

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

**Wednesday, 26<sup>th</sup> February, 2020**

The House met at 2.35 p.m.

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

**PRAYERS**

**Hon. Deputy Speaker:** Good afternoon Members. Mr. Clerk, proceed.

**COMMUNICATIONS FROM THE CHAIR**

MEETING BETWEEN THE GENERAL OVERSIGHT COMMITTEE AND CECM TRANSPORT,  
ROADS AND PUBLIC WORKS

**Hon. Deputy Speaker:** Hon. Members, under this Order, I have two communications to make on behalf of the Chair.

Hon. Members, on Wednesday, the 19<sup>th</sup> day of February, 2020, you recall that the House discussed a Statement requested by Hon. Betty Nzisa Nzioki, MCA Masii Ward, on what the department of Roads, Transport and Public Works was doing to ensure that maintenance works on county roads commenced and the roads were kept in good condition to provide safe, convenient and efficient travel on them.

During the said discussion, serious concerns were raised about grading of roads including repair of graders and lack of fuel for the graders whereas Ksh. 40 million was allocated for their fueling in the supplementary budget for the fiscal year 2019/2020. The House resolved to invite the County Executive Committee Member (CECM) for Transport, Roads and Public Works to the General Oversight Committee to discuss road construction and maintenance programs including KRB roads, on Wednesday, 26<sup>th</sup> day of February, 2020 at 2.20 p.m.

Hon. Members, a letter of invitation Ref. No. MKSCA/PCS/CMM/GOC/VOL.1/31 dated 20<sup>th</sup> February, 2020 was sent to the County Executive Committee Member.

The County Executive Committee Member wrote back to the Assembly vide letter Ref. No. GMC/TR/PW/COUNTY ASSEMBLY/Vol.1/05 dated the 21<sup>st</sup> day of February, 2020 requesting that the invitation be extended by a week to enable the department prepare adequately since the Chief Officer and Director of Fleet in the department were out of the country and were to be back in office on Tuesday, 25<sup>th</sup> day of February, 2020.

Hon. Members, this means that the meeting of the General Oversight Committee is postponed to Tuesday, the 3<sup>rd</sup> day of March, 2020 at 2.30 p.m. The Office of the Clerk should inform the County Executive Committee Member to attend the meeting without fail. Failure to

attend the meeting will call for the committee to invoke provisions of Section 18(1) of the County Assembly Powers and Privileges Act No. 6 of 2017 and summon them.

#### REQUEST FOR EXTENSION OF TIME FOR SUBMISSION OF NASA COALITION NOMINEES TO THE HOUSE BUSINESS COMMITTEE

The second communication is on request for extension of time to submit nominees to House Business committee by NASA coalition. Hon. Members, on Tuesday the 19<sup>th</sup> day of February, 2020, a Motion on approval of Members of the House Business committee was tabled in the House pursuant to Standing Order 151(1)(e). During the discussion of the motion, Members, especially of the NASA Coalition, indicated that they had not agreed on the membership and resulted to the discussion of the motion being suspended awaiting the Chair's ruling.

On Wednesday, the 19<sup>th</sup> day of February, 2020, giving a ruling on the suspended motion, the Chair indicated that the House Business committee was a very important committee of the House tasked with balloting business and preparing the calendar of the Assembly. The Chair directed the NASA Coalition to hold a consultative meeting and forward nominees to the Office of the Clerk on or before the 26<sup>th</sup> day of February, 2020.

Hon. Members, the Chair has received a letter from the Majority Whip Hon. Tariq Mulatya today, Wednesday, 26<sup>th</sup> February in the year of our Lord, 2020 stating that the coalition is set to hold a consultative meeting Tuesday, 3<sup>rd</sup> day of March in the year of our Lord, 2020. Therefore, in consultation with the Majority Party Leader, Hon. Mark Muendo, they have requested for extension of time to forward the said Members to the House on Wednesday, the 4<sup>th</sup> day of March, 2020.

The Chair has therefore considered the request and has granted them the request. In the meantime, the current House Business committee as constituted will continue to ballot business for the House up to the 11<sup>th</sup> day of March, in the year of our Lord, 2020. Thank you, Hon. Members. Mr. Clerk, proceed.

#### STATEMENT SOUGHT

##### WELFARE AND MONIES ALLOCATED TO PERSONS WITH DISABILITIES IN THE COUNTY

**Hon. Deputy Clerk:** Hon. Members, under this Order, we have one business to transact and this is a statement by Hon. Justus Katumo.

**Hon. Katumo:** Thank you, Mr. Speaker. Mr. Speaker, pursuant to Standing Order 41(2)(c), I wish to seek a statement on the following matters in relation to the welfare and monies allocated to persons with disabilities in the county as the 41<sup>st</sup> ward. Number one, status of the ward projects for PWDs in the financial year 2018/2019 including the following:

1. Stipend given to severe people with disabilities' care givers.
2. Revolving funds for persons with disabilities Machakos County.
3. Para-sports activities done in Machakos County.
4. Assistive devices which include wheelchairs, crutches and white canes that were supposed to be purchased by the monies that we gave.

Secondly, the operationalization of the County Disability Board established with the Machakos County Persons with Disabilities Act, 2016.

Thirdly, the establishment of the County Disability Fund as per the Machakos County Persons with Disabilities Act, 2016

Fourthly, disability mainstreaming policy within the county departments and finally, compliance with Article 54(2) of the Constitution of Kenya which states that the State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies, are persons with disabilities and job position. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Justus Katumo, for that statement. As it is the norm, I will allow a few members who would like to comment on that statement sought by the Hon. Member pertaining to the 41<sup>st</sup> ward which is the ward that represents persons living with disabilities and issues he is raising thereof. Any Member who has a comment on this to comment now? Hon. Dominic.

**Hon. Ndambuki:** Thank you, Hon. Speaker. I commend Hon. Katumo for bringing the statement to seek more about welfare of persons living with disabilities in Machakos County. Hon. Speaker, it is worth noting that we have persons living with disabilities in our county who are supposed to be taken care of by Machakos County Government. However, Hon. Speaker, it is worrying to note that as an Assembly, we have allocated monies meant to benefit these groups of people that we have in our county.

However, these monies do not reach them. Take for example in our last budget, we allocated about Ksh. 15 million to cater for this special group and they never benefited. Hon. Speaker, for us to be able to look after the welfare of our people, then we need to put to task those people that are mandated with the responsibility of implementing such things that as an assembly we pass so that our people benefit. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Dominic. Hon. Majority Leader.

**Hon. Muendo:** Thank you, Hon. Speaker. Let me also congratulate the mover of this statement, the voice, Hon. Katumo. Let me say Mr. Speaker, it is very important to recognize that the people living with disabilities are part of our sons and daughters. Let me also say that these people have lives like others; they need good life, good state to operate because they are part of us.

Mr. Speaker, the chairman of Budget has said this House has allocated in the last budget Ksh. 15 Million and it is actually annoying when you see the money is earmarked for people with disabilities and then you find there is no framework. I think Hon. Speaker, what we should do in this House, we must do whatever we can do to make sure this money which we allocate in a year like the ones we allocated the Ksh. 15 Million has gone to the people living with disabilities.

Let us not forget we are fathers and mothers and still we have our sons and daughters. It is God's wish to be born the way these people are born. I, Hon. Speaker, have a passion for the people with disabilities and I normally feel that because I have sons and daughters, if one of them were like that. If I were like them, and this is because it is God's wish. Let us as human beings realize and recognize them fully.

Hon. Speaker, some other counties, I can quote Makeni not far; they have this kitty for disabled people where they are giving wheelchairs. I have not heard one day this Government of Machakos providing a wheelchair, not even the money; calling us for that ceremony that we give...since I came here, I am not talking of other times before I came to this House.

But this House I have never heard Hon. Katumo calling to tell us we are going to receive these chairs from the Machakos County Government. What do you expect somebody who has no arms, you want to live, you want to eat, where are you going to get the food unless we come as brothers and government and help these people?

Hon. Speaker, there are revolving funds and even in the National Government, there are revolving funds which should be going to these people with disabilities. Since we want them to fit in the society even when you look at the infrastructure in Machakos, there are some areas where we have seen you cannot be allowed to put a house without a ramp or a facility for the disabled. Look at our toilets in Machakos County; there are new buildings coming with stairs, how do we expect them to climb?

This is our society; we must as leaders do what is necessary and make them happy or else God may punish us in a way that our sons will be giving and bring up those kinds of kids. Let us be careful as leaders and whatever we pass here, we follow to see that it has been implemented. We have facilities for them, other counties; I have been in Laikipia where they have those facilities. I normally do a lot of consultation on fields and stadiums. I normally see these when I go to tender; I see the facilities in the BQ they have put there. Machakos we are not even caring.

Hon. Speaker, let me conclude by saying this money it is not good not to give it to the people living with disabilities. Hon. Speaker, even if we do not have much to give, the government can purchase and donate wheelchairs and give to our people with disabilities and the fund there should be a framework.

Hon. Katumo is saying operationalization of the County Disability Board. Is it there? First of all, we do not know whether it is there and if it is, we are not aware about it as leaders. Therefore, Hon. Speaker, this statement should be taken with seriousness and should be an eye opener to all the members of this Assembly to know that we allocated Ksh. 15 Million and it has not gone to the people with disabilities. Thank you, Hon. Speaker.

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

**Hon. Mitaa:** Thank you, Hon. Speaker. First, I would want to thank Hon. Katumo whom I regard as the chairman of the people living with disabilities in Machakos County because Hon. Speaker, at any given time when we encounter cases concerning such, the first person we call is Hon. Katumo and I must thank him because recently, I had a case in one of the locals and he helped me with a wheelchair so I must thank him.

Hon. Speaker, it is clear that our colleague is going out of the way at least to bring some comfort to PWDs, and Hon. Speaker, I can imagine the kind of frustration he has been going through. I have two cases; I have met him twice at the Department of Education, Hon. Speaker, and disappointment was that he was being taken in circles and it is not that he was following his own money. He was following money which had been passed in this Hon. House and there was a purpose as to why that money was being allocated.

So, Hon. Speaker, as the saying goes, disability is not inability. These people have abilities; it is just that they are somehow confined and it would be more of a curse to prevent someone from maybe portraying or exercising the kind of talent God gave him or her. So it can come through when we deny such funds, Mr. Speaker.

They want to go for games Hon. Speaker, they want to go to schools like I think I brought a motion in the House. The material they use for classes, a book goes for like Ksh. 15,000, Mr. Speaker. You can imagine each child might be needed to have five or six because subjects are

the same. If the normal child is doing eight subjects, the one with disability is also doing eight subjects and each book is costing like Ksh. 15, 000, Mr. Speaker.

You can imagine the kind of pain, when we deny them such funds, the kind of pain we are putting them through. Mr. Speaker, I would humbly request, there are so many ways of getting blessings, Mr. Speaker. Whenever we pass a budget, the first item to be utilized on priority must be on PWDs even before we do any other projects. Through that way, we will be getting blessings in a different way. Thank you, Mr. Speaker.

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

**Hon. Mutinda:** Thank you, Mr. Speaker. I wish to thank the Hon. Member, Hon. Katumo for this statement and Mr. Speaker, I want to say this: it is high time this County Assembly supports PWDs. Recently in a conference we were at, an officer said that we were not budgeting enough money for them. But I think this House has approved some money towards that end and I think Mr. Speaker, more needs to be done to the PWDs, most of what they use in reading materials or whatever is expensive. So I think a lot has to be done because they are people like us and we need to support them in all ways.

Otherwise, even we are candidates of the same because one day, they were like us and today they are the way they are but they only need support. Mr. Speaker, there is the issue of the 41<sup>st</sup> ward and I would propose that the 41<sup>st</sup> ward, as we get the Ksh. 15 Million, we give them either twice or thrice the amount because again, that ward covers the whole county.

So I think there is need to increase the money so that those PWDs are supported. When you come to the issue of women, there is the way we support our women as marginalized but still in the women, we should have women PWDs so that we have a support for that group. Youth, yes there is a support for youth and another support for youth PWDs so that we support these groups fully.

The other thing Mr. Speaker, is on transport sector where you find PWDs getting in a matatu and even the way that person is heading in the matatu is a problem. We should try to change our system such that our vehicles, the public vehicles, can carry the PWDs well. When you go to other countries, you find there is a way; if you are getting a PWD, the vehicle has a system of ensuring that that person gets in the vehicle well and is safe in the vehicle.

The other thing is Mr. Speaker, on our building plans and everything; we should ensure that they are disability-friendly. Where there are stairs, there should be a ramp and also when you go to the toilets, our toilets you find the male room, female room and another one with the sign of PWD, but you see, we should have a PWD sign for a male and female.

Yes, they are disabled, either visually or by the ears but they are not totally disabled so they should be separated; we should have washrooms for male and female disabled. So Mr. Speaker, I think we have to ensure that everything is running smoothly and we ensure that we have a good budget to support our PWDs. Thank you, Mr. Speaker.

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

**Hon. (Ms.) Mueni:** Thank you, Mr. Speaker. I think *Mheshimiwa* Katumo is having a problem with the people there outside. Since 2013, the Assembly has been allocating money but he has not been getting the money to work for the disabled. There outside, the disabled think that we are the ones that eat the money and they all don't like him but because he does what he can do with his salary, God is going to help him.

So, I think the Assembly, the forty wards, every *Mheshimiwa* has disabled, so I request you to support *Mheshimiwa* or to help him to ask for the money so that you can even bring five disabled; you bring them here in the Assembly and you do a demonstration in all the towns going round and asking for the money. Thank you.

**Hon. Deputy Speaker:** Hon. Angela.

**Hon. (Ms.) Munyasya:** Thank you, Hon. Speaker. We have had several times, Hon. Katumo bringing motions and other issues in this Assembly and none of them has been denied by this Assembly. The Assembly is always in support of Hon. Katumo and the disabled persons. However Mr. Speaker, it is unfair for people with disabilities to be treated as if they are begging; they are not begging. It is their right to be given what is duly theirs; they should not keep on demanding and coming to ask as if they are pleading. It is their right.

The Hon. Chair for Budget Committee has just confirmed that monies have been allocated and reallocated for people with disabilities. It is the responsibility of the executors of these funds to execute the funds rightfully to the people with disabilities in every ward, and it is our responsibility too as Members of County Assembly and the respective chairs, the chair for Sports, the chair for Education, to follow up with the respective members in the Executive to ensure that the people with disabilities get their dues right. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. King'ori.

**Hon. King'ori:** Thank you, Mr. Speaker. I want, Mr. Speaker, to ask for different things for the disabled. We have an Act of 2016, the Disabled Act. I think it was passed in this Assembly and what we are lacking is just establishment of a regulation to give the funds support like the one of the bursary funds.

So I think what we should request is for regulations to be brought forward in this Assembly for us to pass it and be able to fund the disabled people of Machakos County, because we are all potentials of being disabled. It is like death; you can't escape death and you can't escape to be disabled when you are travelling in our roads or anywhere. Madam Speaker is lucky that she just got a limb. Mr. Speaker, I want to say this---

**Hon. Deputy Speaker:** Hon. Jeremiah, what is the point of order please?

**Hon. Munguti:** Is the member in order when he is addressing Mr. Speaker as Madam Speaker? Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Member, address the chair as Mister and not Madam. You may proceed.

**Hon. King'ori:** Hon. Speaker, I am sorry to do that because it is a slip of the tongue. Hon. Speaker, we should do what is right at the right time and I think this Assembly has come of age now to request what is necessary instead of always complaining. Let us do what we are supposed to do so that we can provide for those services, not always to be having disabled people and we don't have any regulations to support how we shall disperse those monies. Thank you, Mr. Speaker.

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

**Hon. Maitha:** Thank you, Mr. Speaker. I first want to thank Hon. Katumo for seeking that statement. Mr. Speaker, this is not a laughing matter; people living with disabilities have suffered and they have suffered a lot. I managed to visit one group of people living with disabilities at a place called Kithuiani in my ward and in fact, I saw the suffering in those people. Mr. Speaker, if this Assembly during the supplementary budget gave Ksh. 15 Million to the person in charge to ensure that those people are looked into by buying equipment, by looking at their welfare, we wonder why that has not happened.

Mr. Speaker, it is time the Committee on Implementation starts biting and biting very much because we are being taken for a ride. It is time we do like what the statement by Hon. Betty went; that we request the person in charge to appear here in the committee of the whole House to inform this House what he/she has done with that money and if the money has not been used, what he/she is intending to do to help the suffering of those people. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you very much, Hon. Moffat. Hon. Judas Ndawa.

**Hon. Ndawa:** Thank you, Mr. Speaker, sir. I want also to give my input on the issue before the House. Mr. Speaker, when you talk of people living with disabilities, this is a class that whenever it is mentioned, everybody needs to at least know that is the class that needs to be given the first priority and if possible, be given special treatment.

Mr. Speaker, I recall sometimes back, the Minister for Transport, that was Hon. Macharia, there is a time he banned all the *matatu* operators to have carriers in their *matatus* and the traders used that class of people living with disabilities; they went to court and argued that if we go by what the minister is saying, that we don't have carriers in the motor vehicles, it means that people living with disabilities, especially those on wheelchairs, when they want to move from one town to another one, it means that you will carry the person and leave the wheelchair. So the court agreed that people living with disabilities need to be given special care.

Mr. Speaker, creation ends when one is dead; we are all here, we are not disabled but we can be disabled. Creation ends when one dies. I can walk from this Assembly and before I reach home, something can happen and that will be the end of me as a normal person, I join that club. Mr. Speaker, when we come to this issue of people living with disabilities, we need to be very keen and we need to be very serious.

Last Thursday, Mr. Speaker, I received a group of people living with disabilities in my office. They could not speak; in fact I had a lot of problems in communicating to them because they don't know how to speak, so they were just writing a letter, hand it over to me, I write another letter hand it back to them and we took a lot of time. These people were requesting if they can be given somewhere, at least a space to construct a kiosk so that they can be selling these rosaries for Catholics.

Mr. Speaker, as we budget for Matuu ward for schools, for roads, for other departments, let us make sure that the 41<sup>st</sup> ward, that is the people living with disabilities, are given their kitty and whoever manages that kitty, I just want to go the way *Mheshimiwa* is going.

This time round, we are not going to be sitting here, deliberating issues, passing resolutions and no implementation. Mr. Speaker, I said yesterday here in this House, a distinction

exists between minutes and notes; if you sit down and pass a resolution, that one is taken by the table clerk and they are filed. They normally file it; if it is not implemented, then it changes from resolutions to notes.

Mr. Speaker, we were writing notes when we were in school; we are no longer in school and we are not going to keep on writing notes without implementation. If there is somebody somewhere sleeping on his/her job let him/her be held accountable for the failure.

Mr. Speaker, in what we call law of tort, law of tort is concerned with three major things: defamation, trespass, and negligence. I want to dwell on negligence. Mr. Speaker, negligence is either by omission or commission. You are employed to do something, you fail to do it that is negligence; you are employed to do something, you do it the wrong way that is negligence. Mr. Speaker let us stand up, let us be serious; whoever is joking with the job should be given leeway to go away and we have somebody else who can implement the resolutions of this House.

Mr. Speaker, I want to request what Hon. Maitha has said; let us summon that officer who mans this kitty to come here before the committee of the Whole House so that he or she can be able to tell us the budget we passed how was the money used. If it was used, who were the beneficiaries, where do they come from, how many from Mavoko, how many from Kithimani, how many from Matuu, how many from Machakos so that at least we can be able to know that whatever we pass here is implemented.

The other issue and the last sentiments I am giving, let us request the table clerks to give us all the regulations that exist because we may pass a motion here and in most cases if we follow what the law says, motions are not enforceable. Let us have a Bill, let us have an Act, let us have a regulation. If they are there, let them be brought forward so that we can go through them we see if there is any amendment that we need to do so that the regulation can be used we do it.

So unless we do that Mr. Speaker, that class of people cannot come here and defend themselves. If we do not defend them, we will also be held accountable for what we call negligence because we never did what we promised our people to come and do. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you Hon. Judas Ndawa. This statement, I direct that it be handled in two ways: the first one, I am delegating it to the committee on Youth, Sports, Women and PWDs and request them to summon the Chief Officer for that Department and get all the information pertaining to the issues raised by the Hon. Members in his statement.

This should be tabled before this Assembly by the 10<sup>th</sup> of March, 2020. If whatever report we are going to get from that committee is not satisfactory either to that committee or to the Hon. Members of this House, then we shall have no choice other than to direct that the CEC for that Department appear before the committee of the entire House.

So, let us get the Committee on Youth, Sports, Women and PWDs summoning the Chief Officer, getting the facts on this and then present the report before the House. If the House looks at the response from the Chief Officer and does not live up to the Bill, then we will have to summon the CEC to come and appear before the Committee of the Whole House. Some of the things, which have come out which are clear on that is that we do budgeting and we don't see its implementation; that needs to be dealt with and also that Machakos County Persons with Disabilities Act, 2016.



The Hon. Member, King'ori, has talked about do we have regulations in place? It is important to understand that the Constitution of Kenya is implemented through Acts of Parliament and the Acts are operationalized through resolutions; through coming out with certain specific implementable resolves that this Act is talking about one, two, three, to implement it. This should be done, this should be done. We might be having the Act but if we don't have those, then we are not going to be able to implement it. People will be going round in circles and talking about it.

It is just like the Sand harvesting Act itself. We have the Sand Harvesting Act but do we have how to operationalize that Sand Harvesting Act? Those are the things which I think the House needs to concentrate on in as far as the Acts that are already in place. Let us make sure that for the Acts which are in place, because I know we are passing new Acts, there are various new Bills which are on the pipeline, about four or five Bills, even as we look at those ones, let us look at the ones which are existing and see, have they been operationalized? Thank you very much.

### MOTION

#### REPORT CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (MACHAKOS COUNTY BURSARY FUND) REGULATIONS 2019

**Hon. Deputy Speaker:** Hon. Members, under this order, we have one motion to be moved by Hon. Patrick Kituku, Chairperson, Delegated Legislation Committee. Hon. Patrick.

**Hon. Kituku:** Thank you, Mr. Speaker.

Hon. Speaker, that aware THAT delegated legislation is a law made by an executive authority under powers given to them by primary legislation in order to implement the requirements of that primary legislation and that aware THAT Delegated legislation, in the form of statutory instruments, is governed by the Statutory Instruments Act (No 23 of 2013) which provides for the making, scrutiny, publication and operation of statutory instruments;

Aware THAT Section 116(1) of the Public Finance Management Act authorizes the County Executive Committee member for Finance to establish other public funds with the approval of the County Executive Committee and the County Assembly and it is for this reason that the County Executive Committee Member responsible for Finance, using the powers conferred by Section 116(1) of the Public Finance Management Act, prepared and submitted the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019 to the County Assembly for the purpose of reviewing and scrutinizing the statutory instruments; Aware THAT the committee went through the regulations and established that indeed they were in accordance with the provisions of the Constitution, the Public Finance Management Act, 2012 and that they meet the criteria laid out under Section 13 of the Statutory Instruments Act and Standing Order 190;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the Delegated Legislation Committee report on consideration of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019. Thank you Mr. Speaker.

I now call upon Hon. George Kariuki to second the motion. Thank you.

**Hon. Deputy Speaker:** Hon. King'ori.

**Hon. King'ori:** I second.

**Hon. Deputy Speaker:** Hon. Patrick, you may read the report.

**Hon. Kituku:** Thank you, Mr. Speaker. Consideration of the Public Finance Management (Machakos County Bursary Fund) Regulations 2019.

Hon. Speaker, on behalf of the members of Delegated County Legislation committee, and pursuant to the provisions of County Assembly of Machakos Standing Order 190, I beg to present before this Hon. House, the committee's report on consideration of The Public Finance Management (Machakos County Bursary Fund) Regulations, 2019.

The Select Committee on Delegated County Legislation is established pursuant to Standing Order 190 and is mandated to consider Statutory Instrument submitted to the County Assembly for consideration. The Committee is expected to consider in respect of any Statutory Instrument, whether it is in accordance with the provisions of the Constitution, the Act, pursuant to which it is made or other relevant written laws.

The Committee is mandated to consider in respect of any Statutory Instrument, whether it:

- a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
- b) Infringes on fundamental rights and freedoms of the public;
- c) Contains a matter which in the opinion of the committee should more properly be dealt with in an Act of the County Assembly;
- d) Contains imposition of taxation;
- e) Directly or indirectly bars the jurisdiction of the courts;
- f) Gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- g) Involves expenditure from the County Revenue Fund or other public revenues;
- h) Defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
- i) Appears to make some unusual or unexpected use of the powers conferred by the
- j) Constitution or the Act pursuant to which it is made;
- k) Appears to have had unjustifiable delay in its publication or laying before County Assembly;
- l) Makes rights, liberties or obligations unduly dependent upon non-reviewable decisions
- m) Inappropriately delegates legislative powers;
- n) Imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
- o) Appears for any reason to infringe on the rule of law;
- p) Inadequately subjects the exercise of legislative power to County Assembly Scrutiny; and,
- q) Accords to any other reason that the Committee considers fit to examine.

### *Committee Membership*

Hon. Speaker, the County Assembly Select Committee on Delegated County Legislation as currently constituted is composed of the following Hon. Members:

- |                            |                                     |
|----------------------------|-------------------------------------|
| 1. Hon. Patrick Kituku     | -Chairperson, Delegated Legislation |
| 2. Hon. George Kingori     | -Vice Chairperson                   |
| 3. Hon. Judas Ndawa        | - Member                            |
| 4. Hon. Josphat Kasyoki    | ”                                   |
| 5. Hon. Cosmas Kieti       | “                                   |
| 6. Hon. Mark Muendo        | “                                   |
| 7. Hon. Thomas Mutinda     | “                                   |
| 8. Hon. John Nzomo Musyimi | “                                   |
| 9. Hon. Nicholas Mutuku    | “                                   |
| 10. Hon. Paul Nyanzi       | “                                   |
| 11. Hon. Michael Mutiso    | “                                   |
| 12. Hon. Daniel Kiilu      | “                                   |
| 13. Hon. Daniel Mbevi      | “                                   |

Hon. Speaker, Delegated Legislation (also referred to as subsidiary legislation or secondary legislation) is a law made by executive authority under powers given to them by primary legislation in order to implement the requirements of that primary legislation. Delegated legislation, in the form of Statutory Instruments, is governed by the Statutory Instruments Act (No 23 of 2013) which provides for the making, scrutiny, publication and operation of statutory instruments.

The term “statutory instrument” is defined in Section 2 of the Statutory Instruments Act and in Standing Order 190 to mean any rule, order, regulation, direction, form, tariff of costs or fees, letter patent, commission, warrant, proclamation, by-law, resolution, guideline or other instrument issued, made or established in the execution of a power conferred by or under an Act of the County Assembly under which that statutory instrument or subsidiary legislation is expressly authorized to be issued.

Hon. Speaker, Section 116(1) Of the Public Finance Management Act (PFMA) authorizes the County Executive Committee Member for Finance to establish other public funds with the approval of the County Executive Committee and the County Assembly. Section 116(9) of the PFM Act further stipulates that regulations may provide for the establishment, management, operation or winding-up of county public funds established under sub-section 1.

Hon. Speaker, it is for this reason that the County Executive Committee Member (CECM) responsible for finance, using the powers conferred by Section 116(1) of the PFMA, prepared and submitted the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019, to the County Assembly for consideration.

The County Assembly therefore, through the Delegated County Legislation Committee was subsequently mandated to scrutinize the said regulations in order to ensure that they conform to the laid down requirements stipulated in Section 13 of the Statutory Instruments Act and Standing Order 190.

#### *Consideration of the Regulation*

The Public Finance Management (Machakos County Bursary Fund) Regulations, 2019 were made by the County Executive Committee Member (CECM) responsible for finance

pursuant to Section 116(1) of the PFM Act, 2012 and were published in the Gazette as Legal Notice No.2 of 2019.

Hon. Speaker, the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019, intend to provide a legal framework for the establishment and running of the Machakos County Bursary Scheme Fund.

Part I contains the preliminary including the citation and interpretations. Part II contains regulation 3, 4 and 5 which provide for and lists how the Bursary Fund shall be established, object and purpose of the Fund and sources of the money of the Fund as follows:

*i) Establishment of the Fund*

Regulation 3 stipulates that there is established a Fund to be known as the Machakos County Bursary Fund.

*ii) The Purpose of the Fund*

Regulation 4 states the object and purpose of the fund shall be to provide a Bursary scheme for the provisions of financial assistance to the needy students.

*iii) Sources of the Fund*

Regulation 5 states the sources of money for the Fund which consists of:-

- a) monies appropriated by the County Assembly for the purpose of the Fund;
- b) sums received as contributions, gifts or grants;
- c) monies earned or realized from any investment of the Fund;
- d) Such other monies as may be payable or vested in the Fund.

Part III contains regulations 6, 7 and 8 which provide for administration of the Fund and management of records as follows:-

*i) Administration of the Fund*

Regulation 6 stipulates that the Fund shall be administered by the Chief Officer upon designation by the Executive Committee member responsible for matters relating to finance and that the County Public Service Board, in consultation with the County Executive Committee member responsible for matters relating to education, may second such staff as may be necessary for the efficient discharge of the functions of the Fund under these Regulations.

*ii) Books of accounts*

Regulation 7 states that the Chief Officer shall cause to keep books of accounts, other books and records in relation to the Fund.

*iii) Statement of accounts*

Regulation 8 provides as follows:-

- a) That the Chief Officer shall, within three months after the end of financial year, prepare a statement of accounts for the Fund for that financial year and transmit it to the Auditor-General.
- b) That every statement of account prepared under this regulation shall include details of the balances between the assets and liabilities of the Fund and shall indicate the financial status of the Fund as at the end of the financial year concerned and
- c) That the Chief Officer shall furnish such additional information as may be required by the Auditor-General.

Part IV contains regulation 9, 10, 11, 12, 13, 14, 15, 16,17 and 18 which provides for the establishment of the bursary committees, functions of each committee, vacation and removal from the committee, procedure in the committee, meeting of the committees, allowances for the members of the committee, quorum and voting as follows:

i) *The County Bursary Management Committee*

Regulation 9 establishes the County Bursary management committee consisting of:-

- a) One person with a Degree in Education, with experience in matters relating to education who has ordinarily been residing in the County for at least ten years preceding the appointment and who shall be the Chairperson.
- b) the Chief Officer who shall be the secretary of the Committee and an ex officio member with no voting rights;
- c) a woman and a man who have ordinarily been residing in the county for at least ten years preceding the appointment representing faith based organizations involved in education matters in the county.
- d) a woman and a man who have ordinarily been residing in the county for at least ten years preceding the appointment representing the youth in the county and who are involved in education matters in the county.
- e) a woman and a man who have ordinarily been residing in the county for at least ten years preceding the appointment representing persons with disabilities and who are involved in education matters in the county.
- f) a woman and a man who have ordinarily been residing in the county for at least five years preceding the appointment with experience in public administration, public affairs or management and education.

While Regulation 10 stipulates the functions of the County Bursary Management Committee which is mainly to:-

- a) Oversee the administration of the fund in accordance with objects and purpose of the fund.
- b) receive, compile and approve lists of applications for bursaries forwarded by the ward administrators;
- c) raise monies for the Fund;
- d) determine, approve and review the policies for administering the Fund;
- e) monitor the application of the Fund;
- f) set the maximum number of applicants to be awarded bursaries;
- g) oversee the disbursement of bursaries to the approved applicants;
- h) consider requests for review of applicants;
- i) prepare and forward reports on the Fund to the County Assembly;

Regulation 11 establishes the Ward Bursary committee consisting of:-

- a) One person with at least a Diploma in a relevant field, with experience in matters relating to education who has ordinarily been residing in the ward for at least five years preceding the appointment and who shall be the chairperson.
- b) The Ward Administrator.
- c) The County officer from the Education Department and who is responsible for matters relating to education in the ward and who shall be the secretary of the Committee and an ex-officio member with no voting rights.

- d) A woman and a man who have ordinarily been residing in the County for at least five years preceding the appointment with experience in public administration, education, public affairs or management.

While Regulation 12 on the other hand stipulates the functions of the Ward Bursary Committee which is mainly to:-

- a) Receive and consider applications for bursaries.
- b) Conduct public participation on matters related to bursaries.
- c) Compile and approve list of applications for bursaries for forwarding to the County Bursary Committee.
- d) Oversee the disbursement of bursaries, including the distribution of cheques to the approved applicants.
- e) Prepare and forward reports on the fund to the County Bursary Committee.
- f) Undertake such other activities as are necessary for the effective application of the fund.

Regulation 13 provides conditions which shall prevent a person from being a member of either the County Bursary Management Committee or the Ward Bursary Committee if a member:-

- a) is absent from three consecutive meetings of the Committee without permission from the chairperson;
- b) is in serious violation of these Regulations or any other law;
- c) is guilty of gross misconduct;
- d) is physically or mentally incapable of performing the functions of the Committee; or
- e) is adjudged bankrupt.

Regulation 14 provide procedures in the committee where by the committee shall regulate their own procedure and may make their own rules of procedure.

Regulation 15 contains procedures on how the committee meetings shall be conducted as provided below:-

- a) The meetings of the Committee shall be convened by the Secretary in consultation with the chairperson.
- b) The Committee shall have a minimum of four meetings in a financial year but not more than two meetings per month.
- c) The meetings of the Committee shall be presided over by the chairperson or in the absence of the chairperson, by a member chosen for that purpose.

Regulation 16 provides for allowances of committee where a members of the Committee shall be paid such allowances as may be determined by the County Public Service Board after consultation with the Salaries and Remuneration Commission.

Regulation 17 provides for the quorum of the meeting which shall be half of the membership of committee.

Regulation 18 establishes criteria which members of the committee shall apply when voting.

Part V contains regulations 19,20,21,22,23,24 and 25 which provide for applications for Grant of Bursaries as follows:-

Regulation 19 lays down the requirements which consider the applicant's vulnerability including whether the applicant is:

- a) An orphan whether totally or partially;
- b) A child of a single parent;
- c) A person with disability;
- d) From an indigent family.

Regulation 20 gives criteria on how bursaries shall be applied as follows:

- a) An application for a bursary shall be made to the Committee in the prescribed forms given to the qualifying applicants by the Village Administrator during the public meetings held under Regulation 19.
- b) An application for a bursary may be made by the student in person, the applicant's parent, guardian or representative.
- c) Upon receipt of the applications for bursaries during the public meetings under Regulation 19, the Village Administrator shall forward the applications to the Ward Administrator for compilation and forwarding to the Chief Officer.

Regulation 21 gives the criteria on how the public meetings shall be conducted as follows:

- a) At least once every year, and in consultation with area leaders, the Ward Administrator for each Ward shall convene public meetings in every village for purposes of public participation for the award of bursaries.
- b) The Ward administrator shall publicize the holding of the public meetings through local leaders, government agencies and as widely as possible including in market places, religious fora, through the media and other public gatherings.
- c) The public meeting in sub regulation (1) shall be chaired by the village administrator.
- d) The Village Administrator shall take proposals for the award of bursaries from members of the public during the public meeting.
- e) By way of public participation in the public meeting referred to in sub-regulation (1), and upon the advice of the area leaders, the applications shall be considered, assessed and prioritized according to degree of need of the applicants.
- f) The Village Administrator shall give the serialized bursary application forms to the applicants as endorsed in the public participation meeting.
- g) The Village Administrator shall collect the filled applications and forward them to the Ward Administrator.
- h) In forwarding the list referred to in sub regulation (7) the Village Administrator shall include the list of participants, and the minutes of the public participation meeting signed by at least three area leaders.

Regulation 22 provides that the Ward Bursary Committee shall approve applications for bursaries and forward the list of application to the County Bursary Committee through the Chief Officer.

Regulation 23 provides for approval by the County Bursary Committee where the Chief Officer shall compile the lists of applications for bursaries as received from Ward Administrators and table before the County Bursary Committee for approval.

Regulation 24 provides for decision of the County Bursary committee where the committee shall make a decision on the lists of applicants without undue delay within 21 days after receipt of the list from the Ward Bursary Committee.

Regulation 25 provides for penalties which shall be applied to the applicant if he has made a false declaration in the application to include:

- a) Termination of the grant of the bursary;
- b) Recover such sums as may be due to it from the applicant;
- c) Refer the applicant to the relevant authorities for legal action.

#### *Committee Observations*

Hon. Speaker, the committee went through the regulations and established that indeed they were in accordance with the provisions of the Constitution, the Public Finance Management Act, 2012 and they also meet the criteria laid out under section 13 of the Statutory Instruments Act and Standing Order 190.

#### *Committee Recommendations*

Hon. Speaker, pursuant to Standing Order 190 and having examined the Public Finance Management Act (Machakos County Bursary Fund) Regulations, 2019 against the Constitution of Kenya, the Public Finance Management Act, 2012 and the Statutory Instrument Act, 2013, the committee recommends that the House approves the said Statutory Instrument.

Hon. Speaker, this report is submitted to the House in accordance with Section 116(1) Of the Public Finance Management Act, 2012 which requires that the Regulations made under this Section of the Act be presented to the County Assembly for approval before they take effect.

I wish to sincerely thank the Speaker and the Office of Clerk of the County Assembly for the invaluable support accorded to the committee in the discharge of its mandate. I also wish to thank the members of the committee for their utmost cooperation which enabled the successive completion of this exercise.

On behalf of the Select Committee on Delegated County Legislation and pursuant to the Standing Order 190, it is my pleasure and duty to present to the House the Committee's report on consideration of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019. Thank you, Hon. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you, Hon. Patrick Kituku for that report well read.

*(Question proposed)*

You may debate on the Motion. Hon. King'ori.

**Hon. King'ori:** Thank you, Mr. Speaker. I stand here to support the report and say it is a good one considering that we need bursary funds for our children. Mr. Speaker, the bursary fund itself is one of the regulations we are talking about. Sometimes back, we had a problem of getting bursaries because of lack of regulations. That is why I always insist that we have to have the formula to make this County to be learned and the only way is the Constitution way because it is also a constitutional office that has kept us here so it is good to follow the law.

This is a good report considering that we need bursaries for our children, we are being pushed to get funds and yet we do not have any regulations but now we have one in place and I am happy that we can use it to our advantage. Thank you, Mr. Speaker.



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

**Hon. Ndawa:** Mr. Speaker, I also stand to support the report, being a Member of that committee. Mr. Speaker, the committee has done a lot; we have shared with the legal officer from the Executive and also from the County Assembly. After interrogating the Act, we find that this is the best Act. In fact if you compare the Act with other counties, Machakos will have the best Act.

What I would request the Hon. Members is to approve the Act so that we can proceed. The only thing I want to caution the Members, this Act cannot be amended; if you amend just one word, it means now the Act is null and void so we will go back to where we are. So it is good to be cautious; we don't want to delay the cheques which are now waiting for disbursement. Thank you, Mr. Speaker, Sir.

**Hon. Deputy Speaker:** It is regulations, not the Act. So what I think you are meaning is that we should not change anything on the regulations. Okay. Hon. Kieti.

**Hon. Kieti:** Thank you, Hon. Speaker. I want to thank the chairman and my colleagues in that committee for the good report that he has presented in this House. I want to say that the regulations are good as we observed. The only appeal that I am making as I thank the Chairman, Education for the efforts that he has been making to ensure that we get some bursary funds to allocate to the children, I want to appeal to the Executive to ensure they give us more money because the Ksh. 1 Million that we are getting is very little and according to the budget that we allocated, I think we allocated quite some good money.

It is my appeal that in future, if it is possible, to get more funding so that we can allocate more, bearing in mind that the government is insisting on 100 per cent transition from primary to secondary school, and it is a challenge to very many families because every child who sat for the KCPE last year or the preceding year has to proceed to the next institution, whether secondary or a polytechnic or a training of some kind and therefore, some of the families are not able to meet the cost of taking their children to these schools. It is my appeal that we get more funding from that section.

At the same time, there are few challenges that have been faced when the allocations are being done and it is also my appeal that that department checks on those challenges. For example, we have ECDE teachers who act as coordinators and some of them have so many challenges when it comes to the actual exercise and it is good that the regulations are citing that the ward administrator is the one to compile the list and take it to the Chief Officer and I appreciate that and request that in future, more funding is welcome. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Kiilu, you will comment last; I want to give the other Members first. Hon. Cosmus.

**Hon. Masesi:** Thank you, Mr. Speaker. First, I would like to thank the entire committee of Delegated being chaired by Hon. Kituku. They have given us a report and it tells us how the committee bursaries came into being. Mr. Speaker, my concern is only that I tried to share the Ksh. 1 Million within my students and Mr. Speaker, I can assure you and Members can attest to this; you are not even able to share this Ksh. 1 Million to the number of students that we have. My prayer to Executive, bearing in mind we made Ksh. 3 Million for each ward this financial year, I am hoping that the rumors I am hearing that April we will have some money for bursaries

they turn to be true. This will give us a boost and enable us boost the needy and bright students within our wards.

The update which we got from our chair Education is that the bursaries have to be launched before we are given the cheques. How we pray that this may be done soonest and we are hoping that the cheques will be done as per the agreement in terms of each ward to get its own cheques to make sure that we can track back the cheques as we release them to the parents. Otherwise, I support the report fully.

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

**Hon. Kamitu:** Thank you, Hon. Speaker. Sentiments that have been laid down by the Hon. Members who have spoken are very valid. They relate exactly to the points of bursary and my contribution is that the essence of bursaries is to give bursaries to the needy. The essence of bursary is when you give it, it is able to sustain a student maybe for a period of a term, and for that matter, my emphasis is that the report Hon. Kituku has given once again is very valid but at that point is to urge Hon. Members that policies that are passed by this House should be forwarded immediately to the Executive for execution.

Again, Hon. Speaker, it is also important that our chair for education with his committee should forward the meaning of the bursaries, that is, we should be given more money. For example, the bursaries that we were given recently, as you have heard Hon. Kieti talking about the turnout, on a very sincere note, the turnout this time was very big. The Ksh. 1Million that we were given, we were not even able to divide the bursary among the day scholars, the boarders, the colleges and the like.

Our humble request to the chair of Education is that they should go as a committee to the Department of Education that we need more money because the turnout was very high and if you give a student Ksh. 1,000, the student will be retained in the class for about one week or two and they are sent back again. So, we don't want to see our kids immediately they open the school they are sent back to their parents. We need money that can sustain the students in the school. A good example would be a day scholar, if we give them Ksh. 3,000 they will be able to be sustained in the school and boarders about Ksh. 5,000 and above, colleges Ksh. 8000 and above.

So our appeal is that we need to be added money so that the students are comfortable in the schools and are not distracted because immediately you distract a student for about a week, Mr. Speaker, you understand what will happen. Whoever remains in school will be ahead of a kid who has been sent home for more than two or three weeks.

Otherwise, I rest my case hoping our chair is going to take up those issues. We say thank you to Hon. Kituku and his team for the good policies and regulations that are being given to this House. The secretariat should also work out so that this information of what has been passed here is immediately sent to the Executive for implementation. Thank you, Hon. Speaker.

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

**Hon. (Ms.) Mutuku:** Thank you, Hon. Speaker. So many Members here have talked about the regulations and I support. I want to thank the chairman and the entire committee; they have done a good job but mine is to request to exercise that regulation because sometimes we feel when the bursary comes out, there are a lot of challenges and you can attest, Hon. Speaker, to come to the educational office every day. I would like to request the chairman of education to do what is necessary for the Hon. Members so that we can do the best to our people.

The other thing, Hon. Speaker, the needy children are so many, so we need more money for the bursaries because we have a lot of needy students who need to be supported by the government so, Hon., Speaker, I won't waste more time because the Hon. Members have said a lot. What I can also request, through the chair education, is to collaborate and work hand in hand with the Department of Education to make sure even the recruitment is done in a right manner.

There are a lot of disturbances from the ward administrators in some wards although in my ward there is no problem. It is my humble request also for the chair to sit every time to harmonize and exercise that regulation and those policies to work in the right manner. The chair should also request the Executive that we need more ECDE teachers for the PP1 and PP2 because the ones we have don't meet the needs of those small children.

To handle the small kids is a bit difficult so it is my humble request, although I know there is a challenge of flow of money from the National Government, this Department of Education to see how they can employ more ECDE teachers. Otherwise, I want to thank the committee and I support the report. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you. I call upon the mover of the motion to respond please. Before you respond, let me get the Chair for Education.

**Hon. Kiilu:** Thank you, Hon. Speaker. I want to be brief because Members have said it all. One, I want to thank the committee with which we were working in collaboration. Number two, allow me to inform this House that in this regulation, we tried to involve the Member so much. We worked so closely with the Members so that we could address their requests or issues and feeling. Number three, now this is the time that Hon. Anastacia is saying that we are very keen on this; once the regulations are out, we are going to follow every bit to the latter and I want to assure you that everything will be followed.

This is the time for you to say there are some issues with the ward administrators; this is your time. We have said somewhere in the regulations, though we don't have the network, it is low we cannot access, but I can quote off head, there is a place where the Chief Officer will be required to bring his nominees to this House to be vetted. Now, that is the time the Hon. Members will also demand to be given the right members of your choice. So before we vet his, you will be required to vet ours; that is where we should not miss.

Number three, you have talked about the issue of the bursary; I am aware we were given Ksh. 1 Million. Already, I have consulted with the Chief Officer and the minister; I was there this morning and he has told me that the cheques are ready, they are waiting for the traditional way of doing it. The Governor must launch before they give out the cheques. However, we agreed with them that His Excellency is very committed; let him delegate the duties to the Deputy Governor and if the Deputy Governor is engaged, can we get any other from the office to do it between now and Friday so that the Members are able to get the cheques by the end of this week.

Otherwise, I know by next week we shall be committed and I don't want to engage the Members in issuing of these cheques; we want to clear between now and Monday, we do other things. For the increment of the bursary, I still engaged them on the same and we agreed that the Members should be very aggressive this time round; once you are given the cheques because the cheques will be given to the Hon. Members, if there are cheques for Mumbuni North, you will be given the whole bunch. Make sure that within the shortest time possible, you have issued the cheques and you give back the returns. Immediately all the Members give out their returns to the

Chief Officer, we are going to requisite for Ksh. 1.5 Million per ward immediately once you give out the returns.

I want to request the Members to be very keen on that; let Members not keep some cheques in their offices, cars or you give a parent and the parent decides to keep the cheque because it is cheque of Ksh. 3,000 and after making the arrangements and see that Kitui School is so far, I will keep this cheque for such time and when i have some other engagements in the school, that is when I will take the cheque. Let us be very cautious, give the cheques, give out the returns and we will get the next disbursement soonest. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Chair. Hon. Patrick, you may respond.

**Hon. Kituku:** Thank you, Mr. Speaker. I have no much to say because Members have made their sincere inputs into this. I want to thank the Education committee because we also worked closely and also the Hon. Members; that is why we are all in support of these regulations. Mr. Speaker, I also request this House to support this committee because we have some CECs who are delaying in giving us the regulations and we as a committee, are going to take serious action which I will not want to disclose at this point.

Once we get into this, I want Hon. Members to support us because as we have said earlier, let those who have been given positions to work do their work diligently. Mr. Speaker, I want to rest at that point and request Members to approve the report. Thank you.

**Hon. Deputy Speaker:** Thank you very much, Hon. Patrick.

*(Question put and agreed to)*

*(Applause)*

Hon. Members, I just want to make one comment, a brief one before we adjourn. On the issue of more money for the bursaries Fund which I have heard many Members raising, the onus will be on us also in the coming budget, main budget, to ensure we come up with the figures which we would like to put for bursaries. Remember we are the approving authority for funds; therefore if we feel that the Ksh. 3 Million is not enough for our people, then what do you think is enough for them?

Let those presentations be done during the public participation for the budget and also present to the Budget committee so that we can have a bigger kitty for bursaries in the next financial year approved by this Hon. House. As we do that, one thing for us to do is to ensure we have a special kitty within that kitty for people living with disabilities.

*(Applause)*

We cannot afford to go and give a child who is a PWD Ksh. 2,000 or Ksh. 4,000. Those schools are highly specialized schools; they have got caregivers and they demand a higher level of bursary allocation for them to be able to be catered for. So even as we budget for a normal student's increment, let us also ensure we put a kitty inside there for PWDs so that they can enjoy the fruits of getting that bursary and having their education not curtailed by lack of funds.

One thing I have seen and why I am urging we put this money there is that the MPs are issuing huge bursaries and they are calling it achieving their strategy on education. We also need

to achieve the strategy on education at our level on the institutions we are giving. So, it can only be well that we go ahead and do that.

On the issue of day scholars which was mentioned by Hon. Members, the policy is that the government is paying 100 per cent for them. The Ksh. 4,000 which they are normally being asked for is for food but what the government says, 100 percent transition because they say a child can carry lunch from home and so long as the government has paid for the fees, they are saying that child needs to go and read.

The government is saying they are putting money in the primary school accounts for the day scholars' 100 percent funding for the tuition and all that. They are saying that they need 100 percent transition because if the Ksh. 4,000 which we are charged is for food and the parent cannot afford, let the parent pack the food for the child at home and go to school with the food but the child must go to school which to me I think is a good policy.

### ADJOURNMENT

**Hon. Deputy Speaker:** Thank you, Hon. Members. The House stands adjourned to Tuesday, 3<sup>rd</sup> March 2020 at 10:00 a.m. Enjoy your weekend.

The House rose at 4.15 p.m.