

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 24th September, 2014**

The House met at 2.39 p.m.

*[The Deputy Speaker (Mr. Nganga) in the Chair]***PRAYERS****NOTICE OF MOTION
BODABODA TRANSPORT**

Hon. (Ms.) V. Mbithe: Thank you Mr. Speaker, i beg to give notice of the motion that this hon. house discusses the bodaboda means of transport in a bid to bring sanity in it. Thank you, Mr. Speaker.

SINGLE BUSINESS PERMITS TO NEW BUSINESSES

Hon. Nzeki: Mr. Speaker, Sir, I wish to give notice of motion that this hon. house discusses and approves issuance of single business permits to new businesses at half the annual rate after June 30th. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Proceed.

STATEMENTS

Hon. Maitha: Thank you Mr. Speaker. I had sought some statements a week earlier and the Hon. Speaker is aware, but the day I was to make the statements, unfortunately there was no quorum for two sittings, so I beg to make my statements today with your permission, Mr. Speaker.

Hon. Deputy Speaker: Okay.

DISBURSEMENT OF BURSARIES

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

Hon. Maitha: The first statement Mr. Speaker is that, I would like to inquire from the ministry of education, through the ministry of finance as well, about the state of the disbursed bursaries which were disbursed some months ago. As you are aware Mr. Speaker, most of the wards, up to now, we have not yet received those bursaries in the various schools.

Parents have been moving up and down going to those schools, spending a lot of money, but as to date, most schools have not received those bursaries. So we need to know Mr. Speaker, what is the status of those bursaries and as well the balance of Ksh. 750, 000 which was supposed to have been given as at the end of 30th June, 2014. We need to know about that Mr. Speaker.

SUSPENSION OF THE DEPUTY GOVERNOR'S PERSONAL SECRETARY

Secondly, I want to inquire about the suspension of the Deputy Governor's personal secretary. Mr. Speaker, aware, by copies of this letters before me, the secretary to the Deputy Governor was suspended, and I beg to give you those letters, for no good or justifiable reasons as per what is stated on those letters.

I am demanding to know why the Deputy Governor's secretary was suspended from work. He does not have a secretary right now. He has been reinstated by the senate, as everyone is aware Mr. Speaker, and I demand to know why the secretary to the Deputy Governor has not been reinstated after she was stopped from work.

ATTACK OF CPSB COMMISSIONER

Thirdly, Mr. Speaker, two or three weeks ago, one commissioner of the County Public Service Board was attacked by individuals who purport to work for the county assembly, for the county government of Machakos. Hon. Muthuka stood here sometimes back and inquired to know the employment status of those two individuals who I don't want to repeat. They attacked the said commissioner in Matuu, demanding to know why he refused to give them appointment letters, yet they did not bear the right qualifications.

We need a status report of that because those officers attacked that commissioner. He was injured, a laptop was taken away from him, some mobile phones-----We need to get that statement because those two guys were questioned in this house and it has never been given an official status report of those guys.

PROGRESS REPORT OF STALLED HEALTH PROJECTS

My fourth statement is; I want to know about the progress report and the plans that the ministry of health has regarding the stalled health projects and dispensaries. In almost every

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

ward right now, Mr. Speaker, we have got about three or four dispensaries which were finished by the CDF three years ago and up to now, there is no budget or plan from the ministry of health on how they are going to open or make those dispensaries functional.

If we are talking about devolution, it is bringing services closer to the people. So I strongly demand to know what the minister of health has put in place to ensure those dispensaries are operational, Mr. Speaker.

STALLED ECDE CLASSES

The fifth statement is this Mr. Speaker. I also demand to know about the status report of the stalled ECD nursery classes which were supposed to be done in 2013/14. The minister is in record having met the committee and said during the budget preparation period that, money was available to have those projects start.

But as at now Mr. Speaker, nothing is taking place. We have already promised the relevant beneficiaries of those projects that they were supposed to start. We are now looking like liars, which we don't want to be Mr. Speaker. So we want to know the status report of those stalled projects.

UNPAID DUES FOR STAFF AND CONTRACTORS

Lastly Mr. Speaker, this House needs to be furnished with a details of the unpaid salaries to the county staff and as well as contractors and suppliers for the year 2013 /14. We have met quite a number of them. They are claiming they have not been paid. This house needs to be furnished with the actual report of the debt status report and so that we can know how much the county government of Machakos is owed by suppliers and contractors.

TRIPS FOR MEMBERS

To finalize, there is another issue I want to put across to you. It has come to my attention that there are some double standards which are being applied in this assembly. Mr. Speaker, we have noted and personally I have noted that members of the branded opposition team are being sidelined in trips that are being undertaken by members of the so-called government support members of this assembly.

Members were in France sometimes two weeks ago. Members from various committees were in Migori. They undertook some trips to either Kangundo. Today, I am informed that there are some hon. members who have already gone to Dubai and they belong to one side of the county assembly. Mr. Speaker, I am also informed that a week ago, there were some

members who were taken to Mombasa. Members are being removed from one committee to another without the consent of this assembly.

Today, I am also informed that there is a group from the labor committee that was supposed to go to Kampala. I was one of the members, hon. Phoebe Koki was also a member who was supposed to go, hon. Festus Ndeto too and hon. Alice Nzioka too was also supposed to go to Kampala. We sat down in a committee in this house and ratified those members to go to Kampala but I am informed today, those members have been removed from that committee list and other members replaced them and they are supposed to travel on Friday. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Any other statement? There are five matters that have been raised. There is the matter on bursary and ECD classes. Hon. Chairman for ECD, can you commit to respond on the same in this house and tell us when you can be able to furnish us with those details?

Hon. Manyolo: Thank you Mr. Speaker, Sir. The matter in front of us will be settled by next week because we are holding a meeting with the CEC and the minister next week on Tuesday. So understand by Thursday, I will give a report on the bursaries. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Together with the ECD classes?

Hon. Manyolo: And the ECD classes. I will give a report that appertains to the ministry of education- the ECD, the youth polytechnic and the bursaries, on Thursday next week.

Hon. Deputy Speaker: Clerk, take a note. The member should submit the said report on the actual date without delay. We have the matter on unpaid salaries of staff and contractors and also I can see a copy of an official document from the county secretary about the suspended staff and actually not dismissed. I don't understand. You are questioning the rationale under which the officer was suspended?

And I can see here in the letter, such matters have been raised. Why and I can see the officer is only under suspension and there is a disciplinary committee that is supposed to make a decision on the same. However, that notwithstanding, the committee on labor should be able to investigate on that matter and also on the matter of unpaid salaries, so chairman labor committee, give us a commitment when we can have this information available to the house. Can you give an undertaking when you should be able to report on the two issues?

Hon. Katela: Thank you Mr. Speaker, Sir. If this house gives me a week---

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

Hon. Deputy Speaker: Give us a specific date.

Hon. Katela: I think next week but one, by Wednesday.

Hon. Deputy Speaker: Let the member clarify when he will be able to give us a report on that. Can we say next week on Wednesday afternoon? Is that Ok with you?

Hon. Katela: Yes, Sir.

Hon. Deputy Speaker: Ok, Wednesday afternoon, give us a full detailed report on salaries together with the rationale under which the officer was dismissed. And you can be able to get the copies of this from the office of the Speaker.

Hon. Katela: Thank you, Mr. Speaker.

Hon. Deputy Speaker: On the matter pertaining payment of contractors, do we have the Chairman on Implementation committee within the house or the vice chairperson? Majority Leader? Deputy Majority Leader? Majority Whip, can you undertake to update the chairperson on Implementation Committee on the status of payment of contractors within the county on when he should be able to give us a report on the same?

Hon. T. Kilonzo: Mr. Speaker, Sir, I think if given one week, whoever will be concerned will answer the two questions on Thursday next week.

Hon. Deputy Speaker: Thursday next week. Okay. Let me finish then I will take your point of information. We have the Chairman of Labor committee. There are some issues which had passed me. On the commissioner of public service board, who is alleged to have been attacked in Matuu and the hon. member who was raising that issue has not indicated the name of the officer.

So you need to furnish those details to the chairman, through private notice. So together with the other report you also undertake to investigate that matter and bring a substantial report to the house on the said date-, next week, Wednesday afternoon. So you promise to do it on Wednesday next week.

The report on the committee on health. Progress status of the projects under that ministry? Chairperson, Committee on health? What about the vice chair, is he here? Majority Whip, on the same matter, I think you can undertake to furnish the Chairperson committee on health to give this house a report.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

Hon. T. Kilonzo: Can you repeat the question please, Mr. Speaker.

Hon. Deputy Speaker: There was a question on the ministry of health, progress and plans of stalled health projects and dispensaries. We would want a report on the same from the Ministry of health, through the chairman of Health Committee and you can take an undertaking to inform the relevant chairperson so that we may get a detailed report by next week morning sitting.

Hon. T. Kilonzo: Yes, Mr. Speaker. Wednesday morning.

Hon. Deputy Speaker: Wednesday morning session coming week, right? The matter on the sidelining of opposition members. I am told there is one side of the county assembly to be discharged, something of that sort. We don't have the Majority Leader? The Minority leader is here?

Minority whip, can you undertake to investigate on that matter and bring a report to the house on Tuesday afternoon? In fact the matter lies squarely within your mandate and you should be able to act on that and furnish the house with a report on Tuesday afternoon on the sidelining of members in committees, committee workshops and committee trips. Give the house a report on Tuesday afternoon.

Any other matter? Yes we can take your point of information.

Hon. Kathinzi: Aware that there are various questions and statements which have been requested by Hon. Maitha, I want to put this information in the floor of this house that, there is some information which is now going round that most of the contractors and suppliers are heading to the courts.

They want to sue the Machakos county government for not paying their dues accordingly and I think it is good for us, Mr. Speaker, to be aware that in the near future, maybe you can put that one in the committee of labor, where hon. Katela is the chairman and try to find out before we are caught up without knowing the correct things. Thank you.

Hon. Deputy Speaker: That matter has already been referred to the committee on implementation and we expect a report. So as a concerned member, you can talk to the chairman. And you can seek invitation out of interest so that the chairman can be able to hear your views. Hon. Muthuka, we will take your point of information.

Hon. Muthuka: Thank you Mr. Speaker, Sir, and the rest of the house. Mine is just a concern. We have been requesting for statements from this house and indeed on 6th March,

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

2014, I requested a statement on our security and I gave names of three suspects and the car that they were using and up to date, the house has not taken any action. No statement has ever come so, may be from your chair, Mr. Speaker, I would like to know, how long do those statements take. If it five years, I will be at ease to wait for the five years because I don't understand why do we promise and then we fail to keep our promises because the Majority Leader was in this house and he gave two weeks to furnish the house with the report.

So I would like to know what happened or the report came out since it was my concern, may your hon. office furnish me with the report so that I can take the necessary action. Thank you.

Hon. Deputy Speaker: Minority Whip, you want to respond on the same issue? Just before you make your clarification, Minority Leader, you can undertake to seek that information on behalf of the Majority Leader and have him bring the statement to the house in the soonest possible time, possibly earliest next week, Wednesday morning session. Because if a statement was sought through the house, it should be responded to then we can debate on the response that we get. So you can make an undertaking.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. That is a very serious allegation and maybe before I talk with the Majority Leader, I think he has records of a car which has been trailing him and he can report to the police station so that they can follow it up. Thank you, Mr. Speaker

Hon. Deputy Speaker: The matter was, a statement was sought through the house, hon. Minority Leader, and the undertaking was taken by the Majority leader. To make the matter die down, there must be a response. The member has already been advised to register his concerns with the police but at the same time, a response should be accorded to him. So you need to advice the Majority Leader that this house will expect an answer from him on Wednesday morning sitting. So that matter is ruled so, Wednesday morning sitting that report should be supplied to this house. Yes, you were seeking some clarification.

Hon. Kamitu: Mr. Speaker, Sir, there are some clarifications, through your office, that I would like to make and this is in regard to hon. Maitha. He has brought up very important issues but I am sorry I don't whip people to go for workshops. As you know, the chairpersons make the lists. If it is a workshop for health---

Hon. Deputy Speaker: Hon. Whip, you are out of order. What I have told you to do is to investigate on the matter raised and bring a report. You don't rise on the floor and respond immediately on that matter. So go, do your homework and bring a report on that matter and

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

answer on the issues that have been raised. What is your point of order because we would want to move?

Hon. Maitha: Thank you Mr. Speaker for giving me a second chance. Mr. Speaker, I just wanted to inquire. I am surprised by the manner in which the government business for Machakos County is being transacted here. Because as you have inquired, all chairpersons of the various committees are not present, the Majority Leader and even surprising is how the Minority Leader is responding to a hon. member. I sought a statement from him four months ago. So I also want him to answer me on the same---

Hon. Deputy Speaker: Hon. Maitha, you have raised your concern. Wait for them to be addressed, alright.

Hon. Maitha: Mr. Speaker, I am not talking about what I have raised now. I am speaking of the Minority Leader and you have directed him to seek some information. I stood here and asked him a question two months ago, he has not responded to the same because he was on media and it is on record saying, hon. members went and destroyed the Mwala-Kithimani road, and he went on media and he said he was supposed to give a statement report here. He has not done that. I am also seeking a statement on the department of transport who promised to give a statement today, Mr. Speaker.

Hon. Deputy Speaker: Mheshimiwa, you will be out of order. You have already raised matters and you cannot be allowed to speak for more than three minutes, and those are the Standing Orders. So I want to draw the attention of members to Standing Order No. 40 (2) that: before you seek a statement, you should notify the Speaker, with a copy of the statement that you would want to make.

So for today, I would have allowed but, going forward, so that we follow the law, Standing Order number 40(2) before you seek a statement, it is important that you furnish the office of the Speaker with a copy of the same. Can we proceed?

MOTIONS BODABODA TRANSPORT

Hon. (Ms.) V. Mbithe: Thank you Mr. Speaker. I wish to move the following motion. Mr. Speaker, Sir, aware that bodaboda means of transport is commonly used in many parts within our county, aware that the means of transport is also used in the major towns where there is traffic congestion, further aware, this means of transport is commonly used by the common

mwananchi and further aware that this mode of transport is not properly managed, leading to many traffic offenses and road accidents.

Aware that, many of our innocent helpless residents have been victims of these accidents, leaving them crippled and helpless, Mr. Speaker, Sir, further aware that these bodaboda transporters do not have a designated area to operate from and just pick and drop passengers anywhere.

Further aware that many who have been involved in accidents have passed on due to lack of helmets, which is key to their safety, I wish to move a motion that this hon. house discusses and approves, designated areas for motorcycles, wearing of helmets for both the rider and the passenger to reduce the number of accidents and increase safety. Thank you Mr. Speaker, Sir. I wish to call upon Hon. Ngunzi to second the motion.

Hon. Ngunzi: Thank you Mr. Speaker. I want to support the motion because as every hon. member is aware of the consequences that have come with the bodaboda riders who are many. And as such, we need to come up with measures that will bring sanity into this business especially in big towns because it has become common that, they pick, drop and wait for customers where they feel like. Mr. Speaker, it is high time this house comes up with measures that will see sanity in this business. Thank you.

Hon. Deputy Speaker: Yes, the motion is properly laid on the floor of the house and I now want to invite debate. Yes Hon. Nzoka.

Hon. Nzoka: Yeah. Thank you Mr. Speaker, Sir. I want to contribute on that motion. I think the mover of the motion is not aware of the Traffic Act. If you go to the Traffic Act, it has catered for all those details, even overlapping, cycling and moving without helmet, there are all details concerning that. So we can turn our house to start doing traffic rules. There are existing traffic rules which the bodabodas should adhere to, so what we wish to tell the bodabodas is to follow the traffic act and everything will be settled. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Hon. Kathinzi.

Hon. Kathinzi: Thank you Mr. Speaker. According to the framing of this particular motion, I think it doesn't warrant this house to proceed discussing the ways and means in which bodabodas operate. It is not worth, whole county assembly house members to discuss. I want to remind you, because we were with you when we went for benchmarking in Rwanda and you could see each and every bodaboda rider having his/her helmet for the passenger, sticking on his/her left hand side.

Mr. Speaker, you could also remember that they are extremely disciplined. In this case we cannot proceed and do the traffic job. I can tell you for sure this is not possible for us to give them guidelines on how to operate.

Recently, there was an advert from the National Transport and Safety Authority, which shows and indicates ways and means in which these people need to operate, including the matatus. I would like Mr. Speaker, to allow me to say NO to this particular motion. I am totally opposing and I don't think whether it warrants the airtime of these members to proceed with this particular motion. Thank you.

Hon. Deputy Speaker: Yes what is your point of information?

Hon. Maitha: Mr. Speaker, I want to bring to your attention that, the National Transport and Safety Authority put an advert two weeks ago in a daily newspapers, giving guidelines on how motorbike operators are supposed to behave, in terms of helmets and I can promise to bring that gazette notice tomorrow so that this house does not discuss of the same.

Guidelines were given and it is now upon the police who are in charge or roads to ensure the enforcement of those regulations which were advertised by the National Transport and Safety Authority because we are discussing something that is already gazetted by another body which controls that industry, Mr. Speaker.

Hon. Deputy Speaker: Yes, what is your point of order?

Minority Leader (Hon. Kasoa): I just urge the member for Muthwani to stop what he is saying because the motion is very clear. It is talking about designated areas, whereby, even when I was working as a councilor before, we had set aside every market for bodaboda to be picking and dropping their clients. The mover of the motion is just saying we should set areas where the bodaboda should be picking and dropping its clients. That is the point of information.

Hon. Deputy Speaker: Oliver Munyaka.

Hon. Nzeki: Thank you Mr. Speaker, Sir. I wanted to support the motion with amendments that this house approves designated areas for motorcycles. Otherwise we do not want all the motorcycles to be moving here and there. The mover of the motion just wanted that it is only that she added those traffic rules, but we can do it with the amendments of the motion.

Hon. Deputy Speaker: Hon Itumo.

Hon. Itumo: Thank you Mr. Speaker, for catching my eye. I stand here to support this motion because it is well framed. You realize that we don't have designated places for those motorcycles and a lot has to be discussed as far as these motorcycles are concerned. In the sense that, you find that even though we say that this kind of regulations has been catered by the Traffic Act, the work of this hon. house, is to legislate.

We also have to do checks and balances because you may understand that many accidents have occurred, overloading and all that. This is not a matter to leave just like that. Mr. Speaker, Sir, protect me. Let me continue. So this is a very important motion we have to support, Mr. Speaker, with that I support this motion and I urge you Mr. Speaker, to let us continue with the motion.

Hon. Deputy Speaker: Yes Hon. Matheka.

Hon. Matheka: Thank you Mr. Speaker, Sir. I am wondering because of the operation of this house. Last week there was a motion here by hon. Kasoa and the details changed in the floor of this house. Today, I feel the same thing. Somebody is talking about helmets and designation. Then it changes on the floor of the house.

I am wondering whether we are turning this hon. house to a house of no rules. It is a pity, Mr. Speaker, Sir. We cannot talk of two things at the same time, we should either talk of a designation or traffic rules. Mr. Speaker, Sir, you all know that everywhere in Machakos, if you need a bodaboda, you will leave this place and go to a designated area of where you want to pick a bodaboda. If you want to go to Katoloni, you know where to pick bodabodas for Katoloni, if you want to go to Mumbuni, you know where. What we want Mr. Speaker, if am not wrong, is sheds.

We should build sheds for the bodaboda guys, not to be under the sun. That is one of the point. We cannot legislate on what is legislated by the national government. Mr. Speaker, Sir, we have no authority neither are we delegated to legislate on traffic rules. We cannot talk of traffic helmets here and the rules the bodaboda guys will use because that is a matter of the national government. It lies under the securities and traffics acts so we cannot come to this house and pretend or purport to be legislating on matters of traffic.

We have to leave that one to the police officers. They know how they deal with the issues. Yes, we might say we will legislate but who will enforce the rules? Is it the Machakos County government inspectorate department or the department of traffic in the Kenya police? If it is Machakos County inspectorate department, we go ahead and do it and we will see whether they will have the mandate.

If it is the Kenya police, Mr. Speaker, Sir, we forget about it. That one is in the traffic Act. So Mr. Speaker, Sir, the mover of the motion should tell us exactly, is she talking of traffic rules or sheds to the designated areas? Thank you Mr. Speaker, Sir.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

Hon. Deputy Speaker: The mover of the motion, you can clarify on that matter, whether you are talking of traffic regulations or designation of areas of operation.

Hon. (Ms.) V. Mbithe: Thank you Mr. Speaker, Sir. I am wondering, because the motion is very clear that I talked about approving the designated areas and I raised a concern in the motion that accidents have been rampant. And if these hon. members want to be sincere, this has been a matter of public concern not only the national government because we dwell amongst our people and as our people are suffering, we are the ones who are suffering.

Mr. Speaker, Sir, I would want to this house to discuss with no malice that approving of designated areas means marking of the places, sheds at the place, a place that is already known. Like we know, if we want to pick matatu to Nairobi, we know there is the country bus, so when we say there are designated areas, they are not there. If you tell me to go to pick a motorcycle to go to Kimutwa, I will not know where to go because there is no designated area. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Hon. Jacqueline Nziva.

Hon. (Ms.) Nziva: Thank you Mr. Speaker and the house at large. I wish to support the motion and I think the inspectorate should control these because most of the areas traffic does not go into the interior. Thank you Mr. Speaker

Hon. Ngunzi: Thank you Mr. Speaker. What we are simply asking this house, is not what most of our members are going against. I think if you have the authority to license somebody to operate a business, you have to put conditions again. What we are asking is that if you want to operate your bodaboda here in town, you and your customer should have helmet for you to qualify for a license. Is that wrong? Is that going against the traffic Act? We are not legislating, we are just enforcing that we put conditions so that we save our people.

We want the operators to get a customer from here to there, and then this is the right place where you pick and drop. That is not asking for too much and that is what we are asking this house with the mover of the motion.

Hon. Kimata: Thank you Mr. Speaker for giving me this chance for contribution. I think most of bodabodas have contributed a lot of deaths to this country. So it is high time for us as members to enforce some of the regulations to be followed. Because sometimes you find that most of them do not have the licenses. So, it is better for all those guys who happen to be the drivers of these motorcycles to make sure that they have licenses, so that there might be smooth and easy transportation. So I wish to support this motion.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

Hon. Deputy Speaker: Hon. Musau.

Hon. Kalunde: Mr. Speaker, Sir, I think the motion is quite clear and the mover has clarified that what is required by this motion is a designated area where the bodabodas can be stationed where customers can pick them when they want to travel at a certain destination. At the same time they can be dropped in the same area. That is all.

Helmet and other things, we know that it is under the traffic rule and that is established and very well known that you are not supposed to ride motorcycle without a license. So we cannot discuss about licenses here, neither helmet because they are a must with the traffic rules.

Hon. Deputy Speaker: Hon. Kasyoka.

Hon. Kasyoka: Thank you Mr. Speaker. I understand here we are missing some issues. The mover of the motion has told us she wants sheds and designated areas and the supporters of the motion are still saying that in Machakos County, we should have helmets for those people. Mr. Speaker, it is good in the House Business Committee we try to isolate some motions because in the morning when we were in the House Business committee, we said that before we vote for a motion, we should know the state of the motion because here, we are mixing issues.

The other day hon. Kasoa did the same. Today hon. Veronica is doing the same. Mr. Speaker, as the house business committee, we are failing. So we should get back to our committee and do some further clarification of this motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: We need a way forward. Hon Nzoka

Hon. Nzoka: Thank you. We are wasting a lot of time. We are going round and round. I request the mover of the motion to withdraw and come up with what she is saying because when she talked and Kalunde has said helmets, license...that is under national government and we have the Traffic Act. Can she withdraw and then come up with the motion she is intending of the sheds and the designation?

Hon. Deputy Speaker: Who is seconding your proposal?

Hon. Nzoka: Let member for Kangundo North second my proposal.

Hon. Matheka: Thank you Mr. Speaker, Sir. Aware that I rose on the same issue, and the same issue was raised here, I do propose the same thing and support what hon. Nzoka has said that the mover of the motion withdraws and comes up with the right motion. Either of designated areas or traffic because we do not know where we are and Mr. Speaker before I sit, I would like

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

to request, if it is a motion which is coming before this house, we be given the contents of the motion, we read them because we don't want motions to be read to us because people might think that we don't have ears.

We have ears and when we question, it is as if we are questioning what is not there. Mr. Speaker, I request, through your chair, that we get motions well-printed so that we can read for ourselves. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Hon. Oliver.

Hon. Nzeki: I don't support the withdrawal of the motion because we have municipal court around us and it is dealing with traffic rules. If you happen to make a mistake as a cyclist, you are brought to the municipal court. So Mr. Speaker, Sir, I stood here the other time and said we do some amendments that we have the designated areas. The sheds should be there and if you carry a passenger with no helmets, our enforcement men can take you to the municipal court. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Let us hear the mover of the motion. You are called to respond on the proposal of the withdrawal of the motion.

Hon. (Ms.) V. Mbithe: Thank you Mr. Speaker, Sir. I am not withdrawing my motion and I am not mixing my words because Mr. Speaker, Sir, the approval of the designated areas is within the motion. So if a hon. member says that I am mixing myself, I am wondering because I read the motion very well that, I wish to move a motion that this house discusses and approves designated areas for motorcycles. Mr. Speaker, Sir, I beg that this house approves that Machakos county has designated for motorcycles. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Then I am going to put that question on that proposal for withdrawal so that we may revert back to the original motion in the event that it is defeated.

(Question put and negatived)

Therefore the motion still stands. Debate continues on the motion as it has been presented. Yes hon. Kalunde.

Hon. Kalunde: Mr. Speaker, Sir, the mover of the motion is quite clear. She is only requesting this house to approve the designated areas of bodaboda and also if possible, sheds be made to protect those people when it rains. Mr. Speaker, I think this is very little to ask for. Thank you.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

Hon Speaker: Yes Hon. Kathinzi, what is it?

Hon. Kathinzi: Thank you Mr. Speaker. It has taken a lot of time for the Speaker to catch my eye but it is good. Mr. Speaker, what Mheshimiwa is requesting this house to discuss and approve, it is already being implemented by the ministry of Lands and Natural resources. They have requested members to give them land to build motorcycle, motor vehicle and matatu bus parks in the big markets of our wards and this are projects which are ongoing.

In my ward, they have already started doing that. I have given them the position to do that so if you are not aware, then that means the communication which you got to provide for that particular piece of land, you did not act accordingly. So Mr. Speaker, we are discussing issues which are already being implemented in our wards. Why are we discussing things which are being done in 2013/14 financial year budget? We are wasting our time. Let us proceed to the next motion for Hon. Munyaka.

Hon. Deputy Speaker: Yes Hon. Matheka.

Hon. Matheka: Mr. Speaker, Sir, is it in order for this house to be treated like a nursery school class? Something is read before us and when it is read, we hear what has been read but it changes to something else. Mr. Speaker, Sir, I am requesting that the whole motion to be read before we pass it because there are some things hidden down there.

Mr. Speaker, Sir, I am also asking, is it in order for hon. Nzeki, to talk of municipal courts in this era of devolution. I think they ceased to exist with the other regime. We are talking of other courts not municipal courts. So Mr. Speaker, Sir we need the content of that motion as it is written but not somebody to read it for us. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Yes Hon. Kasoa.

Minority Leader (Hon. Kasoa): Thank your Mr. Speaker, Sir. I think we are dwelling a lot of time on this motion and if you read the mood of the house is that we are supporting this motion. I think, you should put the question so that we can move to the next motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: I want to call the mover of the motion, before I put the question, to make your final submissions.

Hon. (Ms.) V. Mbithe: Thank you Mr. Speaker, Sir and the house at large. I would like to insist that I propose the motion to read in designated areas, with amendment that the helmet

part be omitted. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: I did not get your words clearly.

Hon. (Ms.) V. Mbithe: There was a bone of contention with the helmet which led to the members saying that this is the traffic rules and I say, I wish still to uphold the motion and ask the house to approve the designated areas part because, the information that we are receiving that there is some construction going on, I don't think it is the right information because all legislations concerning---

Hon. Deputy Speaker: Hon. Member, you are saying the motion be approved with an amendment.

Hon. (Ms.) V. Mbithe: Yes, with an amendment that it shall be it as it was proposed.

Hon. Deputy Speaker: Can you read it out.

Hon. (Ms.) V. Mbithe: I propose that this hon. house discusses and approves designated areas for motorcycles and the sheds for the motorcycles.

Hon. Deputy Speaker: So what are we deleting? We delete the wearing of helmets and insert the building of sheds. And who seconds your proposal?

Hon. R. Mutuku: Mr. Speaker, Sir, when you look at the initial draft of the motion, it was including the issue of proposing all the motor cycle riders to have helmets. But Mr. Speaker, Sir, you know wearing of helmets is under the traffic rules, so I second the amendment that this house approves the designated areas and the sheds for the motorcycles.
Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Therefore with that amendment, I put the question.

(Question put and agreed)

The motion is approved with the necessary amendments.

SINGLE BUSINESS PERMITS TO NEW BUSINESSES

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

Hon. Nzeki: Thank you, Mr. Speaker, Sir. Aware that the county government of Machakos does not consider issuance of single business permit to new business owners on pro rata basis, aware that new businesses being opened or started after 30th June each year are charged the whole amount. Aware that most of the potential business people are not willing to open business after 30th June, to avoid paying the whole amount, aware that if they open the business they will be charged as if they were in business at the start of the year and aware they may not start the business and end up spending the money, I seek that this hon. house discusses and approves that, new businesses being opened after 30th June, be charged half single business amount or at pro-rata basis so as to motivate them to open the business. Thank you Mr. Speaker, Sir.

Aware that there are so many people who get money during the mid of the year and they need to start a business and if they go to the revenue clerk, they are charged the same amount those who started at the start of the year.

I was a victim of the same when I wanted to start a business on June and when I went to ask for the payment, I was told to pay the whole amount. Mr. Speaker, Sir it has demoralized me and I propose the house discusses and sees whether the revenue charge can be charged less amount. Let us say, if it is June, if the amount is Ksh 7000 and they started the business at June they be charged Ksh 3500. So Mr. Speaker, Sir, I call upon my friend hon. Kathinzi to support the motion.

Hon. Kathinzi: Thank you Mr. Speaker and I decline to support this particular motion. Anybody intending to start a business has enough money to pay for the full fee of the whole year. So it is not possible, Ksh. 2300 or Ksh. 5000 is a small amount. You are investing half a million and you are declining to pay. It is not possible. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Order members. When a motion has been moved, it is supposed to be seconded and when the seconder declines, the motion dies on a technicality. Therefore the motion is dead and can only be moved according to Standing Orders. So it is important that when you are calling the seconder of a motion according to Standing Order No. 48(1 and 2), when you identify the seconder of a motion, it is a serious business. They may fail you on a technicality.

ADJOURNMENT

Hon. Deputy Speaker: Thank you and enjoy your afternoon.

The House rose at 3.37 p.m.