want to be very short on this motion reason being that I want to congratulate Hon. Jacinta for bringing such a report and I would say I would be very short because most of the report has covered what the Act has done. So for one the Machakos County Assembly passed the People Living with Disabilities Act and so as a committee, my contribution is to urge the committee because in the recommendations of the report, we are seeing that areas that has already covered.

We have also read through the report that the Chief Officer of this department came and with the committee they came out with very elaborate measures that we are supposed to take. So, my contribution Hon. Speaker that a work plan now should now be drawn to see that whatever recommendations we passed by this committee are implemented.

I totally agree with Mheshimiwa Brian what he is saying but most of the things should not be taken to the Implementation Committee; we have got the respective committees for that matter and so they should come out with the work plan for the recommendations that have been given by this beautiful committee work. Thank you Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Kisini.

Hon. Kisini: Thank you Mr. Speaker. I want to complement the vice chair of this committee who has taken us through this report and say that I support this report and it is a good report. One of the areas I have been concerned is page 4 whereby they have shown us the

different types of disabilities and the census way back in 2009 and I think now we have just recently completed our census this year.

I think very soon we are also going to come up with current status of the number of different types of disabilities. I think different types of disabilities need different types of equipment and it is my humble request Mr. Speaker, because Machakos County is big to come up with special schools in almost every sub-county so that we can take care of the special needs of the people with disabilities. That is one recommendation I want to make.

(Applause)

The other thing is about the sports. I want to comment about the sports facilities which are being undertaken; we have seen in the report when they discussed they had used or they had budgeted for Ksh. 75 million to make sport grounds or to construct. I would request in this sports grounds, in this fields they construct them taking care of the special people with disabilities.

Let us not construct those sports fields, those sports grounds for only people who are able; we also need to take care of our disabled people so that we can also take care of them. It is a great honour because at one time we saw the vice chairman of this committee Mheshimiwa Katumo competing with the rest of the world and we were happy.

To echo what has been said by Hon. Brian Kisila, it is good that the government is saying is doing in our county these people be awarded contracts as others, these people be taken care of by awarding them bursaries, special bursaries for them and then we also make sure that we get to know the population.

I would say that when we were earlier discussing the earlier motion, we found that there are a lot of people who are still being taken care while at home and it is the high time we make sure that each and everybody is known by our county. Those people at home let them come out, let us know them and let the county recognize and give a special attention to those people with disabilities. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kisini. May I call upon the mover of the motion, Hon. Jacinta, to respond?

Hon. (Ms.) Luka: Thank you, Hon. Speaker. As we have seen through the report people with disabilities in Machakos County have gone through many challenges. As we saw last month, we hosted the sitting volleyball tournament and it was not easy because we did not have any funds. The Machakos government never supported the tournament and it was not easy to make it and through that, even though it was not easy, we got five players selected to national team which as we speak now are in Rwanda and I believe when they come from there they will have something so when we talk about sports is also a kind of earning because I believe some people with disabilities did not make it in education and they have talents.

So if the area of sports is taken well care of, they can get something and improve their standards of living. Still the facilities used in sports are not suitable for persons with disabilities so I urge the government to make it suitable so that the people can show their talent and that they can make it in life. So, I thank you members for your contributions towards this report and I am looking forward to see it being implemented. Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you very much, Hon. Jacinta Luka.

(Question put and agreed to)

Before we go on the next motion final motion for the day Hon. Members, I just want to chip in in the issue of implementation which has been raised here in the House and guided by our Standing Order 180, which is on progress reports. If you look at 181 on reports on House resolutions, it reads; within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Executive Committee Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 183(3) of the Constitution of Kenya.

If I go ahead and look at Standing Order 188 on committee on implementation; 188(2) states that ‘the Committee shall scrutinize the resolutions of the Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee Member.’

188(3) says ‘the Committee may propose to the Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant committee on implementation status without justifiable reasons.’

So what we are saying is that our Standing Orders say any resolutions that has been reached by the House, the select committee should forward those resolutions through the office of the Clerk to the concerned County Executive Committee Member who should give a report back to this House within 60 days. If they fail to do so then our Standing Orders says the committee may propose to the Assembly, sanctions against any member of the County Executive Committee Member who fails to honour that report.

So we are guided by our Standing Orders; we do have our Standing Orders telling us what to do but is important to emphasize on this that the ball falls squarely on the Chairs of various select committees with their committee Members. If a report is committed by the chair to the committee of trade, for example, it is the onus of the Chair Hon. Cosmas Kieti to ensure that those resolutions which have been passed by the House are followed up with the executive through the office of the Clerk, the secretariat, reminder letters are written and within a maximum of sixty days, action must be taken.

So whereas we do blame the Implementation Committee, the Implementation Committee mostly will look at the resolutions which are implementable and just take a sample of them. I want you to look at all the resolutions which have been passed by the House; if each committee which is committed to take the responsibility of it, then we shall be having 22 teams following up of reports and making sure they are implemented instead of one main committee.

So if it is committed to health, education, reads then we will have all those committees each one of them following up on their own items which will make sure we become more efficient.

This poses a challenge also for the Liaison committee, I being the Chair and we shall make sure the Chairs of the various sectoral committees are performing what they are supposed to perform; they bring the reports to the House and every cycle of every 60 days, we will be expecting to see logical conclusion to resolutions reached by the House. Thank you very much.

PROCEDURAL MOTION

ADJOURNMENT FOR SHORT RECESS FROM 18TH SEPTEMBER, 2019 TO 4TH NOVEMBER, 2019

Hon. Deputy Speaker: Hon. Members, under this Order, we have a motion to be moved by the Hon. Alex Kamitu, Leader of Minority and MCA Tala Ward.

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

Hon. Speaker, that aware that Standing Order 24(1) provides that except for the session commencing immediately after a General Election, the regular sessions of the Assembly shall commence on the second Tuesday of February and terminate on the first Thursday of December;

Hon. Speaker, Noting that crucial business has been transacted during this session including approving the Machakos County Assembly Strategic Plan 2018-2023, report of the 4th and 5th member of the County Assembly Service Board, report on the status of the ambulances in Machakos County and various Committee reports; Acknowledging that the House approved an Assembly Calendar pursuant to Standing Order 25(1) and aware that the calendar of the Assembly guides the House on when to have a break and when to resume sittings;

Aware that the CASA games are underway and will commence as from 26th September to 4th October, 2019 and will be held in Uasin Gishu County;

Further aware that there is need for thorough preparation for the games from the participants to ensure excellent performance and hence the need to adjourn the House earlier for recess; to pave way for the preparations;

Further aware that the Standing Order 25(3) provides that on a day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the Assembly Calendar, the Leader of the Majority party or Minority party or any Member of the House Business Committee shall move a motion of adjournment which shall be debated for not more than three hours after which the Assembly shall adjourn without question put;

Hon. Speaker, I wish to move the motion that pursuant to the approved Assembly Calendar for the third session, this Hon. House goes on a short recess from Wednesday, 18th September, 2019 to Monday, 4th November, 2019.

In the same regard, Hon. Speaker I also informing the Members that we shall be having our usual committee and the normal retreats that we normally take under this House. Thank you Hon. Speaker. I now call upon Hon. Moses Mitaa to second the motion.

Hon. Deputy Speaker: Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. I second the motion by our able Minority Leader for the House to go on a short recess. Hon. Speaker, it is good to note that we are not going to rest; we are just diverting our commitments to other issues which are equally important to this nation. Mr. Speaker it is good also for Hon. Members to take part in sports issues also to build our physical status and I support; I second, Mr. Speaker. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Mitaa. Any Member who wants to contribute on this? Hon. Kisila.

Hon. Kisila: Bw. Speaker, thank you very much. I support but based on the ruling you have made and yesterday you also cautioned us when my Chairman was presenting the report on ADP, you cautioned us against being time-barred on our reports. Based on the ruling you have made, can we get a checklist of where each committee stands on various reports which have gone through this House and how far they have gone on the implementation.

Based on the fact that you are saying 60 days, yes; some of the recommendations made here are way past the 60 days. As we take a recess, I am just asking your indulgence on ensuring that people meet their obligation as committees. So can we get a checklist of where each committee stands when we come back so that we are not just in the dark.

I don't think there is a document which says finance committee this report was supposed to come on this date and it has not come so that we know who is dragging us back and we see how we can start pulling our socks including the Implementation Committee. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kisila. Any other Member who wants to comment on this motion? Let me just comment on what the Hon. Member has said which is important before I adjourn the House. I think we do have that report it was updated up to the first quarter of this year by the Liaison Committee; there is a report which is supposed to be presented before this House which shows the status of each committee and the reports which are pending.

It is important for us to keep track, as he is talking about and see where we are doing well and where we are not doing well. That report will be presented on the first reading upon resumption of the short recess and it will show clearly which committee is lagging where.

(Applause)

I would also like to say that the recess that we are taking as the Hon. Member has said, a House in the plenary is a House for the public and the House in committees is a House at work. We are going on a recess and that recess means we are going to be having serious committee work going on. So it is up to the various committees and their Chairs to ensure they use this recess to complete most of their reports, if they have not completed them, so that the final report which is brought before this House does not reflect negatively on any committee. Let us use this recess time wisely and concentrate on our committee work and see that we can be able to bring all the reports here.

The other thing Hon. Members is that we will be doing practice as you have heard; I would like Hon. Members to practice a lot for the games which you have enrolled yourself in. Do not expect to go and appear at know it; if you play pool like I do, practice, if you play tennis like some of you do, practice table tennis. If you play volleyball, practice, if you play football practice and practice especially in evading tackles so that we dot go there and get injuries when we are in Eldoret or also concede many goals.

We need to be able to give a good account of ourselves as Members of the County Assembly of Machakos when we interact with the other Members. So, I would say that the adjournment of the House gives us ample time; a whole one and half week almost before we go for the games so let us all meet in the various centers where we are doing the practice and I wish you all, all the best during your practices and I wish you all journey mercies on your way to Eldoret. We shall meet there and I hope we all meet and win. Thank you so much.

(Applause)

ADJOURNMENT

Hon. Deputy Speaker: This House is now adjourned to Tuesday the 5th day of November, 2019 at 10.00 a.m. Thank you very much.

The House rose at 12.43 p.m.