

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th June, 2019

The House met at 2.39 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, we start the afternoon sitting for today and I call upon the Clerk to start on the Order Paper.

NOTICE OF MOTION

THE ROLE OF PRIVATE SECTOR IN SPURRING DEVELOPMENT IN THE COUNTY

Hon. Speaker: Hon. Members under this Order, we have one business by the Hon. Justus Kiteng'u.

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

Madam Speaker, aware that unemployment is one of the challenges facing the youth in the country;

Aware that over 60 per cent of the youth in the county are unemployed and noting that one of the key policy objective of the county government of Machakos is provision of jobs to its youth;

Acknowledging that Article 174 of the constitution provides objects of devolution to include among others, the right of the communities to manage their own affairs and to further development;

Aware that there is no meaningful development that can be achieved when most of the residents are unemployed;

Further aware that Machakos County is home to Mavoko town which is one of the major industrial towns in Kenya;

Aware that industries and other natural resources found in the area are a great asset in the county and if well exploited, they can spur development of the county;

Aware that as the government strives to provide public goods, the private sector strives to exploit resources for private goods and minimum costs to earn maximum profit;

Noting that the county or national government is charged with responsibility of making policies to regulate private sector in exploitation of resources and to achieve its development goals;

Aware that the private sector can assist in spurring development of the county through initiatives such as Corporate Social Responsibility (CSR), employment of the locals Public Private Partnership among others, if proper policies and forums are put in place;

Madam Speaker, I wish to give the notice of motion that;

1. The county government of Machakos draws up policies to regulate industries operating in the county.
2. Offer enhanced Corporate Social Responsibility (CSR), employ at least 70 per cent of the staff from the Machakos County and at most 30 per cent of the staff from outside the county.
3. Enhance Public Private Partnerships (PPPs) in development.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you Hon. Kiteng'u. Mr. Clerk, proceed.

STATEMENT

Hon. Speaker: Hon. Members, under this Order, we have two businesses. The first one is by the Hon. Majority Leader and the other one by Hon. Steven Mwanthi. Hon. Kiteng'u you are holding brief; proceed please.

BUSINESS FOR THE HOUSE FOR 26TH JUNE, 2019 TO 3RD JULY, 2019

Hon. Kiteng'u: Thank you, Hon. Speaker. I would like to move the Statement on behalf of Majority Leader Hon. Mark Muendo. Hon. Speaker, I stand under Standing Order 41(2)(a) where during the statement hour, a member of the House Business Committee designated by the committee for that purpose shall for not more than ten minutes present and lay on the Table a Statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met on 26th June, 2019 and reviewed business for the House for 26th June, 2019 in the afternoon and balloted business for the week of 2nd to 3rd July, 2019 pursuant to the provisions of Standing Order 151 as follows:

Wednesday, 26th June, 2019

Afternoon at 2.30 p.m.

A motion by Hon. Justus Kiteng'u that the County Government of Machakos draws up policies to regulate industries operating in the county to:

- a. Offer enhanced Corporate Social Responsibility (CSR).
- b. Employ at least 70 per cent of the staff from Machakos County and at most 30 per cent for staff from outside the county.
- c. Enhance Public Private Partnership (PPPs) in development.

Thursday, 27th June, 2019

Special Sitting at 10.00 a.m.

- a. Report of Budget and Appropriations committee on the Machakos County Budget Estimates for financial year 2019/2020 by Hon. Dominic Ndambuki, Chairperson.
- b. Machakos County Appropriation Bill, 2019. Second Reading by Hon. Dominic Ndambuki, Chairperson.
- c. Machakos County Appropriation Bill, 2019. Committee of the Whole House, Hon. Dominic Ndambuki, Chairperson.
- d. Machakos County Appropriation Bill, 2019. Third Reading by Hon. Ndambuki, Chairperson, by leave of the House.

Tuesday, 2nd July, 2019

Morning at 10.00 a.m.

Report of Environment Lands Energy and Natural resources Committee on supply of water to Masinga sub-county by Hon. Robert Kisini, Chairperson.

Afternoon at 2.30 p.m.

Motion that the Assembly approves that the Machakos County Executive does mainstreaming and integrates poverty alleviation programs in all its planning activities including the County Integrated Development Plan, County Fiscal Strategy Paper, Annual Development Plan and Annual Budget and specifically design programs that target extremely vulnerable groups in the county by Hon. Moffat Maitha, MCA Matungulu West.

Wednesday, 3rd July, 2019

Morning at 10.00 a.m.

Report of Public Accounts and Investments Committee on the Financial Statements of Yatta Water and Sewerage Company for the year ended 30th June, 2016.

Afternoon at 2.30 p.m.

Report of Labour, Public Service and ICT committee on budget implementation status; report for the first three quarters of the financial year 2019/2010 by Hon. Francis Kalumu, Chairperson.

Thank you, Hon. Speaker.

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

STATEMENT SOUGHT STATUS OF VILLAGE COUNCILS

Hon. Mwanthi: Thank you, Madam Speaker. Hon. Speaker, Section 53 of the County Governments Act, 2012 and Section 9(2) of the Machakos County Administrative Structures Act 2015 provide for the establishment of the village council for each village unit comprising of the village administrator and not more than five village elders competitively appointed by the village administrator with the approval of the County Assembly, taking into account gender balance.

Noting the important functions of the council as stipulated in section 53(2) of the Act and pursuant to Standing Order 41, I wish to seek a Statement from the Chief Officer department of

county administration and decentralized units on the status of the village councils. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Stephen Mwanthi. I am being reminded that I am supposed to commit the Statement. Before then Hon. Members, do you wish to make some comments? So that as we commit the Statement, we have some idea what it is intended. So who are the Members, Hon. Ngunga, I see you holding the Constitution of Kenya.

(Laughter)

Hon. Ngunga: Yes, Madam Speaker. Thank you for catching me. Good afternoon Members. I rise to make a comment on the statement that has been said by the MCA Ekalakala ward Hon. Stephen Mwanthi. Madam Speaker, you are aware that this House at one time came up with the issue of the ward administrator, Madam Speaker.

It is this House that deliberated on the issues of ward administrator that are not in place. From the time that we talked about the issue of ward administrators, it started and ended there. Madam Speaker, I was consulting with Hon. Stephen Mwanthi right now and asking whether it is the right approach to seek for a statement because we already know what is on ground. Madam Speaker, what is on the ground is that we have up to the level of village administrator.

We have not been able to operationalize the Act that Hon. Stephen Mwanthi is talking about here. This is one structure that has been left hanging and its important is lacking in our structure. Madam Speaker, while we are also seeking this statement, I thought this House should be deliberating to be directing the Executive to ensure that this Act has been totally operationalized because we might be asking for this statement with the people on the ground and the fact on the ground is that we do not have village councils which are already operational.

So, Madam Speaker, with your direction, I was of the idea that we would be debating a motion where we will be looking at the factors on the ground and whether the village council members are important. Madam Speaker elsewhere, in other counties, this structure has been finalized. We have so many workers that are working within the wards but the kind of jobs that they are doing is not defined.

This is one of the ways Madam Speaker, there are those members of the public that are working for us and of course there are members that are not in any structure. This is one way that the county government was supposed to ensure that devolution works up to the village so that those old men that have been working around in the villages that have no pay are recognized by the constitution but two years three years down the line Madam Speaker, this people have not been recognized.

I want to thank Hon. Stephen Mwanthi and Madam Speaker with your guidance, see whether we will be debating a motion where we will be asking the county government to take no further time but ensure that this Act is operationalized by ensuring that those people are in our payroll. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ngunga. For some moment, I was getting lost because I was trying to follow you but I was losing you out because you talked principally or mainly on village administrator and I can see the statement is on the establishment of the village council. Then, unless the mover of the statement is seeking something different like to operationalize the village council under the decentralized units.

As you went on, I caught you because now you went onto the point that is on the Table. So it is a support that you are expressing that it should have been done like yesterday. You are right when you say it is about devolution; in fact the Act says that devolution of power, resources and management of the people's affairs should go even to a unit lower than the village but now the Act at least stopped at village.

So it is for also the Assembly to decide what lower unit than a village; a group of may be households but for the time being, we must operationalize the law. It is a long while. This is a 2012 legislation because County Governments came into force in 2013, so to date six years down the line for us here, we need to do it. That is what Hon. Ngunga is saying. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I want to commend the Hon. Member from Ekalakala, Hon. Stephen Mwanthi for coming up with this statement. Madam Speaker, the spirit of devolution was to take services closer to mwananchi and according to the structures we have in our Act, the lowest structure is village council, Madam Speaker. It is evident that we have ward administrators and we also have village administrators but the village administrators do not have any committee that they chair or that they sit in to deliberate issues concerning their particular villages.

Madam Speaker, it is also very difficult for information to flow from the households to the village manager because the council is not there because if we have village council in place Madam Speaker, I believe the village administrator will have people to work with and will have some people to bring information and it will be easier for him or her to disseminate information from up downwards.

Madam Speaker, when we are carrying on projects within the ward, the village managers may not have adequate skills but if we ensure that we have the village council I am very sure some of the issues can be discussed at that village council and things will be going the way they are supposed to be.

The other issue Madam Speaker, the same village council can also act as the project management committees for the wards so that when a Member of the County Assembly goes to the Executive and negotiates for a project, the Member of the County Assembly will not be bound again to send some people to see what is happening because once somebody goes to represent or to see what is happening, later, they will come back to the Member of County Assembly for something small maybe to take tea or something else.

But since these village managers will be entitled to get allowances, I think that is a burden that is going to be removed from the MCA. The statement is timely and valid; I support Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Ndawa. I am just trying to decide which committee should handle this matter. There is a mention of devolution somewhere and that is what I am looking at right now. I am looking at the duties of devolution; we really have an issue here. Members, we have the devolution committee and inter-governmental relations but the assignment of duties under the Standing Orders is a bit not so clear. The committee that mentioned decentralized units is of trade and economic.

Then I wondered if the village council; is it about trade, Hon. Kieti? It is not. I think the decentralized units that they thought about when they were setting up is about devolution. Hon.

Members, the sentiments that have been expressed by you on the statement are noted by the House and this matter is referred to the committee on devolution and decentralized units and it is to consider the statement and do the necessary and then make a report in this House by the 17th July, 2019.

You notice that we have given a much short time because this is an urgent matter. Remember we are just about to pass a budget and we want to make sure that right up to the lowest unit in the village, wananchi get the services out of the budget that we are passing and it is through such a unit like the village council that they would voice their concerns and even express their view even on the issue of bursaries that we were addressing this morning. So, that committee should bring that report by 17th July, 2019 Hon. Members.

(Applause)

Mr. Clerk, proceed.

MOTION

THE ROLE OF PRIVATE SECTOR IN SPURRING DEVELOPMENT IN THE COUNTY

Hon. Speaker: Hon. Members, under this Order, we have one business by the Hon. Justus Kiteng'u.

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

Madam Speaker, that aware that unemployment is one of the main challenges facing the youth in the country;

Aware that over 60 percent of the youth in the county are unemployed and noting that one of the key policy objectives of the county government of Machakos is provision of jobs to its youths;

Acknowledging that Article 174 of the Constitution of Kenya provides objects of devolution to include among others the right of the communities to manage their own affairs and to further development;

Aware that there is no meaningful development that can be achieved when most of the residents are unemployed;

Further, aware that Machakos County is home to Mavoko town which is one of the major industrial towns in Kenya;

Aware that the industries and other natural resources found in the area are great asset in the county and if well exploited they can spur development of the county;

Aware that as the government strives to provide public goods the private sector strives to exploit resources for private goods at minimum cost to earn maximum profits;

Noting that the county or national government is charged with the responsibility of making policies to regulate private sector in exploitation of resources and to achieve its development goals;

Aware that the private sector can assist in spurring development of the county through initiatives such as Corporate Social Responsibility (CSR), employment of the locals, Public-Private Partnership among others if proper policies and forums are put in place;

Madam Speaker, I wish to move the motion that the county government of Machakos draws up policies to regulate industries operating in the county to:

1. Offer enhanced Corporate Social Responsibility (CSR).
2. Employ at least 70 percent of the staff from Machakos County and at most 30 percent of staff from outside the county.
3. Enhance Public- Private Partnerships (PPPs) in development.

Thank you, Hon. Speaker. I therefore call upon Hon. Mueni to second my motion. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I stand to support the motion and, Madam Speaker, I think I can contribute on that point. Madam Speaker, I think our children are not having jobs and by that, it is making education to be not useful to our children. You can see a boy or a girl having a degree walking in the village and if the children who are learning see that, they say there is no need of going to school or working hard.

This is making the parents not to pay school fees to their children if they see a certain woman or man who has used a lot of money on the child and he/she has gone back to look for an husband instead of getting a job. So it will be same as not going to school, that is what I mean.

Hon. Speaker: Hon. Mueni.

Hon. (Ms.) Mueni: Madam Speaker, it is very true because whether you are educated or not, you can get a husband. So it is better for a girl to go for a husband instead of wasting the money for the parent.

Hon. Speaker: I just want to let you know Mheshimiwa Mueni and I know you know very well that looking for a husband is not because only there are no jobs---

Hon. (Ms.) Mueni: Most of the times---

Hon. Speaker: Wait, Hon. Mueni. Even those who are married, some of them by choice, don't even work. So don't discourage the young girls from looking for husbands but just say they should get husbands when they are already educated.

Hon. (Ms.) Mueni: I think you have gotten me.

(Laughter)

Hon. Speaker: You think. Go ahead.

Hon. (Ms.) Mueni: So, Madam Speaker, I think the people who are having factories in our county they must be forced to get work for our children before they employ other people from other counties. I think like Mavoko, we have factories, they are getting people from other counties and the owner of the factory is coming with his or her own people. So they must be forced to employ as the Mheshimiwa has said, 70 percent. Thank you, Madam Speaker.

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

Hon. Katumo: Thank you, Madam Speaker.

Hon. Speaker: Hold on Hon. Katumo. Just take a break first. We were skipping a very important part. I think because we went into issue of girls looking for husbands which is not a bad one; it is the essence of life.

(Question proposed)

Hon. Members, I now invite you to debate the motion. I had asked Hon. Katumo, please proceed.

Hon. Katumo: Thank you, Madam Speaker. Madam Speaker, I want to applaud the Hon. Kiteng'u, the MCA of Kivaa ward for this great Motion that he has brought in the floor of this House considering that from what is seeking our youths, most of them are not employed and there is need for them to be employed. Then knowing that Mavoko has been booming with industries reaching as far as near Machakos and therefore there is need to have a regulation, a policy in place and it is the responsibility of the County working together with the National Government to make sure that a regulation and a policy is in place to make sure this is achieved.

Madam Speaker, even before I continue looking at the nature of the policy that the Hon. Member wants the County Government to draw, he gives three areas; to enhance the Corporate Social Responsibility which is good, to employ at least 70 percent of staff from Machakos County and 30 percent from the outside County then enhance public-private partnership.

Madam Speaker, as I stand here, I represent people with disabilities and I want to encourage Members, as they make Motions and laws in this House, they should not look that way; they should also look this way to make sure that we make use of holistic nature of our laws. Article 54(2) of our Constitution talks about the rights and ensuring these rights of PWDs and one of them is to make sure that in every appointment, in every selection of employment, five percent should be people with disabilities and therefore Madam Speaker, if you allow me, these industries should not only employ at least 70 percent of the staff from Machakos County but also ensure that the fact of our Constitution, five percent also of their employees should be PWDs.

Secondly, Madam Speaker, I am a resident of Mavoko itself and have been living there for so long; I am a businessman there, I am an investor and in our houses we have been receiving so many non-Machakos people. The growth in Mavoko especially if you look at the statistics per tribe, although I do not want to go that way, actually we have others coming from outside Machakos more than people coming from Machakos and even the surrounding Counties and it is a cause of worry and especially as I speak and talk like a politician, we are having less Kambas.

Actually, other tribes are becoming more and more which means these industries that we have, they do not take into consideration where they are putting the industries, they are not giving us this Corporate Social Responsibility and as you move around Mavoko itself and particularly Athi River you find vast parcels of land that are in total waste because they have been misused. You see you look at as you pass Greenpark, the other side, so many holes, so many anthills on land that have been used badly and therefore if we can give an opportunity to

most of these industries to use our land then they are not giving back to us in terms of employment and other services then we are losing each and every day.

I have noted with a lot of concern that if the land that might have been allocated to most of these industries is being grabbed by people from Machakos while it is revert to Machakos (??) which means of course, the owners of those industries, the senior staff are not people from us. So this Motion is in order and I support it. Thank you, Madam Speaker

Hon. Speaker: I think it is good. Hon. Katumo, thank you very much. Hon. Members, I just want to draw some caution and some guidance on this Motion; the Constitution itself talks of affirmative action for the persons living with disabilities and for women and for those who are marginalized and Hon. Katumo rightfully referred Members to Article 54(2) then I also want to draw your attention Hon. Members to the provisions of Section 65(1)(e) of the County Governments Act.

What is clear is that the Constitution and the laws are distinguishing between private and public undertakings and the reason is that they appreciate that in the Constitution the individual has a right to property and if I am operating a business, it is my right as an individual, a private enterprise. The Government will not be quick to do laws that are going to force me into operating my business in a way that is going to offend the right to property in the Constitution firstly and secondly, that is likely to chase away private investors.

So when we talk of having to force investors to take 70 percent as opposed to 30 percent, we have to have in mind that you can only do it in a persuasive manner but there is no way you can force them. If you want to force them then they will close shop and they will leave your County and they will go to Counties where they can do their business comfortably; the same thing with the Country, the laws we make as a nation and the policies must make sure that we do not chase away investors and they are very sensitive.

So, when we are discussing our Motion here which is very good and I like that Hon. Stephen Mwanthi saw it and couched it in the term of policy; even that policy must be persuasive. Sorry, Hon. Kiteng'u, we must put that policy in a way that we are persuading the private investors but not forcing them and so even as we discuss remember the laws that say 30 percent is a must and five percent is a must, it is as far as public institutions are concerned but not private.

So, when you come to interrogate the matter further and even in this point think of how you are going to sell the idea as something which even in the end will be of benefit to the investor but not to tell them, you are telling me to take 70 percent by force. As a County, you will be sending the wrong message and we are looking for investors but we need to bring them in to buy the idea to support the youth in the County. So let us discuss it with a bit of sobriety and then we also don't send that wrong message outside. Hon. Kisini.

Hon. Kisini: Thank you Madam Speaker for giving me also time to respond or to air my views on this Motion. I want first to thank the mover of the Motion for seeing to it that there is need. I happen to come from Mavoko, I represent Athi River Ward where we have so many factories and maybe before I continue I would like to highlight to these Hon. House that it is very true that Mavoko is housing or has a lot of factories; even I think the greatest in the whole Republic.

Mavoko is housing the EPZ which is employing over 3,000 or even more, Mavoko is housing most of the cement factories within the Republic, Mavoko is also housing most of the

quarries where we get our concrete and I think more than any other area in Kenya and then many other factories.

So, I would like to thank the mover and say to it that, because of lack of policies, there are no controls about those people how they are employed, also how they are remunerated and as Madam Speaker, you have advised, it is good we have friendly policies whereby we can see to it that we secure employment for our youth. There are also no controls of how even those who are in employment are paid. Some are sacked arbitrarily, some are paid very low and even as leaders from that area, there is no recognition even of the leaders who come from that area.

I once visited a company or a factory which I will not name when I was elected as the MCA thinking now that I am the commander and maybe I will get what I want and I was astonished I was locked outside. I tried to explain myself I am ABCD; so I think those are some of the lack of policies not to recognize the leaders.

So, Mavoko is housing, it has so many factories, KAPA Oil most of even the companies are employing even more than one 1,000 people and with good policies, with friendly policies, with good approach, with the recognition of the County, with the recognition of the Assembly, we can achieve our aim and we can secure more jobs to our youth. Thank you, Madam Speaker.

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

Hon. Ngunga: Thank you, Madam Speaker. Again I want to also appreciate Hon. Kiteng'u for coming up with this good idea and I want to bring to the attention of the Members of the fact that when we deliberate this, let us not look at Mavoko alone; we are looking in the Machakos County in its entirety otherwise most of you must have noted that the companies that we are talking about nowadays there is a spill-over from Mavoko towards Mombasa Road towards now actually Kithini area and almost where we are. So, I think this is very important that we come with the policies and regulations to regulate even the way these companies operate.

Madam Speaker, I get your caution but a nation that does not protect its population then that nation becomes vulnerable. You must have heard of the recent situation where we have Chinese already now hawking second hand clothes in this Country; soon we are going to have even people that are going to come up with companies that will be employing people from their own region when actually the labor that is required is very unskilled so some of these things---

Hon. Speaker: We operate within the law.

Hon. Ngunga: Yes we operate within the law. So, Madam Speaker while Members are looking from the point of view of 70 percent, 30 percent, I want to look it from a different perspective here. Members, yesterday I was involved in a situation where a company that has been operating within my Ward, we have lost about 14 employees in that company, the one that is just on your way on the left side as you go to Nairobi.

Upon entering that company, we realized that that company was operating without the NEMA license, we came to realize that, that company was operating with change of user and this company grinding stone amongst residents an agricultural area where people are supposed to be living. They are undertaking you know grinding and so we have lost about 14 members and therefore Madam Speaker I find this Motion very timely.

One of the things that we need to look at is, these companies that are coming to us, of course, we want to agree with open hands that they need to come but we also we want to get aware of what impact is this company going to bring on the locals that is number one.

Secondly, Madam Speaker, we have had a big challenge in this County sometimes I keep wondering myself when people apply or when businessmen apply for change of user, who approves this change of user for example because I am told my chairman for committee on planning is here and I did not know whether any applications have been coming to this House for approvals because look at this; we have just had a Motion talking about..... in fact, if we look at what the Constitution says about the village, the village council members they need to be approved here. Look at a company that is going come in this County and the Assembly does not know. Who approves this surely, Madam Speaker?

So, I find this Motion that Hon. Kiteng'u is bringing very timely because during the olden days when we used to have the County Councils and the Municipal Councils, there was no way that you could start a company without the approval of the relevant Committees and our Committees Madam Speaker, have been rendered almost paper tigers.

So, it is high time that we got involved as Members of this Assembly and as a role of oversight to ensure that what the County undertakes we are involved 100 percent. So, maybe Madam Speaker, from the point of policy I would like this House to look at it from that angle so that as companies come here, we are involved in terms of getting to know what this company is going to undertake, where is it going to be located?

For example, we have seen quite often in the television where effluent is emitted to our system and this water is heading nowhere. We are doing Thwake downstream and then we have the companies up here and they are releasing effluent water into our system so what are we doing? We are actually is like where are these rivers are going, they are going to Thwake. Look at how cancer has come so while Madam Speaker, we want to welcome these companies here we also need to be careful so that we do not have a situation where we are making money and our life expectancy is shortened by even 20 or 30 years. So, these policies, Madam Speaker, must come in place.

Look at, for example, the sewer system where this company is going to be located, how much water is the company going to take and where does this water go? I have talked about the issue of the change of user so that the residents that live in a particular area; like the other day I remember Mheshimiwa Kiteng'u was talking about a company from China that was going to do donkey slaughter house and I do not know how far they have gone with that, I do not know the public was involved but I remember at one time he had an uphill task trying to cool down the public because the public thought that the donkey slaughter house should not be done down there.

So here, therefore, Madam Speaker I want to caution our Members that we are not taken for granted; why we want these companies come, Madam Speaker, it is very important that as a County remember we neighbour Nairobi and our people have been too friendly sometimes at the expense. We can be too friendly at the expense of our lives. So, I want the County to come up with policies that regulate the companies that come here so that as they come there is a way of us co-habiting with them.

There are even ways that Madam Speaker, we can even zone areas so that we say this area is going to be for this nature of this company and I think that was actually the spirit. If you look at Nairobi the way Nairobi is structured, there are areas that we call industrial area, there are areas for residential areas, but you know what is happening now Madam Speaker you find there

are companies that are down in Masii, there are companies like the ones I have just quoted, there are others that are in Mua now as we are talking; there are others that are everywhere and you know without control we risk these companies having these dangers.

So, Madam Speaker, one of the challenges that I want and policy to come about is who does the approvals here? Because the other day I went to the Executive here and I want to use this experience and I had applied for a change of user and I looked at the officers that were looking at that change of user I can even table it here and I actually it was a joke. Very junior staff are the ones who are seating there to approve these change of users and I wanted to do a very big thing around in town but when I looked at the levels at which this thing was done, I realized that actually it is something that is subject to abuse.

So, Madam Speaker, that is why I am saying we rise up to the occasion so that we force the Executive when those approvals go for them they must be taken to the relevant Committees for approval so that the House approves and we now know that such and such a company is operating in such adjacent area. That, Madam Speaker, we will be the way to go and that is when we will be able to control this.....(inaudible) and these companies that sneak anytime.

Of course, this also another way Madam Speaker, of trying to stamp out corruption because we have been talking about our officers down here being corrupt. The moment they know that these approvals will have to come to the House then naturally because our work is it only to approve COs and the CECs, surely? I want us to ponder and ask ourselves surely are we here to approve the CECs and the COs and when we are through with that we let them do whatever they want to do?

We also need to look at what they are doing; that is our role and that is why Madam Speaker, we are here.

(Applause)

Otherwise, if we do not look at what we are supposed to be doing, then we just become gentlemen who come here, we approve COs, they go make mistakes here and we do not even get to know what is taking place. But therefore Madam Speaker, I want I want to support Hon. Kiteng'u motion that we come up with very good policies that are ensuring that this House is given power just like the rest of the Houses have powers to ensure that we have control of what takes place in the county.

Madam Speaker that is why we are elected and that is why we sit in this House her; otherwise we don't only sit in this House here to only be told about things when they go haywire. Like for example, that company when I went there, I had nothing to tell the public because I did not know who licensed the company, how it had been done but the public was all over me asking '*Mheshimiwa tuambie*' and I had nothing to say.

So, that is why we are insisting Madam Speaker, we need to come out with proper policies that are going to ensure that this House is fully involved in what takes place there. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Just a moment, Hon. Ndawa. Let me make some short guidance. Hon. Ngunga, really, I want to appreciate that this House is waking up because this motion by Hon. Kiteng'u has brought in other issues of great county and even public importance that this House

has not been dealing with and even though we are alert not to deviating from the motion on the Table, it is good that we are hearing this so that maybe is a matter you will take up.

I just want to comment on the issue of the river; the effluent and the toxic waste that is being dumped in the River Athi and the water we are consuming downstream all our people I think the three counties or two counties of this region. You also talked of the land use, change of user, you have talked of planning, you talked of factories now coming up to Mua, Mua is principally agricultural and then now if there are factories being set there and then labor, one of the members here contributing Hon. Kisini talked of how they are poorly paid and so on.

So what I want to draw your attention to is that there are laws that will guide on the rights of the employed and the rights of the employer. There also laws actually in the constitution that guide on environment Article 42. Hon. Ndawa is always saying the right to clean and healthy environment and then also on land use that you should not come to set up a factory in the middle of residential just like that; spatial planning. Then you will also find like in the National Assembly they are supposed to give permission when it comes to exploitation of natural resources to a certain extent; that is not the same with County Governments.

So, what I am saying is that let us wake up and let us hold the executive, like the environment department; have you summoned them Hon. Kisini to tell you what they are doing about the pollution of river Athi, have you done it on the quarries that are making people in that area in 10 years all of them likely to be dead because of chest infection, the dust they are inhaling every day. We are not saying we don't have that development but it should be contained in a way that it doesn't affect the people.

How are you representing them here? It is good Hon. Ngunga is raising it that even on land use approvals, that is why you find that if it is Mua which is agricultural, some of it now some factory next door where you are growing your maize, so the smoke that is going to come out how is affecting the maize that you are planting and you are going to consume it? So what are we doing?

It is good that you are waking up and thank you for waking the House up but now it is for you to decide which way you go because you have told the members they needed to hear that they have representation duty which they have not been executing and it is not just the county executive even the National Government because you have the right to manage the affairs; he cited Article 174, the affairs of Machakos in Athi River. How do you want your people taken care of?

Summon even the CSs and let them come and tell you who is giving these mining licenses that are destroying even the neighborhood and what is the long term effect? Are they rehabilitating those big holes which they do after they shift; what happens? Are they doing it like the Haller Park in Mombasa or are they leaving it there open? So, let us do our job but now for the time being let us discuss the policy on the table about the jobs, CSR and PPPs as per the motion. Thank you, Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I want also to thank the Hon. Member for Kivaa Hon. Justus Kiteng'u for this Motion which he has tabled before this House. Madam Speaker, the Kenyan policy is very clear and it says feed the nation then export; if we grow crops here then we export to other countries, we have to ensure that the residents have eaten enough and they are satisfied. So the motion is very okay; the only reservation I have is that the bylaws and the constitutional laws, the bylaws should not infringe the constitutional rights, Madam Speaker.

The motion before us is very important but even if we pass it here as a House, the motion is not enforceable; if we want to address the issue properly let us come up with an Act or a Bill something which can be enforceable. A motion is not enforceable and we should not cheat ourselves, Hon. Members. The other issue, Madam Speaker---

Hon. Speaker: Point of information from the move of the Motion.

Hon. Kiteng'u: Thank you, Hon. Speaker. I would like to inform the Member that I am seeking for a policy to enforce the below three items in question.

Hon. Speaker: Just for guidance, the Motion seeking for policies, formulation of policies and ordinarily a good is preceded by policies so he can start at the point of a motion on the policies and then the policies, once we involve the public participation including the companies he is targeting, including the executive, then it can translate into law. So, we are starting somewhere towards legislation, if you find that is necessary.

Hon. Ndawa: Thank you. I am well-informed. Madam Speaker, the other issue that I want to talk about is the rights of a businessman is something which is provided for in the constitution and we might not have the capacity as an Assembly to dictate a businessman on how to employ these employees within the premises.

So, Madam Speaker, what I would request is that I would request Hon. Members including myself that we have a good relationship with our investors who are investing within our county so that we don't go the route that Hon. Kisini went; he just went to that factory when he had something which was touching. Let us visit those---

Hon. Speaker: Hon. Ndawa, did you see Hon. Kiteng'u go to any factory?

Hon. Ndawa: I am talking about Hon. Kisini.

Hon. Speaker: Sorry, Hon. Kisini?

Hon. Ndawa: He has told us, Madam Speaker; he said he was blocked. If there was good relationship between him and the owner of the company before, I am very sure he could have made a call and he could have been escorted from the gate to the Managing Director's office. So let us make friendship with the investors. Madam Speaker, the Kenyan government is spending a lot of resources going outside to source for investors and the few ones we have within the county we are trying to come up with something which can scare them.

Madam Speaker, let us appreciate that these companies and business are the source of revenues that we sit here to budget so let us support their businesses, let us have good relationship with them and I am very sure some of the challenges, we have we are going to address.

The other issue, Madam Speaker, the percentage proposed is very high; it is even 70 per cent is very high even the Constitution of Kenya it talks about 30 per cent and 5 per cent for the people living with disabilities. Madam Speaker, the other issue when there are businesses being set up or established whether they are private or the government, those people that are within the

area or that locality should also be involved so that they are aware of what is coming up; so is to address the issue of Mheshimiwa Ngunga.

I heard him over the radio this morning, I heard him use the highest voice that.....in fact, he was brushing the.....I don't know whether it is the Deputy County Commissioner or is who, but to avoid that let us agree that as something is being established, let the locals be aware of what is happening and I am very sure if they are aware they will own the project and they will support it.

The other issue, Madam Speaker, this motion is seeking to have our young ones who are not employed get employment; apart from the new businesses that are starting that we are seeing, also the work which is being given by the nation we should also take care of the unemployed. Madam Speaker, come August this year, we are going for census and the government has already advertised for people to apply for those jobs.

Those who are already in employment, some are taking leave to go and secure that job when we have other who are not employed.

(Applause)

Madam Speaker, as we address this Motion of my brother Hon. Kiteng'u, I think we should also address the issue of census and those who are to carry on with that exercise because we have very many young ones who are idle like what Hon. Mueni was saying and whenever a chance is there, it goes to those who already has a payslip. Madam Speaker, when we were in school we were being told we are the future leaders; when does this future come?

Hon. Speaker: Yours came, you are here now.

Hon. Ndawa: What of the young ones who are now looking for that future. So, Madam Speaker, the motion is good and unless we talk for our people, Madam Speaker, our people will remain in problems. I want to cite an example of a certain school by name Alliance Girls High School and Alliance Boys High School; Madam Speaker, when the President Moi was in position, some residents of that particular area where those schools are, sat down and asked themselves 'these schools are within our locality but when they are taking enrollment for kids, they are taking kids all over the country, but as the locals of this area we are not benefiting.'

So they were trying to see how they can be given a certain percentage in those two schools. Madam Speaker, I want to say those old *wazees* from that area were very clever; instead of trying to interrupt the national program, they just went to the President himself and told him, 'Mr. President, since this school is within our locality and its taking people from all over and we as residents we are not benefiting, can you allow us because we don't want to interfere with the national program, to construct at least one class in Alliance Girls High school and another class in Alliance Boys High School so as you take for the whole nation, this new class you allow us to enroll students from this locality.'

Hon. Speaker: Hon. Ndawa, I was in Alliance Girls but I didn't see that and right from the time of President Moi, I went there after the death of President Kenyatta, the founder of the nation.

Hon. Ndawa: I think Madam Speaker, you were there before, Moi ruled for about 24 years, Madam Speaker.

Hon. Speaker: I was there and after the death of the President Kenyatta that is when I went to Alliance school.

Hon. Ndawa: Thank you Madam Speaker for that information but the report we have because we are Matuu is a cosmopolitan town, we have investors from that particular area and they are the ones who advised us as locals of Matuu and that is why we are establishing Yatta Medical Training College and we want to use the same route they followed so that as we take student for this school, we also take for that area.

So, Madam Speaker, these people were allowed, they constructed the classroom and the students, once they were selected, they were being taught by the teachers who are teaching the national school; they were using the same laboratory and they were playing in the same field. So, Madam Speaker, what Hon. Kiteng'u asked it is something which is valid and need to be supported by everyone. Thank you, Madam Speaker.

(Laughter)

Hon. Speaker: Hon. Ndawa, I like the spirit behind what you are saying but let me tell you that never happened at least not in Alliance Girls because the school, I have all the history about it from 1978. So, let us just carry on with our matter here but it is a good thinking; you first feed your children before you feed those outside. Any other Member, Hon. Kieti.

Hon. Kieti: Thank you Madam Speaker for giving me this opportunity. The matter that has been brought by Hon. Kiteng'u lies squarely within the mandate of my committee and I want to thank him for bringing this motion. Madam Speaker, I want to say that sometime in April or in May, we had a sitting with the CEC, Trade, Economic Planning and Innovation together with his staff and we discussed and we inquired a lot about the matter that is before us.

Madam Speaker, I want to concur with the Hon. Kiteng'u when he requests that we have our people being employed because this is one of the matters which we sought for so that we do not have an investment within our locality and not benefiting the locals and what the industries are doing at the moment they just destroying the environment.

So, we talked at length about this matter and I support that we come up with policies that can guide those investors because I got to understand that when an investor is putting up or he is investing in Machakos, they first sit with the executive and it is as if the executive has taken up our roles as Hon. Ngunga has cited.

So as they sit down with the executive they must be guided by a policy that is coming from the Assembly so that we come up with a Bill that will guide how the process will be carried out so that when the industry is being set up, our people are not left out and they are able to get jobs even if it is the semi-skilled and the manual labor, we must have a big percentage coming from the locals so that they benefit.

The issue about the CSR is a matter that the executive needs to follow up on because it is very unfair we have an industry lying somewhere like we have East Africa Portland Cement, we have Bamburi Cement and when you go about even less than 100 meters where we have River Athi, you find the river has been polluted and these people can take an opportunity of cleaning

that river and improving that environment within the river bed so that the residents can see that this industry is doing us a favor so that they operate with the goodwill of the neighbors.

What we are experiencing is destruction of our environment and I support fully the three prayers that Hon. Kiteng'u has come up with; they be put in a very clear policy so that the Executive together with the Assembly can use them in the future. When we just sit in silence, our ignorance will haunt us and will haunt this county because people will be coming from outside and will be taking all the jobs and our children will remain at home. Thank you, Madam Speaker

Hon. Speaker: Hon. Kieti, I am not happy with a word you have used. The Member---

Hon. Kieti: I withdraw.

Hon. Speaker: Can you replace it with another word like when we don't know what is happening.

Hon. Kieti: Madam Speaker, I have just listened to one of the Hon. Members, Hon. Ndawa when he was citing the example of Alliance Girls, Alliance Boys; I was wondering, if with the knowledge that we have on what is happening in Mavoko and the environs, we are just ignorant about that and we cannot see that our people deserve those jobs which means we need to put a small industry next to Bamburi so that our people can get employed there. I think we.....which word can I use to replace ignorance anyway, Madam Speaker.

Hon. Speaker: You used it a second time but I will leave it at that because that word has a positive and a negative meaning. I am taking it that you are taking the positive meaning because the negative one can never apply to the Members.

Hon. Kieti: Thank you Madam Speaker for guiding.

Hon. Speaker: Hon. Steve Mwanthi.

Hon. Mwanthi: Thank you, Madam Speaker. I think Hon. Kiteng'u's motion needs to be supported, citing some of the examples like prayer 'A' where he needs these companies to enhance corporate social responsibility. We have KENGEN which is operating in Masinga Sub-County and I can tell you not only with their total profit of Ksh. 10 Billion, they have to give to the community one per cent. With a profit of Ksh. 10 billion that means they have to pump to the community Ksh. 100 million and we have committees that sit with these people to budget for those monies.

As I stand here, we have two classes that were built during my term by KENGEN, which we are waiting to open and they are now ready. That is what we are talking of; enhancing the CSR. I was thinking how much we could be getting from factories in Athi River; the Portland, Bamburi, and Devki where we cannot show anything that they have done to our people. It is just two weeks when we were giving them names for our students who had B+ for sponsorship to the same KENGEN.

They have constructed gabions in our rivers, they are supplying seedlings to our schools including Hon. Ndawa's schools over 500 (??). So when we talk about CSR, that is what we mean and we do not have to plead with them and we have to tell them they have to do that

because they are affecting our people. They don't even help us in planting those trees and they need to control the environment. Anything that KENGEN does which is wrong, we have representatives from the community and they are told this one we cannot allow in our environment and that is what they are doing.

We have made the environment friendly to the residents who are there. For me, I feel we need to come with a policy that will be guiding some of those things. If KENGEN can give Ksh. 100 million every year and the number of companies that we have here in Mavoko, in fact we can have more than we are having in our county development budget Madam Speaker.

On the 70 per cent of staff, Madam Speaker, it is something that is affecting our people and this is something that can be well cited including our national government. If you go to the land registry, you will not find any single registrar from our community. We have very old mothers from our community who do not know how to speak in Kiswahili so for them to get title deeds here in Machakos, I can tell you it is very hard. They don't get because the people who they find there do not understand the language they are speaking.

Our people are getting a lot of problems from the registry; in fact, I propose something should be done. We need to have registrars from the local community because lands registry is where we get all our titles from and if we have none from our community, our people will continue getting problems and much more as we move on. It is yesterday when I was engaging our Chief Officer of lands and she told me it is true we do not have any single registrar who is working for our people. So, even the Executive is feeling there is something that needs to be done there so that our people may get services.

Again, if we say let those companies come and we are getting a lot of money from them and yet what we get from those big companies is only the single business permit of Ksh. 70,000; what else do we benefit from those people, nothing else. So we need to come up with policies that will ensure that we don't have to say that Machakos is very rich, it has numerous companies but we are getting nothing from them.

So, it is a policy that needs to be enhanced and looked into by us otherwise they will continue getting money from our people, killing our people with a deteriorating environment. Sometimes back when I was in Mavoko moving around with the finance committee, I can tell you, the information we were told is that out of 10 children below the age of 10 years in Mavoko, at least four were found to be asthmatic. The reason is because of the dust being emitted by those companies and the smoke.

So you see we are killing our people in the pretense that we are getting something from those companies. Something needs to be done so that as they work from our county we also get something from them and see how we can enhance our environment and help our people. Thank you, Madam Speaker.

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

Hon. King'ori: Thank you, Madam Speaker. I want to congratulate the mover of this motion; it is timely, it is good and I also want to touch on the benefits of CSR when it is put in law. Like we can't live in fear of bad laws when we have some places where they are being practices like in Turkana. After they got the oil, they stood their guts and they said no oil will come out of our area without a certain percentage to our people because the revenue you are going to get it is because it is in our county.

About KENGEN, we are paying them yet they are getting that money from us; we should also have a policy whereby they will also give back to us something like on roads we have to partner with them so that we build roads.

Companies which are in Mavoko and the ones in Muthwani should have at least followed the law and do something to the public by maybe making some roads. We have to partner with them because they are also stakeholders; if there are no roads they can't work. We need to see something positive coming from our industries. We need to see policies being enforced; that is why we are lacking what we are lacking because if you ask Hon. Kisini to go to your factories and check, he doesn't have any back up of the regulations or any law so they end up misusing us.

Like the quarries, they are mushrooming everywhere in Muthwani; nobody is minding about anything, what they know is that there are stones and everything but what are the benefits that my people are getting; zero or negative because some roads are being spoilt by them because they use heavy machinery yet we get nothing out of it. You see, it is lack of regulations that will guide these factories or enforcement of those laws.

The one that was passed here of the Machakos County Management of Quarrying Activities Bill 2016, it provided for money to be given to the society but which method are you going to use because there is no regulation backing it up.

Madam Speaker, I also want to talk about employment in our area; we are metropolitan area but we also have our indigenous people. They need to be considered so that we can remove the poverty in our areas because all the foreigners who are coming are not employing our people. They are misusing our area and our people. I might not come from the indigenous people but I know the suffering but I live with them and I know what is going on in the fields.

These people come with all the staff everybody. Now what do we get, what do the indigenous get? That is the big question. We need policies to enforce them so that we can have at least 50 per cent of those people employed coming from our areas. We should be fair to ourselves and to our people without minding about business because they have to do business in our area no matter what. But they also have to recognize that we live here and we also need jobs and to empower our people. How do you empower people without policies?

We need to make good policies which are also friendly to them but how friendly is friendly? It doesn't mean that when you don't have any policy you are a friend to somebody; laws have been there. Michuki brought one law which we thought it won't work in the matatu industry but it has transformed the business, it is working. People are now enjoying riding in matatus and buses but we need to come up with a policy that guides Machakos. We need to be like Singapore; we need those rich areas to help us.

Hon. Speaker: Point of order from Hon. Muli.

Hon. Muli: Thank you, Madam Speaker. Last week, I was travelling to Eldoret and I found that most of the people who are employed in the companies there are not from that side so I don't concur with my fellow MCA here who is claiming that most of the companies in Machakos employ foreigners. Again, Madam Speaker, I have been sitting here the last two hours and I can confirm that we don't have quorum. So I was wondering, do we proceed that way. Thank you, Madam Speaker.

Hon. Speaker: Proceed, Hon. King'ori to finalize.

Hon. King'ori: To finalize, I want to speak about the ability of what we have. If you are a businessman, you sell what you have; if you are a county, you give what you have and anybody who is coming to our county must also do what we do. So we need good policies that will enforce people not to dump everywhere. We need laws like the ones which were there before, the bylaws, so that even if you spit in town you are charged; that was a bylaw but now we will need a regulation that will guide those factories that we are having.

When they emit poison, we should immediately take them to court but with which regulation? As the Assembly we have every right to ask for regulations and policies that will guide Machakos to go far. We need an airport; we need regulations to guide the population which is coming to our area because of security. Now we have to think about it and we think of policies as the right thing and the best thing to do in Machakos County. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. King'ori. I can see Hon. Johanna has stepped in so we have quorum; we can proceed and finalize this debate.

(Question put and agreed to)

(Applause)

Just to make a comment on the motion you have approved; you have been here, we held prayers in 2018 and in 2019 and that was a meeting of the Assembly with the religious leaders and the prayers seem to have borne fruits. It may be worth considering whether particularly the mover of the motion, that is may also be a worthy venture to seek an interactive session with the industrialists particularly in Mavoko in a session that the Assembly can address the issues you are addressing here in an informal manner and you have the respective Chief Executive Committee Member and Chief Officer so that you can address this matter even before you start summoning them before the committees.

So, think about that because when you have interactive sessions, it helps a lot and you will be able to discuss matters environment, how they can contribute on CSR, and the issue of employment, the issue of PPPs and any other issue. When you start from that footing you may go further than if you just sit in a committee and start summoning them because they will think that you are using force and remember they are protected by the Constitution and also the law. You want to have that interactive session and try to get what you can get from them just like the KENGEN Company is doing for the people.

You may need to liaise with the Office of the Clerk for purposes of the invitation and the suitable venue can be identified and then you will be able to push the agenda even further. That is not only the industrialists in Athi River but even the chamber of commerce locally and get out there and think outside the box and get a way of getting benefits for your people. For purposes of finalizing this motion, it is committed to Labour, Public Service and ICT committee and it is directed to bring a report before this Assembly on or before 4th September, 2019.

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point the sitting for today is adjourned to resume on 27th June, 2019 at 10 a.m. Remember it is a special sitting that is tomorrow because you are going to prosecute matters of the budget and the Appropriation Bill. Have a good evening and you need to come ready tomorrow to work; you might work the whole day and the whole night up to midnight tomorrow. Be ready and have a good evening.

The House rose at 4.20 p.m.