

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 5th March, 2014**

The House met at 3.09 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR
SEMINAR AND WOMEN CONFERENCE**

Hon. Speaker: Good afternoon members. I have a communication about a seminar on 23rd March at Kwale. There is hotel in Kwale, South Coast. That will be preceded by a Women's conference for both nominated and elected members. The forum felt there will be some logistical challenges because they are not able to arrange for the two forums. Hon. Members, I will leave it to you because owing to our proximity to Nairobi, and there are members who will be able to attend, I put it upon you, I will put you at liberty to elect to attend or not and advise our offices to facilitate accordingly. I understand various committees will be committed elsewhere and that will be arranged so that those remaining can make that election. I think I am understood. Thank you. Proceed.

**NOTICES OF MOTIONS
MAVOKO SEWERAGE COMPANY AND EPZA**

Hon. Speaker: Hon. Muinde wait a little, you have not yet been discharged. Serjeants at arms, assist him out of the chamber. I have noticed that there is a member in a bowtie, did I see that? Proceed....Just proceed.

Hon. M. Mutuku: Thank you, Mr. Speaker and the entire house. Mr. Speaker, Sir, I bench to give a notice of motion that this honorable house discusses the Mavoko water and Sewerage Company and Export Processing Zone Authority, EPZA and declare or determine the sole and legal water provider of Mavoko Sub-County in Machakos County. Thank you.

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HEALTH INSURANCE SCHEME

Hon. (Ms.) Ndawa: Thank you Mr. Speaker. I beg to move the following motion that this house discusses the issue of the county assembly health insurance scheme.

REGULATION OF COUNTY GOVERNMENT VEHICLES

Hon. Kitheka: Thank you, Mr. Speaker, Sir, and the entire House at large. Mr. Speaker, Sir, I beg to move the motion or give notice of the motion that this House discusses about the recently brought bought security vehicles that should be regulated to avoid misuse and abuse, be of it, the fuelling of the same vehicle by the county government. Thank you very much

Hon. Speaker: Any other motion?

REGISTRATION OF COUNTY GOVERNMENT MOTOR VEHICLES

Hon. Nzeki: Thank you, Mr. Speaker, Sir. I beg to move the following motion that this house discusses about the registration of county motor vehicles

Speaker: Thank you. Proceed.

STATEMENTS

STATUS REPORT ON COUNTY ASSEMBLY CLERK

Hon. Muthuka: Thank you Mr. Speaker, Sir, and the rest of the house at large. My name is Stephen Muthuka representing Ndalani ward. I do request the county assembly service board chairman to give this honorable house the current status report on retirement from service on public interest for the Machakos county assembly clerk

Hon. Speaker: Hon. Members, I think that question falls directly on the Speaker, he is the chair of the board that handled that matter. For the mover of that statement, a substantive question will be made available to the house in the next sitting. Thank you.

MOTION

MAVOKO SEWERAGE COMPANY AND EPZA

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Hon. Speaker: Before you begin your Bills, there is a matter that I gave notice this morning on naming a member. I am pleased the member is in the House as directed and honorable members upon my retreat to the chamber, a point was raised by a session of you, that calls upon the speaker to consider what is a County Assembly, and for that reason I am putting up the legal mind available to come up with a definition of indeed what the Standing Orders mean by a county assembly and for that reason the ruling and the question that will be put will be deferred and give ruling to what is County Assembly. It is important that we are sure that we are procedurally on course. Thank you very much. Proceed.

Hon. M. Mutuku: The speaker and the entire House. Mr. Speaker, Sir, I beg to move the following motion. That this hon. house discusses the mavoko water and sewerage company And the Export Processing Zone EPZ and declare or determine between the two ,which is the legal water provider for Mavoko sub-county and its environment in the Machakos County. Mr. Speaker, Sir, the water sector has undergone major reforms since 1990s. In 1999 the National Water Strategy was approved by the government and by 2002, the New Water Act 2002 was enacted. Implementation of the Water Act 2002, which became effective in 2003, commenced with the formation of Water Services Regulation Board and Water resources management authority (WARMA).

Under the Act, the mandate of Water and sewerage and services is the responsibility of water service providers that is WSPS, which are licensed by water service regulatory board. The water service providers such as MAVWASCO are licensed as agents of water service board in their areas of jurisdiction. Mr. Speaker, Sir MAVWASCO was established in 2006 as a limited liability company under the water sector reforms which are enshrined in the water Act 2002.

It has a board of directors that work through the committees. The company is headed by the managing director who leads the management team. Mr. Speaker, Sir, MAVWASCO has formalized service provision agreement-SPA and has a license from Tana Athi water service Board which has the mandate of water service provision in its area of jurisdiction and has a license of operation from water service regulatory board. Mr. Speaker, Sir, the mandate of Mavoko water services and Sewerage Company is to provide water and sewerage services within Mavoko Sub County and its environment.

The mandate is in line with the ongoing reforms in the water sector as per the Water Act 2002. The current water demand in Mavoko Sub County and its environs is between 15000 cubic meters per day. This is expected to rise to 25,000 cubic meters by 2017 due to availability of land for real estate development and also because of industrialization within Mavoko Sub County. The bulk of water is supplied by Nairobi City Water and Sewerage Company that is around 65 per cent and 35 per cent is from Portland. The one coming from the Nairobi city water is form Ndakaini.

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Mr. Speaker, Sir, on the upper hand, EPZ Authority was established in 1990 through the EPZ Act Cap 517 for the promotion and facilitation of export-oriented investments and the development of enabling environment for such an investment that is EPZ strategic plan 2009-2013. Mr. Speaker, Sir, the mandate and core function of the EPZ---

Hon. Speaker: Hon Member as you proceed, I just want to interrogate, maybe you can tell us whether you are putting this House to fair treatment when you are talking about the current water usage at 15,000 cubic meter. I am asking whether you are treating this house fairly when you are quoting percentages, figures without some backing information, some attachment or scientific research that will tell us exactly you are speaking or telling us the truth.

Hon. M. Mutuku: Basically, I am trying to give the current situation and the position or the overview of the situation.

Hon. Speaker: I was thinking you will tell us you have those documents you present them as you move on.

Hon. M. Mutuku: I have them. I will be in a position to bring them in due course.

Hon. Speaker: Okay.

Hon. Mbithi: Thank you Mr. Speaker, Sir. Mr. Speaker by the fact that the hon. member is moving a motion, I think there is a relevant committee which is mandated to do such. I think it could have been better if the concerned honorable member passes the information to the committee for deliberations or research, then it is brought to this assembly. Thank you. And that is the committee for agriculture, environment and natural resources.

Hon. Speaker: Okay.

Hon. Muinde: Mr. Speaker, is the honorable member for Lower Kaewa in order to disrupt the member for Mavoko when he is trying to table the motion so that you can make a ruling to where the motion can be laid? So I think that member from Lower Kaewa needs some tutorials.

Hon. Speaker: Thank you very much. The motion is not properly laid yet.

Hon. Katela: Mr. Speaker can you tell this House whether the hon. member for lower Kaewa is dressed for the House today.

Hon. Speaker: I think for the purpose of the Machakos County Assembly, a bowtie is not a proper dress for the assembly.

(Applause)

We urge you to make appropriate arrangements and get properly dressed. After you do that, we will allow you back to the chamber. Kindly assist him out of the chamber. Hon. Member for Mavoko, proceed.

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Hon. M. Mutuku: Thank you Mr. Speaker for protecting me. Mr. Speaker, Sir, the EPZA derives its mandate from the EPZ Act Cap 517. As specified in the Act, the Authority mandate is the promotion and facilitation of export-oriented investments and the creation of enabling environment for such investments. Mr. Speaker sir, this is specifically to say EPZA's core function includes:

- Development of all aspects of Export Processing Zones, with particular emphasis on provision of advise on the removal of impediments to and creation of incentives for, export-oriented production in areas designated as export processing zones.
- The regulation and administration of approved activities within the export processing zones through implementation system in which the export processing zones enterprises are self-regulating to the maximum extent through the protection of government revenues and foreign currency earnings that is EPZA strategic plan 2009- 2013.

Mr. Speaker, Sir, in order to make sure the EPZA has conducive environment for investors, the Government of Kenya extended water main line of 24 inch diameter from Nairobi via Mombasa road to Athi river town and Kitengela. The line serves EPZA, Mavoko and its environments that is Kitengela town. Also, the government acquired land for sewer treatment plant in Kinanie in Mavoko which serves again EPZA and the general population of Mavoko.

Electricity line was extended to EPZA zone and road infrastructure was also done by the Government of Kenya. With the enactment of the water Act 2002, it meant that water should be provided by the water service providers in the defunct municipalities..... (*inaudible*) and assets were taken by water service board as required by the law. In this case, Mavoko water and sewerage company board was formed in 2006 and has been providing water and sewerage services in Mavoko and its environments. MAVWASCO is the only licensed water service provider with all instruments of power to provide the essential services that is Certificate of operation from the Water service Regulatory Board, service provision agreement with TanAthi water services board and a gazetted area of jurisdiction and approved tariffs by water services regulatory board.

Mr. Speaker, Sir, the transfer plan of LN (101) of 2005 is clear as how the transfer of other government and parastatal assets were to be carried out to enable water services board to take possessions of the assets and expand, through planning of their water services in their demarcated areas. However EPZA refused to hand over the government assets related to water and sewerage. Their refusal prompted TanAthi water services board to sue them in order for the

court to compel them to hand over the assets that is. (High Court civil case of number 315 of 2009) which is still pending in High Court.

However, all this has been overtaken by the new constitution which has now mandated the county government to be in charge of water and sewerage services. Over the years, EPZA has consistently been violating the law with impunity and misinterpreting the law by purporting to own water and sewerage infrastructure, forgetting they were financed by taxpayers' money through the Government of Kenya and they owned them in trust.

Hon. Speaker: Maybe, another interjection. Is it your submission that there is a matter pending in the High Court touching on the same subject?

Hon. M. Mutuku: Yes, there is still a matter although due to the new constitution, all that issue has been overtaken by events.

Hon. Speaker: Proceed.

Hon. M. Mutuku: With enactment of Water Act 2002, the Constitution of Kenya 2010, the water and sewerage and infrastructure should be handed over to the county government from the national government or any other body holding on trust, since the function of water and sewerage was transferred from the national government to the county government vide legal notice number 168 of 9..... (*interruption*)

Hon. Speaker: Point of order.....just wait until the microphone picks

Hon. Muinde: Thank you Mr. Speaker. The motion seems to be juicy and nice, but the mover has just stated that there is a matter in court. Is this house in order to discuss a matter that already is in court?

Hon. Speaker: I think the mover clearly explained himself, he said that the matter in court is overtaken by events. You will have a moment to tell us how. Let's all talk through the chair please. Proceed.

Hon. M. Mutuku: Thank you Mr. Speaker for continued protection. Over the years, EPZA has consistently been violating the law with impunity and misinterpreting the law by purporting to own water and sewerage infrastructure, forgetting they were financed by taxpayers' money through the Government of Kenya and they hold them in trust. With enactment of Water Act 2002, the new constitution of Kenya 2010, the water and sewerage and infrastructure should be handed over to the county government from the national government or any other body holding trust, since the function of provision of water and sewerage was transferred from the national government to the county government- fin legal notice number 168 of 9th August, 2013. Mavoko Water and Sewerage Company is the only appointed water service provider in accordance with section 55 of the Water Act 2002. It is worth noting that, EPZ has been operating outside their zone to areas out of jurisdiction and billing all the industries along

Mombasa road, contrary to section 56 of water Act 2002 hence depriving the county government revenue for development.

Mr. Speaker, Sir, EPZA seems to have impunity to the aspect of the law and have consistently been frustrating our effort to serve the general populace of Mavoko town and its environment by:-

1. Deliberately closing the main line that serve water from the bulk line from Nairobi City water and sewerage services.
2. Deliberately taking all the major consumers within our area of operation that is all industries along Mombasa road and Athi river town.
3. Frustrating our consumers by installing their own meters and deliberately closing the line that serves them from Mavwasco site in order to create artificial demands.
4. Confusing the customers since water and sewerage to be charged together but there are some instances where a customer ends up with two bills, one from EPZA and another one from Mavwasco and vice versa.
5. They don't have a licence authorizing them to provide water and sewerage services as a water service provider and an approved water tariff contrary to section 56 of the Water Act 2002.
6. Billing customers without an approved water tariff. And the question is, where does the revenue generated from water go since EPZ is financed by treasury under the national government?
7. From their mandate, nowhere is it stated that they should provide water and sewerage services but rather to create a conducive environment for investors to invest.

Both EPZA and MAVWASCO pay for the volume for water supplied directly to Nairobi city water and sewerage on monthly basis. Thank you Mr. Speaker sir. Yours faithfully, Hon. Michael Mutuku MCA Athi River ward. I would like hon. member Veronica Mbithe of CCU Machakos County to second the motion. Thank you so much. I would like Hon. Veronica Mbithe of CCU to second the motion. Thank you so much.

Hon. (Ms.) V. Mbithe: Thank you Mr. Speaker and the entire house. I want to remind my colleague that I am the Deputy Minority Whip. Thank you Mr. Speaker, Sir. I stand here to support this motion because a time has come for the county governments to reclaim all their revenues because we need revenue more than yesterday and if EPZ has been taking revenue from Machakos County to unknown destinations, we want our revenue back. And we also want to know, as a house ,why the revenue has been going to unknown destinations and since we are the

legislators, I beg this house to legislate the fate of this two water service providers so that there may be a clear cut line of who is supposed to do what. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you very much for seconding the motion. Thank you Hon. Michael Mutua. I would say on the face of this, is a well researched document although we are not seeing the attachment. I am grateful for this kind of good work. Owing to the facts and the law involved in this document with this motion, I would direct that copies of the motion be circulated to the members of the house. I will additionally invite the mover of the motion to approach the Speaker's office for further support on this motion and advice. Thank you very much. The matter will be mentioned in the next sitting with a view of allocating time for its deliberation. Thank you. Not on the matter we have concluded, I think we have concluded, if you have something else? I have issued a direction. The Speaker has spoken and after that you cannot be allowed to speak.

Hon. Mbithi: Mr. Speaker, it may be of great importance for the hon. member for Mavoko to... .. (*interrupted*)

Hon. Speaker: I will allow you to advise him in the corridor... Thank you very much.

Hon. Mbithi: Will it be official, kindly Mr. Speaker?

Hon. Speaker: The next matter. Proceed.

HEALTH INSURANCE SCHEME

Hon. (Ms.) Ndawa: Thank you, Mr. Speaker. Mr. Speaker, I beg to move this motion that this House discusses the issue of the county assembly health insurance scheme. Aware that this assembly contracted Real Health Insurance, aware that this scheme is vital for hon. members and members of staff for the assembly, and aware that this scheme should be vibrant and efficient in service delivery, this house discuss the issue of the said scheme since it is not giving hon. members the best service for the money or as expected.

(Applause)

Mr. Speaker, Sir, aware that these hon. members have families, these hon. members are depending on this scheme. I can quote a few of hon. members who have been disappointed, starting with me. I was unwell and I attended Nairobi hospital and I was not able to see a certain doctor who I was directed to in the same hospital because the scheme does not allow that doctor to attend me. I had to pay in cash.

Mr. Speaker, Sir, the same scheme has a limit of Ksh. 7,000 a day. So if you go to a hospital and you are requested to get medication worth more than Ksh. 7,000, Mr. Speaker, you

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are expected to cough more money from your pocket or you wait for a week to use the same card. Mr. Speaker, some of the honorable members here, I can quote from Hon. member for Muvuti/ Kiima Kimwe, Hon. Timothy, went to the hospital and he needed to be examined and he could not undergo the test because the insurance only has a limit of Ksh. 7,000. Mr. Speaker, I think we are disappointed and this house should discuss this insurance scheme and move with immediate effect to allocate a different insurance company which is worth to serve these members.

(Applause)

Mr. Speaker, I as a person I am disappointed and most of the members are disappointed. If you allow me to quote hon. Christine who was admitted with her daughter in the hospital and she could not be attended. She was told to be transferred to Shalom because the insurance card could not cater for her expenses in a hospital within Machakos. If she was here she would tell us the exactly hospitals which she went. I wish to beg Hon. Felix Ngui to support this motion Mr. Speaker.

Hon. Ngui: Thank you Mr. Speaker, Sir. Mr. Speaker, I stand to second that motion, bearing in mind that if we are unwell and we do not have good health, we cannot be able to execute our duty of oversight here in the assembly. Mr. Speaker, when Hon. Members are going to hospitals, I also went to a hospital, where my bill exceeded Ksh. 7,000 and I was told to go home and stay for a week and then come back for my medicine.

Mr. Speaker, I tend to think that is not honorable and bearing in my mind that the Government of Kenya and the Government of Machakos which is a replica of the national government, they use established insurance firms. For Real Insurance, it is its first time to get in the government work and we do know not its capability to handle matters of health. So, Mr. Speaker, I propose that these members be covered by Jubilee Insurance. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think the procedure is that the motion is first laid. The motion has been laid to the house.

Hon. Maitha: Mr. Speaker, I would like to support that motion in totality. I am an embarrassed myself. As I am seated here, I can assure you, Mr. Speaker, I am seriously sick and just persevering as a gentleman. I went to Aga Khan Hospital, when we had a workshop in Kitengela and the hon. members who were present can testify I was seriously sick. I went to Aga Khan medical clinic in Kitengela and to my surprise, I was told the tests which were supposed to be done were amounting to about Ksh. 10,800 and I was told they can only undergo tests worth not more than Ksh. 5,000 because my daily limit is Ksh. 7,000. And I was told I have to be

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injected and have to be coming every day for the next three days after 4 p.m. because the daily allowance has to expire after 24 hours. As I am seated here Mr. Speaker, I have to pass through Kitengela for the last injection and tomorrow. I have to go back to Kitengela for another test. That is an embarrassment Mr. Speaker.

Two weeks I went to Mater hospital at Transami, near Embakasi. I was told the medical bill for Machakos county assembly as a whole, is below limit so no member can be treated at Mater Hospital. I personally called Real Health Insurance and they told me I wait they are sorting the matter in the next 15 minutes. Mr. Speaker, I opted to go to Aga Khan which directly opposite Outer Ring road and I was treated at Aga Khan Hospital. Real Health called after three hours to tell me that I can be treated at Mater hospital. Mr. Speaker, if I was to die I would have died waiting at Mater hospital. This matter should be considered, Mr. Speaker, because these members will die if necessary measures are not taken because if an honourable member can be told to wait in a hospital, we don't know what is going to be the case.

Mr. Speaker, on another note, I would kindly request you, through the intervention of the Speakers Forum, I have come to realize Mr. Speaker, the medical insurance inpatient-outpatient cover for these members is just but peanuts. Whatever was allocated by SRC is only Ksh. 100,000. If a member, for example, Mr. Speaker with your permission, has got five members that means that, that hon. member is entitled to Ksh. 20,000 per beneficiary. If you go to Aga Khan, a simple treatment will cost you a minimum of Ksh. 7000 to Ksh. 8000.

In about three months time, Mr. Speaker, all these members will have exhausted their medical cover, though I do not wish for any of them to be sick, but due to unavoidable circumstances, the different environment they are exposed to, the trainings they are going out of this county assembly for, Mr. Speaker, they are vulnerable to contracting diseases which need immediate action.

I would request you Mr. Speaker, through your intervention with the assembly through the Council of Governors, you write a letter, requesting SRC to increase the outpatient cover for hon. members to at least Ksh. 250,000. I will be very glad Mr. Speaker for your intervention.

Hon. Speaker: Thank you very much hon. member. The direction on this matter is simple. The assembly board will convene in the morning and address that matter. And at the same time, I will direct the clerk to petition the SRC with a view to improving the cover and a report will be made available to the house by next week, about the Medicare.

Hon. Kitheka: Thank you hon. Speaker. I think the motion which has come into this house has come at the right time because the essence of the insurance fund is to keep these members in good condition so that they can attend the sittings of the house. Mr. Speaker, my wish is because majority of these people before they come into this house, they had insurance covers, in different organizations which were serving them in a better way. I kindly request the

hon. Chair to consider each member to be at liberty to approach or to engage the insurance firms which he or she deems better for take care of themselves because if we are all tied with this kind of insurance firm, it becomes a headache for members because we are not treated and there is a lot of bureaucracy when it comes to the discharge of the money. You are being told this is your limit, go and print this and that which brings a lot of problems to the members. So Mr. Speaker, I kindly request your wisdom to be exercised in this matter. Thank you very much Mr. Speaker.

Hon. Speaker: I have heard all that.

Hon. Mbithi: Thank you Mr. Speaker. I want to inform this house that, two years down the line, I expect to be a father. And Mr. Speaker---

Hon. Speaker: I did not hear you.....I can't hear you properly.

Hon. Mbithi: Thank you Mr. Speaker.

Hon. Speaker: Two years down the line.....I want to hear that.

Hon. Mbithi: Yes Mr. Speaker, and Mr. Speaker, to my unborn child, I would wish him or her to be welcomed as a king or queen. And we really need a serious body to welcome that king. And Mr. Speaker, if in your wisdom you can give these hon. members a chance maybe to propose which insurance companies are fit for them like hon. Felix ngui has proposed Jubilee, maybe somebody would propose Britam instead of just leaving this exercise to a small group, maybe with pondering of the minds with these hon. members it can be of great importance. Thank you.

Hon. Speaker: What is your proposal, there is Jubilee, what is your proposal?

Hon. Mbithi: Britam.

Hon. Speaker: I hope this is being recorded.

Hon. Katela: Mr. Speaker, Sir, I stand to support that motion and propose Pan African Insurance

Hon. Speaker: Pan African Insurance.

Hon. Manyolo: Thank you Mr. Speaker, Sir, and..... (*interruption*)

Hon. Speaker: Hon. members as we do this we also need to know that insurance services are limited by the values set by SRC. So we interrogate them and see which one will give the best package because we cannot have limitless cover when we cannot provide the value and we do not have the money to buy it up.

Hon. Manyolo: Thank you Mr. Speaker, Sir, and the entire house at large. This is hon. David Kiviu Manyolo "Kava-Mutole", Matuu ward. Mr. Speaker, Sir, the motion is so good and concerns to the people and the hon. members most. It is not good for us to be taken for granted. We have to be taken as hon. members. You do not have to queue while you are waiting to be served and yet you are a hon. member and you have been insured. So we need to do something

for our good. Mr. Speaker sir, I do propose that we go for AA, which is better and also good for us... AAR.

Hon. Speaker: So we will take these directions straight away. That we shall invite representatives from those other insurances and if they are giving anything favorable than what we had, then we move up.

Hon. (Ms.) Ndawa: Thank you, Mr. Speaker. It is a good thing that the hon. members can see the risk that we have with this insurance. Mr. Speaker, if I may suggest, that is my own suggestion, from what I have discovered, is that Jubilee Insurance is the insurance that insures most governmental organizations and it has better delivery of services. Most of them will tell you they have never been disappointed. It will be a good thing that County Assembly Service Board can sit down and come up with a better insurance for hon. members. We all do appreciate that.

Hon. Speaker: Thank you very much.

Hon. (Ms.) Ndawa: Mr. Speaker, this has to be done with immediate effect because members are not happy and they are suffering.

Hon. Speaker: As I have said, we are taking the matter with adequate speed and it will be an agenda for the service board as early as tomorrow. Proceed to the next motion.

REGISTRATION OF COUNTY GOVERNMENT MOTOR VEHICLES

Hon. Nzeki: Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, you are aware that the Machakos county government has purchased over 200 vehicles and aware that they are fitted with private number plates which exposes them to theft, misuse and even can be used to secure personal loans. Mr. Speaker, Sir, this house discuss and give direction to the relevant departments for the vehicles to be fitted with the official number plates including those of the county assembly.

Mr. Speaker, Sir, I remember sometime when I was going home, I found a vehicle parked outside the bar and on the side it is written Machakos county government that side it was covered with cello tape. So with the civilian number plates, you could not know whether it is for Machakos county government or it was for Machakos county assembly. So Mr. Speaker, Sir, I would like..... (*Interruption*)

Hon. Speaker: Maybe it had a puncture!

Hon. Nzeki: No, it had no puncture, they were taking some beers, and again you can't even notice the driver. I ask this hon. house to discuss about the uniform and the badges for the drivers. It is very easy for these vehicles to be used in robbery and they cannot be traced. So Mr. Speaker, Sir, I ask this house to discuss about it and give way forward. Thank you, Mr. Speaker, Sir and I would like to ask Hon. Penina Kaluki to honor---

Hon. Speaker: Maybe before you do that, we can also hear the motion for hon. Cornelius Kitheka, they have the same purpose motion with a view of having them merged.

Hon. Nzeki: We can merge the two motions. Let me now ask---

Hon. Speaker: You are not asking anybody now. Let us hear Bwana Kitheka then we will have two motions.

REGULATION OF COUNTY GOVERNMENT VEHICLES

Hon. Kitheka: Thank you, Mr. Speaker, for that consideration which I had requested the member we do the same but he resisted. Hon. Speaker, I wish to move this motion. This House to consider about the recently-bought security vehicles that should be regulated to avoid misuse and abuse. And also we consider the issue of fuelling of the same vehicles. Mr. Speaker, Sir, aware that the Machakos county government has purchased security vehicles, which are being misused by the drivers and the personnel by taking on duties which are prone to corruption that is checking on bodabodas, harassing our 24-hour working loyal citizens of this town and also there is a very big complain from the bar owners that they are being harassed.

Mr. Speaker, I wish to put this issue into consideration simply because, a few weeks ago even two weeks ago, I came into this house and gave information that the vehicles which are operating in this county are not registered in the name of the county and to the same effect, I gave the office two documents which I had searched from KRA which showed that the vehicles are registered in a company which we don't know even the owner.

So Mr. Speaker, I wish to put this issue to the house for the house to consider and if possible to make legislation for us to make sure that these vehicles are used in prudent way they can be used in the county. Mr. Speaker, I call upon Hon. Joseph Muli who is a victim of circumstance to support this motion. Thank you very much.

Hon. Speaker: Sorry, Hon. Member. Before you do that, I think the first right goes to hon. Nzeki.

Hon. Nzeki: Mr. Speaker, I would like to ask Hon. Kaluki Penina to second the motion.

Hon. (Ms.) Kaluki: Thank you Mr. Speaker, Sir, and the entire house at large. Bearing in mind that the Machakos county government has invested heavily in purchasing of this motor vehicles, in order to ensure that the government monitors their performance across the county and that there is proper management and maintenance, they should be registered in private car numbers that is the private number plates for them to be properly monitored because they are prone to misuse even to theft and nobody will be knowing what's going on with the motor vehicles. So with these few remarks, Mr. Speaker, Sir, I beg to support the motion.

Hon. Speaker: Thank you very much. Let the motion be properly laid first.

Hon. Muli: Thank you Mr. Speaker, Sir. I stand here to second the motion in totality about the security cars. After the cars were dispatched to several wards, everybody believed that the security will be tight and everything will be in order but now things have now changed to other way round. Mr. Speaker, I would like to talk especially on my ward, where after the two security vehicles were dispatched. They were fuelled from Machakos up to Ndithini ward and from all that time, there is no fuel now which should facilitate those vehicles which are in my ward. It means corruption has now made its way because as the vehicles need to operate and the electorates are being asked money to fuel the cars.

Also, in addition of that, here at Machakos town, you find these vehicles rotating around the town and they don't have the security personnel who are in uniform, even you can't understand the people who are responsible for security. I would like to request this house, please, to check the operations of those vehicles in their wards because much of the things from those vehicles are total corruption. In fuelling, you find there are no sequences on how they should be fuelled and also on operation; they don't have the schedules of on how they should move because mostly, they are on stationary. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. That information is good.

Hon. Maitha: Thank you Mr. Speaker. I think it is in good faith to say that hon. Nzeki has introduced this motion, but I would like to enquire from Hon. Peninah. She has said that we should fit these cars with private numbers and they are already fitted with private number plates, can she substantiate please.

Hon. Speaker: Sorry, I want to hear you again....she said she want the cars what?

Hon. Maitha: She says she is supporting the motion that these cars be fitted with private registration numbers, and they are already fitted with private registration numbers. Maybe she...can she guide the house Mr. Speaker.

Hon. Speaker: Okay let us hear

Hon. Manyolo: Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, the motion is so good, brought by the two Hon. Members and Hon. Nzeki and Hon. Kitheka. It is to our concern that they have monitored and also seen the importance of us to discuss it. I am defending Hon Penina by what she said of private registration. She just failed to talk of regional number plates registration within Machakos County. Now within Machakos County we mean private registrations of public vehicles.

We have the registration of government vehicles within the county. For example, I have travelled so much Mr. Speaker, Sir. I was in South Africa. When we went there, Mr. Speaker, we found that the number plates are within the regions or the provinces. I was also at Dubai, the same applies. Yesterday I was in Zambia, likewise applies. We need Mr. Speaker, Sir this one to be obliged within Machakos County that we monitor our vehicles. In addition Mr. Speaker, Sir,

within the motions, Mr. Speaker sir, we have tackled the issue of drivers. We need to have them fitted with a unique uniform.

Hon. Speaker: You are out of order,

Hon. Manyolo: Oh, thank you Mr. Speaker, Sir.

Hon. Speaker: We only want to address the point that has been raised by Hon. Dominic. It is a serious point and it may be handled with a lot of care. This time we have hon. Ndumi. Because if the seconder said it is about private registration numbers, then the motion is failed. What more is left?

Hon. (Ms.) Ndumi: Thank you Mr. Speaker, Sir, and the house at large. I want to protect hon. Penina, and to support. What she means the private number she mean the green number in registration plates like in the former local authorities. So that is the correct number and also Mr. Speaker, Sir, I want to support the motion of Hon. Nzeki about the drivers. Hon. Speaker, Sir, when you meet with our assembly drivers sometimes, you cannot know, who is the Hon. member or who is the driver.

Hon. Speaker: You are out of order.

Hon. (Ms.) Ndumi: Protect me, Mr. Speaker, Sir.

Hon. Speaker: I agree you are out of order. The point that you are supposed to answer is the question on contribution

Hon. (Ms.) Ndumi: Thank you, Sir.

Hon. Speaker: But you have left me a little bit worried whether green numbers number plates are indeed private numbers.

Hon. (Ms.) Ndumi: Mr. Speaker, Sir, they are not private.

Hon. Speaker: Any more information?

Hon. Ndawa: Thank you Mr. Speaker, Sir. On support of the same motion, Mr. Speaker, first I would like to clarify to this Hon. members, the green number plates are public number plates. They are supposed to be put on public vehicles used by the government. Mr. Speaker, Sir, I would also like to correct Hon. Mutole. GVM has not been in distribution yet in Machakos.

Hon. Speaker: Your objection allowed, you are out of order, to the extent that you are corrective.

(Laughter)

Let us hear the mover of the motion

Hon. Nzeki: I just wanted to clarify that the green numbers are for the defunct local authorities and not for county government, so it is for us to look for another color not the green number. Yeah that number is so horrible...it is for county councils. Thank you.

Hon. Speaker: But I want us to get out of this. Let us hear what was in the mind of the seconder

Hon. (Ms.) Kaluki: I meant that the vehicles should be fitted with the green number plates so that they can be easily identified as of belonging to Machakos County.

(Applause)

Hon. Speaker: So we seek to amend your secondment?

Hon. (Ms.) Kaluki: Yes Mr. Speaker, Sir.

Hon. Speaker: Thank you very much. I think owing to the importance of the matter before the assembly, this motion shall proceed.

Hon. T. Kilonzo: thank you Mr. Speaker, Sir, I would like to support the motion. And I would like to urge members who are supposed to use the vehicles to understand that, when those new numbers, the numbers that are likely to be used, these parastatal numbers, it does not mean that you should not use the vehicle, but it is more taken care of because you cannot move without the work ticket being authorized. But these vehicles which have private numbers, now you can move with it, without the work ticket being written by anybody.

They are misused Mr. Speaker, so I support that we put the numbers that are supposed to be used. And Mr. Speaker sir, I used to be a mayor and I used those vehicles and I know fitting with the correct numbers is the best way because nobody will keep telling you to stop because they understand that this is a government vehicle and it should be taken care of. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Let me hear the members who have not spoken. And let us hear the..... But maybe before you speak, chair on transport, there is a question that was raised last week that touches on the subject that is before this house, and an answer is expected tomorrow that is Thursday. And perhaps as we also contribute, tell us what you have done as the chair of transport, in coming up with rules of regulating that aspect of motor vehicles that I fear may fall in your docket.

Hon. Ngui: Thank you, Mr. Speaker. Mr. Speaker in support of the motion that has been tabled by hon. Oliver Nzeki, my committee has already sat down, concerning the same and the direction from the committee was that all the county vehicles starting with the vehicles in the assembly be fitted with the green number plates. I want to make it clear to this member that, the green number plates are not private, these were the number plates that were being used by the

former municipal councils and they were inherited by the county governments. So Mr. Speaker, in support of the motion, you will realize that when these vehicles have got private number plates they are subject to misuse and before me is a letter, written by the county secretary of Machakos county authorizing 92 vehicles to be driven overnight and during public holidays.

Mr. Speaker, this county is spending a lot of money in buying vehicles, the maintenance cost am very sure is going to be very high. Mr. Speaker, when these vehicles are fitted with private number plates, they are going to be used always. I wonder Mr. Speaker and am surprised why even the county secretary is authorizing even tractors to be driven overnight. Because I can see number plates of tractors and the evidence is with me here on the table Mr. Speaker. So Mr. Speaker, it is our high time now, as a house and an assembly to stamp in authority to the Executive. Mr. Speaker sir, to the relevant minister responsible to these vehicles to be fitted with the relevant number plates immediately. Thank you, Mr. Speaker.

Hon. Ngunzi: Thank you Mr. Speaker, am standing here Mr. Speaker, to seek your guidance because when the chairman is telling us that these vehicles be fitted with number plates that are for parastatal bodies yet under the new constitution Machakos is not a parastatal, it is a county government. Do we still operate the way we used to operate under municipalities and councils or under the new dispensation?

Are county governments, because this is a matter that seeks even the intervention of even the cabinet secretary in charge of transport because numbering or registering vehicles under the new dispensation has not been clearly outlined. We do not know whether they will bear GK number plates or particular county government number plates or continue with the old trend of municipalities. So Mr. Speaker, at this juncture, I want to seek your guidance. Thank you.

Hon. Speaker: hon. member, I think the point the hon. member is raising is a very valid point but the chair of transport, may be you find out, there is a new system of registration that will be in place by June, I don't know whether members noted that. Just follow up and advise the house accordingly. But then I still ask; how far are you on the rules that regulate the operation of this motor vehicle because I am also particularly concerned?

Let us hear the chair of transport

Hon. Ngui: Mr. Speaker, Sir, concerning the rules of operations for the vehicles that were bought by the county recently. I tried to reach the minister for transport and currently he is out of the country and when he is back, I have already written a letter requesting him to give us a policy frame work on how these vehicles are going to be operated. Again, answering hon. Ngunzi, on whether we should wait to get the new registration numbers plates for the counties.

Mr. Speaker, the number plates for the councils and municipals were inherited by the county, even the lorries and tractors that were bought by the Governor recently, some of the have been fitted with the green number plates. We should not sit down and see our vehicles being

misused until we get a new number plate. It is the high time, for the time being, because the counties have inherited the style of the municipalities and councils that the vehicles we have currently, if at all a change will come by June, right now to avoid misuse of tax payers money and the county assets, we want to give a direction as a house Mr. Speaker, that all these vehicles be registered under the green number plates. Thank you, Mr. Speaker.

Hon. Speaker: But what am gathering from you is that there is need that we amend our standing orders and have the cabinet secretary reporting directly to the house as they used to do in the former regime, that has been initiated in the national assembly and we need to do it here because it will be easy to enable us set the rules, because you have heard there is a lot of concern with the use of particularly the vehicles the police vehicles.

Hon. Nzoka: Thank you Mr. Speaker, Sir. I want to concur with the chairman and I want to draw to the attention of this house that the former council, it was not a parastatal, it was a local government. So this one was inherited even in the colonial times so I don't see how we can say this and this. We need our vehicles to be registered in a way in which we can identify them when they are at a distance. So immediately, they should be registered with the normal green number plates so as to differentiate them from any other else.

(Applause)

Hon. Speaker: That Hon. Member has made the point that we have been missing all of us. All the three members have spoken---

Hon. Kitheka: *(inaudible)* Mr. Speaker, I wish to go to section B of the motion which I brought which talked about fuelling of the same vehicles, Mr. Speaker, I am satisfied that the able chair is chasing for a frame work for the operation of these vehicles. We can go now and embark on fuelling of the same vehicles which has become a thorn in the flesh because yesterday I was in the decentralized unit and I found that about 50-60 vehicles. When I tried question the guys what they are doing there, they told me they were there coming to fuel their vehicles.

I wondered if you can come all the way from Ndithini to come and fuel a vehicle in Machakos, then go back to Ndithini using the same fuel does that, Mr. Speaker make sense? We have to identify.....*(inaudible)* an issue of moving the vehicles towards these head quarters it will mean it is a misuse of the resources of the people of Machakos because you have to use fuel and you have to use fuel back to where you are coming from. So I see it prudent enough, as the chairman is still considering policy frame work to consider the same. Thank you.

Hon. Speaker: Thank you very much.

Hon. Mbithi: Thank you Mr. Speaker. Somebody said planning to fail is failing to plan. In Machakos County we are doing great but maybe we are doing great without prior planning

and that is what we seriously need today. I think all these concerns will basically be directed to what the chairman of transport has said of coming up with a proper policy framework of how these vehicles will be managed and how they are supposed to operate. So that if we get it then we have something which has been left out we can contribute on such. Thank you.

Hon. Speaker: I was thinking, so that we don't over dwell on this particular matter, the chair on transport, are you able to avail the PS in the morning if the minister is not available? Then we can order a special sitting because this is a weighty matter even in the county

Hon. Ngui: Mr. Speaker, Sir, we have experienced in the past that when the PS comes to this assembly because they have not been officially employed and they have not been officially vetted by this house, the hon. members do not allow them to answer questions so it is my request that we wait for the minister am told is coming by Monday so maybe we have the minister here on Tuesday morning.

Hon. Speaker: You realize that on Tuesday we will not be on session. Do we have a special sitting on Monday for this particular issue?

Hon. Ngui: Or else, I have heard some whisperings that the minister may be already back. Can I confirm and then I communicate through your office, if he is back and then we can have him here tomorrow morning.

Hon. Speaker: And have a special sitting tomorrow in the morning. I understand in the afternoon, most of you will be leaving for some workshops. Let us hear hon. Dominic.

Hon. Maitha: Thank you Mr. Speaker for giving me another chance. Mr. Speaker, I think this house needs to take this matter as a matter of seriousness. Not even in the Executive side, even in the assembly side. We have got cars that have been bought by the assembly they are registered with private registration numbers and we've got their history with us. Let us not dilly-dally about this issue Mr. Speaker, let us be simple and know that all county government-based cars be registered with green registration number.

If you go to Makeni, they are registering there's with green registration numbers, if you go to Mombasa, it is happening across the board, why are we becoming exceptional. Mr. Speaker, the wage bill for Machakos County is going to exceed to an extent whereby Mr. Speaker, we may not be able to meet required services, because if these cars are moving up and down without any control Mr. Speaker, then at the end of the day we need to ask ourselves where are we heading?

Mr. Speaker, we need also to come with a policy paper for regulation even in the assembly apart from your car Mr. Speaker whereby you don't have to use this car throughout from Monday to Sunday, then at the end of the month you still get re-imburement for transport, unlike other members Mr. Speaker. I don't know whether it is in real sense whereby you get a

car you use from 1st to 31st of March, it is a county assembly car and then at the end of the month you still get transport re-imburement. I don't think it is going to be fair to the hon. members Mr. Speaker. Let us handle this matter, knowing that the assembly has to set an example before we extend an olive hand to the executive because the wage bill of this county Mr. Speaker is going to be beyond.

Because whenever they are using them anyhow, it is going to be a serious case. As we are talking Mr. Speaker some of these patrol cars have met quite a number, being driven by the police officers who are assigned to drive them in the absence of the driver. Where is the driver Mr. Speaker? Information is even there that even the drivers who were employed to drive these cars do not come from the sub-counties, from the regions they are supposed to serve. How will you come to my area if I call you Mr. Speaker and I say I stay at Mumbuni for example and you come from Kitui you don't even know Mumbuni. Mr. Speaker, we need even the chair person of transport, where I also sit as a member, to ensure that we delegate the duties of those people who are employed to operate those cars. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think the issues you raised are those issues we shall raise with the CECM when he comes, the matter for the assembly will be done by the assembly itself and to lead the way, I agree with you and that to be done. Now, how fast do you say you that you will confirm and indicate to the office that we convene in the morning but if we are not convening in the morning we shall advise the member by SMS.

Hon. Kitheka: Mr. Speaker, some of the vehicles which we are organizing for the registration, we don't know them. Seriously, some you cannot note that they are from the county government of Machakos so before the registration is done we need an inventory to show the number of vehicles we have, the number plates, then they be changed so that we can be aware of what is happening. Thank you very much.

Hon. Speaker: Very well, I think that is why we are calling the CECM tomorrow... Let us hear hon. Ndawa first and then finally you. You will be the last speaker on this.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker. Mine might be a different issue but on the same, that this county assembly members are aware that the assembly has vehicles. It is for sure that the assembly bought vehicles for the Leader of Majority, Leader of Minority and the Whips, but to my understanding, I believe the vehicles are supposed to be used by the assembly members. They are not for one individual to be glued on. Because we have hon. members who do not have vehicles and when we're going for certain occasions, Mr. Speaker, on official duties, some of the members are not able to attend because they do not have means.

Then my request comes to you Mr. Speaker. As an assembly, now that in next financial year we might be in a position to put on an addition of buying vehicle for this assembly. We do not want personal cars. We want maybe a minibus which can carry a whole committee. Like the

Nyeri County, Embu County, that is what they have done. When they are going somewhere, they have a minibus standing outside which can ferry about 18 MCAs because when we are dealing with this personal cars carrying five people, Mr. Speaker, some of us are so selfish, they will even attend a function alone in a car with the driver leaving behind, hon. members who do not have transport. It is a pity and we felt very bad, most of us were even saying they should not be there at all because when we say an assembly has bought vehicles, they are not for individuals, they are for hon. members Mr. Speaker. I hope this will be dealt with, so that in the future we do not have such problems coming in. Thank you, Mr. Speaker.

Hon. Speaker: I think it is good that I make the position of the Speaker known, that these vehicles were bought for offices, not for the individuals. So if there is a vehicle for the office of the Majority Leader, it is for that office. It is not a personal property and when members are getting out, I always say that those vehicles be availed to assist particular members who are challenged and even if we are buying additional vehicles, we also buy for the offices. If they are the offices for the chairpersons, it will be a vehicle for the office. There is a minibus that is budgeted for and will be bought before the closure of this year. A luxury minibus. Finally, I am almost getting worn out because I have not had a---

Hon. Matheka: Thank you Mr. Speaker, Sir, and sorry for that. I think you will gain courage and move on for some few minutes. Mr. Speaker, Sir, as a matter of concern, we are also worried, and this issue has been raised in the house. How comes the office bearers, who have those vehicles are drawing mileage allowances at the end of the month whereas they have vehicles, fully fuelled and with drivers.

(Applause)

That is a concern of this house. The other concern of this house and my concern is, well, it was not communicated to this house whether some chairman's need to have some vehicles or some offices of chairmen where given vehicles. And the other concern is, how comes, this office bearers are given drivers and sometimes they drive themselves with those vehicles. How comes Mr. Speaker, Sir, we are worried and our worry is going far because we know what happened. So we are worried as an assembly, and we need further clarification on that. Thank you Mr. Speaker, Sir.

Hon. Speaker: thank you, let the chair of transport pursue that matter. All inclusive. We want all those issues laid bare so that everyone has a direction. Finally, Hon. Nzoka, you may say your remarks,

Hon. Nzoka: Thank you Mr. Speaker, Sir. I would like to know, because the members who have those vehicles, they use the vehicles 24 hours. They go home with the cars, they go

everywhere and they are still drawing the mileage and other expenses. Can we be told, since they received those cars, how much have they siphoned from the county?

Hon. Speaker: I think that point has been raised perhaps, but now it has been raised again on a different note but with a more serious language. Thank you very much. Hon members can we break and we shall advise on whether we shall sit in the morning after we get a report from the committee chair of transport. Thank you very much and have a good evening.

ADJOURNMENT

The house rose at 4.44 p.m.