

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Wednesday, 30<sup>th</sup> September, 2015**

The House met at 10.11 a.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good morning, Hon. Members. Let us proceed, Clerk.**NOTICE OF MOTION****LAWS ON MOTORCYCLE RIDING WITHIN THE COUNTY****Hon. Amina Mutio:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, I wish to give notice of the following motion; that this hon. house discusses and approves formulating and implementing of stringent laws on motorcycle riding within the county. Thank you, Mr. Speaker, Sir.**Hon. Speaker:** Thank you. Notice issued. Proceed.**MOTION****INCOME AND EXPENDITURE REPORT 2013/2014***(Resumption of debate)***Hon. Speaker:** Let us hear the chairperson, finance committee.**Hon. Alice Nzioka:** Asante Bw. Spika. Kwa niaba ya mwenyekiti mheshimiwa Nzeki Munyaka, nasimama kusema ripoti ambayo aliileta wiki iliyopita juu ya ukusanyaji na matumizi ya pesa mwaka 2013/2014, iendelee. Naomba wabunge wenzangu sababu hii ripoti imekaa kwa mda mrefu, tuongee na tuipitishie ili tuingie kwa pia matumizi ya pesa ya mwaka 2015/2016. Wabunge wenzangu, naomba muunge ripoti mkono na tuipitishie. Asante.

**Hon. Speaker:** Thank you. Let us proceed and deal with that part and debate. Vile mheshimiwa amesema and after that we will deal with the motion. So further debate on the finance report, is now on the floor for continuation. Yes Hon. Dominic.

**Hon. Dominic Maitha.** Mr. Speaker, thank you. Mr Speaker, I would beg your guidance on this. As you can see, there are very few members in the assembly which does not even comprise 50 percent of the entire assembly, Mr. Speaker and being a report that brought a lot of queries and some substantive issues were raised, I would beg your guidance, Mr. Speaker, bearing in mind even the vice chairperson and his chairperson are not in the house and maybe some members of the committee are present in the house, that this matter might be scheduled at a later date so that members can dispense the report adequately because as you can see we have very few members in the house, chairman is not there, the vice chairperson is not there.

So maybe, we might not be able to exhaust the entire.....the vice-chairperson is here but Mr. Speaker, reference to the number of members in the house, with the issues which were raised on the report, I believe it will be in the best interest that almost every member of this house is here. At least 75 per cent of members are present so that we can deliberate on the issue extensively and expansively and then we come up with a resolution other than going ahead and subjecting the report like the way we did yesterday Mr. Speaker, with the finance bill whereby members came in as we are almost wound up and at the end of the day, the report was not adopted as maybe it would have been done in the presence of all the members of the whole house. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you but perhaps, Hon. Dominic, what you are not telling the house is why members are not in the house.

**Hon. Maitha:** Mr. Speaker, it is neither my mandate nor my duty to do the work of whipping members to come to the floor of the house. One of the Whips is here, that is his work. As you can see we even have a leadership vacuum, almost the entire leadership of the house is not even in. So what does that tell you? There is a leadership vacuum so if the Majority Whip, the Whips can do their work, it would be better so that we can have enough quorum. Mr. Speaker, I want us to take matters seriously because when such an issue of a matter of such magnitude is brought before the house, we need to deliberate on this report extensively and all members involved such that in at a later date, we do not subject ourselves to questions, blame games, this was not done, this was supposed to have been done like this. So the lesser the number, the lesser the strength of the debate regarding certain issues of such stringent, you know, matter. So I think the Whips who are supposed to call their members to come and deliberate on the issue, Mr. Speaker, Sir.

**Hon. Speaker:** Yes, point of order.

---

**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.*

## POINT OF ORDER

**Hon. Gideon Kavuu:** Thank you Mr. Speaker. I agree with Hon. Dominic but Mr. Speaker, I request to be given only 10 minutes so that I can whip, first, the leader of the house and also the Whips so that we can whip the other members. Because I am surprised because even the Minority Whip for is not here, my boss is not here, that is the Chief Whip, the Majority Leader is not here so, Mr. Speaker, I request to be given only 10 minutes so that I can go and whip all those members. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, as I take the concerns raised by Hon. Dominic seriously, for the purposes of the house, members had notice of this debate and they ought to be in the house. The point that is raised is not that of quorum because the house has quorum. Nevertheless I will allow Hon. Kavuu 10 minutes as we hear the matter for Hon. Amina Mutio. So, mheshimiwa Amina Mutio, karibu.

## LAWS ON MOTORCYCLE RIDING WITHIN THE COUNTY

**Hon. Mutio:** Thank you Mr. Speaker, Sir, Mr. Speaker, Sir, that aware that motorcycle accidents in Machakos, in the county are on the rise and this has negatively affected the county. Aware that there are no laws that can be enforced to curb the motorcycle riders who are now a death threat along our roads. Aware that many lives are been lost and many crippled as a result of these avoidable accidents. Mr. Speaker, Sir, aware that the majority of the riders and their passengers do not wear reflectors and helmets as a safety measure pursuant to section 103 (b) (2) of the Traffic Act which states that a person who rides a motorcycle shall provide an helmet and a jacket which has reflectors to be worn by the passenger and shall carry only one passenger at a time.

Aware that these motorcycle riders carry up to three passengers at a go which is against the traffic rules are dangerous. Mr. Speaker, Sir, aware that the traffic police at their respective duty points do not bother with the motorcycle riders who flout the rules which implies that the stringent laws related to offences committed by motorcycle riders are not enforced across the county. Further, aware that the most of these riders are trained for a day by friends and start ferrying passengers the next day. They never learn basic traffic rules making them careless riders. Mr. Speaker, Sir, I wish to move the motion that hon. house discusses and approves the formulated and implementing of the stringent laws on motorcycle riding within the county. And before I call a hon. member to support this motion, I have done my research.

Mr. Speaker, Sir, the motorcycles carrying more than one person at a time, the riders are not properly trained and lack basic traffic knowledge. Some of these motorcycles are not road worthy, and at times, not insured. These riders operate mostly under the influence of alcohol.

---

**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.*

Many of our people have lost lives, others crippled by the accidents. The Inspectorate do not stop to inspect the motorcycles at the traffic police points just after Machakos Golf Club. My recommendation is that the law should be enforced, both the rider and passengers must wear helmets, reflector jackets and awareness campaign should start as soon as possible. One passenger to be carried at a time, heavy penalty fines to law breakers, county government to invest in a motorcycle driving school. If we cannot care for our people, who will care? Thank you Mr. Speaker, Sir. I call Hon. Alice Nzioka to support the said motion. Thank you.

**Hon. Alice Nzioka:** Nimesimama kuunga mkono hoja ambayo imewasilishwa na mheshimiwa Amina Mutio juu ya biashara ama uendeshaji wa pikipiki. Bw. Spika, biashara ya pikipiki imeleta hasara kubwa sana katika kaunti, hata kenya nzima kwa jumla. Bw. Spika, kabla ya biashara ya pikipiki haijaanza, aliyeanza huo mpango, alianza mpango mzuri wa kuona vijana wetu wanapata mapato ya kila siku lakini sasa imegeuka kuwa janga la mauti. Bw. Spika, nafahamu, nakumbuka kwamba katika sehemu yangu ya wodi ya Masinga ya Kati, nina watu karibu kumi kutoka familia tofauti wamekua viwete wamekua watu ambao wasiojiweza kwa ajili ya uendeshaji mbaya wa piki piki.

Bw. Spika, hao vijana ama madreva wanaoendesha pikipiki wamekuwa watu wasio jali maisha. Bw. Spika, wengi wanaendesha pikipiki bila utaalumu. Mtu anafunzwa kuendesha wiki moja, amekuwa dereva wa kuendesha. Amekuwa na ujuzi kweli kuendesha? Bw. Spika hizi piki piki zimekua kama mnyama punda. Punda zote punda walioko Masinga, Athi River amefanana, huwezi watofautisha. Amri ama sheria ambayo itawekwa, pikipiki zenyewe ziwekwe namba, uwe unaweza tambua pikipiki iliyofanya ajali na unaweza itambua. Bw. Spika, wengi wameadhirika na mtu anapata ajali na huwezi ata angalia pikipiki useme iliyo kuumiza ndio hii. Bw. Spika, waendeshaji wa pikipiki wamekua wanyama. Mtu anafanya ajali na anatoroka. Sasa mama mzee, mama kikongwe, ameumia mama jamani hajui kusoma, hajui mwenyae alikua amembeba hio inaisha ivyo.

Bw. Spika, gari zote katika kenya huwa zina bima, bima ya maisha. Pikipiki nyingi utakuta hazina bima. Wewe ukibebwa ni kama umebebwa na gari la ng'ombe. Ukiangushwa na pikipiki, yameisha hayo. Bw. Spika, sisi kama bunge, naomba tuje na muongozo na sheria kamili juu ya uendeshaji na biashara ya pikipiki. Bw. Spika, utakuta kama town ya Machakos, kwa mfano, pikipiki zimesimama kila njia. Tunataka tutenge kama bunge sehemu fulani ya uegezaji. Mahali ambapo mwanachi wa Machakos anaweza toka kusema anaenda kubebwa na pikipiki. Mahali ambapo tumetenga. Pia sisi kama kaunti tutaweza kukadiri hasara kama imetendeka tutajua imefikia kiwango gani.

Bw. Spika, pikipiki zimetusaaidida lakini hasara kubwa kuliko usaidizi. Bw. Spika, pia tunataka kuweka sheria kwamba uendeshaji wa pikipiki ama hiyo biashara ifanyike kutoka saa moja asubuhi mpaka saa kumi na mbili jioni. Imekua sehemu nyingi, wezi ambao wanaiba wanasafirishwa na pikipiki. Kama mtu utakuta saa sita saa saba usiku uanskia pikipiki, mwendeshaji wa pikipiki anapita, kumbe unaskiza ameiba mbuzi wako akaweka, alikua na mtu

---

**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.*

amebeba mbuzi wameenda nayo. Kwa hivyo tunataka kama bunge, tutengeneze sheria kamili pia pikipiki haina idadi ya watu ambao inabeba. Utakuta piki piki mtu amebeba watu kama wanne. Bw. Spika, hata anayeendesha ataendeshaje?

Ukigongwa kidogo tu umeanguka na hao watu umewamaliza. Juzi nafikiria ni sehemu kama , nakumbuka vizuri nikama Naivasha ilibeba familia, mama, mtoto, baba na wote waliisha. Walikuwa wamebebwa na pikipiki. Uendeshaji pia umekua, wanaendesha bila ata kujali maisha. Bw. Spika pikipiki imeleta hasara kubwa sana katika kaunti na Kenya kwa jumla. Wabunge wenzangu, najua hili sio jambo la kuambiwa, kila mtu ameadhirika kwa hivyo tushikane pamoja na tupitisha sheria ya uendeshaji wa pikipiki na biashara iangaliwe na iendelee vizuri. Asante, Bw. Spika.

**Hon. Speaker:** Let us hear Hon. Katela.

**Hon. Leonard Katela:** Thank you Mr Speaker, Sir. I stand to support the motion and congratulate the mover of the motion and the supporter and, Mr. Speaker, to bring to your attention, the two had done enough research but I don't think this are the kind of motions we should waste time on because that research is enough. The mover and the seconder. I think Mr. Speaker, we should just put the question because it is like they qualified the saying that mothers are thorough in their research and their everything. Even their research for nine months, they really research a lot. So Mr. Speaker, Sir, I think you should put the question and we support the motion because definitely that is what is happening in the motorcycle world.

It is good that the former President Kibaki, promised to create 500 jobs, 5000 jobs and he did and it succeeded but now that was not his notion. His was to support and create jobs to help Kenyans but not to create jobs to kill Kenyans. So in support of that, members, we should not waste time on this we should go for the second motion and then the Speaker puts the question. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Wacha tusikie msheshimiwa Ngunzi.

**Hon. Edrick Ngunzi:** Thank you Mr. Speaker. I want to support the motion by Hon. Amina but I thought I would want to differ a bit with the way the motion has been put. We already have an existing law, traffic law that is in existence. We can formulate a law on top of another.

*(Applause)*

We would be contradicting ourselves. We only need to enforce the law or we come up with a policy and a regulation on motorcycle riding business. That is what we are missing. But as for making a law that is in existence, so I would urge this house to look at this motion in the view

---

**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.*

of coming up with a regulation. Maybe say, that at the motorcycle parking site, we have an officer of the county who will sit to regulate and we come up with the regulations that guard the motorcycle business. Otherwise, members we would be wrong to come up with a law when we already have an existing law. Thank you. Mr. Speaker.

**Hon. Speaker.** Maybe in view of that, I would want to hear Hon. Katela once more. On the view of the fact that there is an existing national law, can the assembly legislate on matters that are captured by a national legislation?

**Hon. Katela:** The immediate member might have missed the word. The mover of the motion was insisting on county law or county regulation of motor vehicles. Whereby we could have the motor vehicles in one place, a parking for motor vehicles and possibly as he put it, an askari from the county government to regulate the movement of the motor vehicles and for course to check whether the once in operation have the necessary documents and to be smart on the same maybe to have a telephone number, for whoever wants to call for a motor vehicle in the assembly, calls at Mulu Mutisya Gardens and says ‘please officer, give me a motor vehicle at the assembly,’ and then the motor vehicle comes to pick its passenger. Those are the regulations we are saying. She didn’t really talk about a law. She said regulations, if my friend to school well. Thank you.

*(Laughter)*

**Hon. Speaker:** Let us hear Hon. Dominic.

**Hon. Maitha:** Mr. Speaker, Hon. Katela, you need to apologize to this house. This motion is very clear. Formulating and implementing of stringent law as not regulations. You owe this house an apology. I believe this hon members don’t deserve to be duped in such a manner. Thank you Mr. Speaker, Sir. Now it is as if Hon. Ngunzi read my mind, Mr. Speaker. Mr. Speaker, I once said it is good as hon. members, whenever we bring motions in the floor of this house, we first do research. I appreciate the hon. member has done a lot of research and secondly, you look for possible support beyond any reasonable doubt, by hon. members. As motion of such magnitude, of such importance, would be very disappointing and discouraging to the mover, if it does not sail through because of failing to do thorough research in terms of the support of the house and failing to, maybe, avoiding to contradict.

Mr. Speaker, the same motion of the same nature was here sometimes six, seven months back. And remember, I said and I even gave a newspaper advert, that was issued by National Transport and Safety Authority (NTSA), there is the traffic act which is in place. Out of the traffic act, we have such bodies like NTSA which gave out regulations that we are talking about on the operationalization and the movement on the controls of the motorcycles that they

---

**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.*

should not carry more than two persons, they should have.....protect me Mr. Speaker, Sir, they should have two helmets, they should, the regulation is there, Mr. Speaker---

**Hon. Speaker:** Let us hear a point of order and it should be strictly a point of order Hon. Katela.

### POINT OF ORDER

**Hon. Katela:** Mr. Speaker, Sir, now that my colleagues have insisted that there is a law and the motion has already caught many hearts of the members here and of course even in the gallery, can we pass the motion with amendments.

**Hon. Speaker:** Order, Hon. Katela you are out of order. Proceed, Hon. Dominic.

**Hon. Maitha:** Mr. Speaker, it is good members for members to listen. We not only pass motions for the sake of passing motions or to impress members. We pass motions that can give positive results to the people who have send us to this floor. To this house, Mr. Speaker, I have said, remember, Mr. Speaker, as a seasoned lawyer, you remember there was a time back it was said that county governments are duplicating existing laws. Mr. Speaker, we do not want to be a house that is not guided by the vision and mission statement which is just less than five meters from our assembly. We need to be guided to come up with laws that don't contradict other existing laws, Mr. Speaker. There is the traffic act which stipulates clearly the operations and then out of it, there is created NTSA which gave guidelines last year on how motorbikes should operate.

So now, Mr. Speaker, when we say now we pass this motion, well we will pass this motion. One, the county authority is not given powers by law to arrest traffic offenders. If we arrest them, how are we going to charge them? Where are we going to charge them? The power to arrest traffic offenders is vested with the Kenya Police or any police officer. The county government does not have such powers. Secondly, Mr. Speaker, we are saying we are going to control them, we call them members (??), they don't have driving licenses. It is not the power of the county government to enforce about valid documents to use when driving or operating a motorcycle, Mr. Speaker, Sir. So we need to be guided, Mr. Speaker. What I am saying is this; the mover of the motion has got wonderful intentions for the people of Machakos county who have lost lives through accidents in motor cycles, who are if you go to level five hospital almost about two wards are occupied by motorcycle accident victims. But as much as she has that good vision, we need to know that we do not have to contradict the existing laws.

Maybe with your guidance, Mr. Speaker, the only way that I believe this motion can take direction is to task the committee on transport with the mover to seek for an appointment or a consultative forum with the traffic police in Machakos county and try to come up and air their

---

**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.*

grievances and see maybe whether we can have a kind of, you know, a kind of co operation, a kind of an agreement on how we can try to tame these motorcycle accidents. Otherwise, if we come up with laws then we will be contravening the existing laws and we will not be able. The only way we can support these young men, Mr. Speaker, Sir, the issue she has talked about driving licenses is to say maybe we can set up a kitty which can be used to sensitize these young men and young women, a kitty that can be used to offer driving licenses to these young men and then we have like quarterly or annual review of sensitization of the need to have safety regulations followed by the Machakos cycle orders.

Otherwise, if this house passes this motion and say we are going to come up with a law, then we will be contravening the traffic act and NTSA regulations about how motorbikes should be operated. Mr. Speaker, given time, I can even look for that newspaper that gave out the regulations on how motorcycles are supposed to operate as per NTSA. I would not wish the motion to be thrown out, but I would wish the mover of the motion to rethink on what other better mechanisms can be used to enhance the functioning of the way she thought this motion would work out. Otherwise, there is an existing law to that. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Let us hear a point of order.

### POINT OF ORDER

**Hon. Stephen Muthuka:** Thank you Mr. Speaker, Sir, and the rest of the house. Mr. Speaker, first I wonder the immediate member who was on the floor, is a member of House Business Committee and he seems to have a lot of knowledge about the laws, the same motion that we voted. I am asking; is it that we do not have some training on our work or what is the problem because I think this information was very vital at that stage of balloting so that we can know exactly what we are balloting to come to the house to save a lot of time for the members of this hon house. Secondly, Mr. Speaker, putting a regulation doesn't mean we are creating new laws. What we are saying there is a department of transport and that is their work; to formulate regulations. Our work is to look at the regulations and then pass them, if they so suit maybe our jurisdiction. Mr. Speaker, on this house, already, we have Parking Bill, Omnibus Parking Bill which we are discussing and I think it is coming for a second reading. Does that mean we are creating another law which we have traffic laws?

What we are saying is we should put regulations and each county has its own mechanisms on control. What we talking about is controlling the many accidents that we are having, we are controlling the bad behavior that we have been seeing all over with these motorcycle riders and the assumption that we are living in a lawless state or a lawless county. So Mr. Speaker, maybe my recommendation or my suggestion would be that the motion already is in the house, with your guidance, you may guide the motion that be directed to the responsible committee so that they may sit down and maybe they can make those amendments. If the word

---

**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.*



law is a problem to members of this hon. house, that can be substituted to regulations which will guide motorbike riders within our county. Thank you. Mr. Speaker.

**Hon. Speaker:** Thank you. Let us hear Hon. Sammy Nduva.

**Hon. Sammy Nduva:** Thank you Mr. Speaker, Mr. Speaker, so long as I support the mover of this motion, it is of great concern because our people and the many accidents that have happened because of the abuse of the manner in which the motorcycles are operated. But Mr. Speaker, I want to support Hon. Dominic that this matter needs your advice, Mr. Speaker, because it is a traffic issue and there are regulations that guidelines that are given by traffic but however this hon. house should discuss the concerns of our people who are suffering because of abuse of a manner in which these motorcycles are operated.

Mr. Speaker, my feeling would be we should discuss this motion, and with your guidance, I think this hon. house should recommend that in our county, the commandant or the director of traffic, to be informed that this motorcycles menace by the way they are operated and that this hon. house has declared that strict measures should be taken by the traffic police to make sure that these motorcycles are operated in the right manner. Thank you, Mr. Speaker

**Hon. Speaker:** I think with what I have heard, I am ready to give directions, hon. members. That I have sincerely had the intentions that are in the mind of Hon. Amina Mutio, mheshimiwa, as much as I agree there is a national law in traffic, in particular law under sections 103 (b) (2), I appreciate that there is need of side regulations to control management of motorcycles and other omnibuses. This house is in the process of enacting legislation on mini-buses and the concern of Hon. Amina Mutio will be adequately catered in that bill that is in its tentative stages. I, consequently, without determining this motion, refer it back to the committee on delegated legislation and that Hon. Amina Mutio should be prominently invited to deliver her views therein. That, in the meantime, will settle the issue at hand. Thank you.

*(Applause)*

Yes, let us go back to the matter that was stood down to enable us to increase on quorum. Na ngeomba mheshimiwa Alice atuamkue tena kwa maneno juu jambo hili.

INCOME AND EXPENDITURE REPORT 2013/2014  
*(Resumption of debate stood down earlier in the sitting)*

**Hon. Alice:** Asante Bw. Spika. Awali nilikuwa nemeongea ama nimesema, kuna ripoti ambayo ililetwa na mwenyekiti wa kamati ya fedha, ripoti ya matumizi na mapato ya pesa

---

**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.*

mwaka 2013/2014. Bw. Spika ukatupatia nafasi kama bunge, sababu ilikua ripoti ambayo ni refu ukatupatia nafasi kwenda kuisoma na ndio tuje siku ya leo kuja kuongea na kuipitisha. Bw. Spika, awali nilikua nimesimama nikasema kwamba hiyo ripoti imekaa mda mrefu. Sasa tumefikia mwaka mwingine na hiyo ripoti hatujaisoma. Ilikuwa mwanzo mwanzo Bw. Spika hiyo ripoti ililetwa kwenye bunge, ikaleta tumbo joto kabisa na ripoti ikarudishwa kwenye kamati ya fedha. Sisi kama wanakamati tulimuita waziri mhusika na akaja tukaongea zaidi kwa kina, ili kuelewa kabisa juu ya hii ripoti. Bw. Spika, tuliendelea mbele ata kujua kwamba ripoti ambayo tulikua tumeleta, mhasibu wa hesabu katika serikali kuu ameingia kabisa kuiangalia hii ripoti katika hesabu.

Bw. Spika, sisi kama kamati tukaangalia tukaona kwamba yale mambo ambayo kama kamati tulikua tumeangalia kwenye hiyo ripoti yameangazwa katika ripoti ya mhasibu wa hesabu. Bw. Spika, kuna mambo kindani ndani tuliangalia. Kaunti yetu, ama ugatuzi katika Kenya yetu, ni kama kumlea mtoto mdogo. Mtoto mdogo huwa ni lazima mama apate mimba azae mtoto, mtoto aangaliangalie anaweza kaa atulie aanze kutambaa na itafikia wakati mtoto kusimama na kutembea. Hivyo hivyo ugatuzi katika nchi yetu, umekua hivyo na jambo ambalo limeletwa ama limegunduliwa, Bw. Spika, sio rahisi kulitatua. Tumekuwa na shida katika serikali ya ugatuzi na pia ndio maana unaskia katika kaunti nyingi, kumekua na shida kwamba kuna matumizi mabaya ya pesa ama sio matumizi, wale ambao katika wizara ya fedha hawakuwa na utaalamu wa kuangalia na kuleta mwongozo wa fedha kama ambavyo zimetumiwa.

Bw. Spika, tulitoa, tukaagiza tukaona kwamba wale ambao walitupa hesabu, ile ripoti ambayo tulileta ya mwanzo, mtu alichukua tu ripoti na kuandika ili kuona kwamba bunge limetoshelika. Lakini hakufanya kazi ambayo ilihitajika ndio maana hiyo ripoti ililetwa, ikaleta tumbo joto na tukarudi tena ripoti ikaletwa nyengine. Hizi ripoti mbili, kama kamati, tulikaa chini na kuziangalia. Hakukua na tofauti kubwa katika hizi ripoti zote ndio maana hiyo ripoti iiletwa na mwenyekiti wa kamati ya fedha, ndio sasa tunayo hapa Bw. Spika. Ningeuliza, kufanya makosa sio kosa, lakini kurudia ndio kosa. Waziri na wanaohusika katika wizara ya fedha sasa wana utaalamu wa kutosha wa kuleta mipango kamili vile ambavyo kaunti imetumia pesa. Bw. Spika, ningeuliza wabunge wenzangu sababu ripoti walikua nayo, walete maoni ambayo waliona na leo, kama itawezekana, tupitische hii ripoti ndio tuwe na hatua ya kwenda mbele. Bw. Spika, nimeshukuru kwa kunipa nafasi. Asante.

**Hon. Speaker:** Asante. Yes, Mheshimiwa Mueni.

**Hon. Benedette Mueni:** Thank you Mr. Speaker, Sir. I stand to support what Hon. Alice has said. We had a hard time with the report but because, as she has said, the county is new and many things were not well placed in the office so we ask you to support the passing of the report. It is the report which you were throwing to the window, the one we referred to the committee. So members, I think you had enough time to read the report. It is only that our CEC and the CO had

---

**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.*

not well placed the documents. So I ask you to bring your comments and what you see about the report but it is all the same, if things have gone bad, they have already gone bad. So nothing we can do. Thank you Mr. Speaker, Sir.

**Hon. Maitha:** Mr. Speaker, it is encouraging to hear a legislator and a hon. member of this house that if things have gone bad, there is nothing we can do. So does she imply that this house should sit down and watch things going wrong while they have the legislative capacity to correct them? I think she is out of order, Mr. Speaker, and she owe this house an apology, Mr. Speaker. Thank you.

**Hon. Speaker:** Hon. Mueni, look at your language.

**Hon. Mueni:** Thank you Mr. Speaker, Sir. I stand, you know, apologizing is not a big deal.

*(Laughter)*

What is there is that we are the first assembly and many things you will see them going the way you want or the way you don't want but the next assembly will be better than us. Thank you.

**Hon. Speaker:** Hon. Mueni is protected and the matter is settled. Let us proceed. Any additional contributions? Any other member apart from Hon. Dominic? Then we shall hear Hon. Dominic.

**Hon. Maitha:** Thank you Mr. Speaker. Thank God, He has given me the wisdom to contribute inn such matters. Mr. Speaker, there is a report before us. This report was brought here some five, six months back, bought a sorm in the floor of the house, was disowned, its origns, signatories and everything. But when the report has resurfaced back in the floor of the house, the committee says that the report is no different from what we received. So that means all the signatories which had been disowned, are still the same. The information that had been disowned, is more or less the same. So we are deliberating on the same report, Mr. Speaker, only that the report did not have much detail? The current report, which was tabled here, last week, does not have much clearer details than the last report that we had received because the last report was giving us actual figures.

How much monies were collected, some months did not have any collection. Some 3, 4 months had the same actual amounts of collections. So what they have done they have just twisted the same amounts and the same information in a different way. Actually, by submission and acceptance by the Hon. Alice and Hon. Mueni, because they are members of that committee

---

**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.*

that the report is no different from what came. Then that confirms that Machakos County has got an airstrip, as per the report, Machakos County is, as the report says, purchased land in Masinga worth Ksh. 10 million which does not have any documents. Are these some of the things that Hon. Mueni is saying because they have gone wrong, we forget Mr. Speaker? No we cannot put this house into jeopardy, Mr. Speaker.

This house has to remain a house of integrity. This house has to protect Kenyans, poor people of Machakos from officers who are leading them to suffer, Mr. Speaker, Sir. I also wonder when the hon. chairperson, mheshimiwa Mueni says that the minister was not experienced. I tend to believe, Mr. Speaker, Sir, the hon. CEC member of finance is one of the best seasoned economists, finance handling expert we have in this country. Having worked in the national treasury, I don't believe she ought to have given us a report of such nature with the kind of experience that she has. So do we sit down and wait for this house to move out, the way the hon. member is purporting and then after five years those who come after five years, can start rectifying those anomalies? No, Mr. Speaker.

So what do I want to say; that report had recommendations. First, the land which was purchased for Ksh. 10 million in Masinga, we ought to get the documentation, Mr. Speaker. That one is no doubt, Mr. Speaker. We have to be shown the land, the purpose of purchasing the land and the documentations. We also need to ascertain the value because I believe right now, and I am not undermining anyone from Masinga, land worth Ksh. 10 million in Masinga should be close almost 50 acres plus.

We also need to know the size of the shamba, the amount of money which was bought and what the intention was. Otherwise, we might have invested or used taxpayers' money for a service or for a property that was not worth that value or which did not have any purpose and the officer held accountable for purchasing that parcel of land for such amount of money which was not authorized. Otherwise, Mr. Speaker, if we just go by that, then even the other coming years, the same will still happen. So, Mr. Speaker, the report is before us but we need to be strict and very serious about that report because if the same report came, the way it was, then can we disown anything? We need to be shown where the airstrips are, we need to be shown that parcel of land and other queries that we had raised.

So, I think Mr. Speaker, in as much as we want to recommend this report and adopt it, we will adopt it but after that, we will also, this house has members have got the free will to raise questions about the same report because it is already a document of the house. If I never went through it properly Mr. Speaker, I think I will also be entitled to come up with substantive motions to demand explanation and information about the transaction of that document, Mr. Speaker, Sir. So, I support the report and the recommendations given must, must, must be adhered to so that we can exonerate this hon. house from any blame games or undertakings or any shielding of a purported corrupt officer in the county government of Machakos for effective service delivery for our people. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Let us hear Hon. Ndeto.

**Hon. Festus Ndeto:** Thank you Mr. Speaker. This is a report, if everyone can remember, that brought a lot of things in this house and the year 2013/2014 it is a year in which all know that 90 percent of the budget that this hon. house came up with as not..... (inaudible). When we look at this report and how money as spent in this year 2013/2014, this is not a document, this is not a report that you can just keep aside and say that it is done. It is a document that we need to come up with suggestions as to what ought to be done. By the time we were discussing this document, six months ago, and when the members of the government side said or queried the origin of the document, Mr. Speaker, I stood here and said I have the same document from the office of the Controller of Budget bearing the same information and I made it clear that this document and I knew, even if it goes back, there is nothing that the government can do to change quite a number of things in which they claimed were not in order.

I therefore, request the Hon. Chair, in your wisdom, to give us a clear guidance on how to go about this very serious issue. Because it is this year, in which quite a number of us were relieved of their chairmanship because of following the same. Wanting to know where money that was under our dockets went. Then when we followed, things came, which happened which I am happy about, I don't regret. If you repeat the same, it will happen to me because as Mahatma Gandhi said 'if you stand for truth, don't apologize even if you are left alone. Stand for the truth to the end.' So Mr. Speaker, we request that you give us guidance and I believe your wisdom will give us a clear guidance over this issue. Thank you.

**Hon. Speaker:** Hon. Ndeto, the only guidance I can give is that the matter is on the floor for debate, Hon. Ndeto, until we exhaust debate maybe then. Let us hear Hon. Muthuka.

**Hon. Muthuka:** Thank you Mr. Speaker. Mr. Speaker I think we are being taken round and round. Going to the recommendations, Mr. Speaker, Sir, if I quote, 'the committee did not find any difference between the report which was referred back and the other reports which were submitted later.' So what does that tell us? This is the same information, the same report that we were discussing in the same house. Mr. Speaker, if I continue, 'the last report was not better than the earlier one other than being in the prescribed format.' Mr. Speaker, we did not send this report back for formatting. We were asking very pertinent issues. If I continue 'it lacked information on pending bills which we were requesting, if the other report comes should come with that report. Annexures were missing, did not have supporting documents and some items were not labeled.' So that tells us that we don't have a report from the executive that we can honor and discuss in this house because that is what we were asking and the later report was the same but in a different format.

Mr. Speaker, if i go to recommendations that were given by the committee, number one; that the Chief Officer should provide this hon. house quarterly reports as the required by the

---

**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.*

constitution of Kenya 2010 Article 183(3) and respond to questions relating to her responsibilities as per the County Government Act section 39 (2) (b) and to prepare reports as per Public Finance Management Act section 166. Mr. Speaker, I wonder; is it that we have a Chief Officer who is not qualified for the job? Is it the same house that approved this Chief Officer to take that docket? How, now, the third year down the lane, we are discussing the report of the first year. This is our third year discussing the first year report and the recommendations are the same that we have been requesting for these quarterly reports and we never get them.

Now the recommendation of the committee is that the Chief Officer should be providing the quarterly report that is obvious. That is not a direction from this hon. house. That is within the law, the country laws. Mr. Speaker, if e go further, the funds spend on purchase of land costing Ksh. 10 million and the outstanding imprest of Ksh. 72,503,551 are now under the scrutiny of Auditor General and the committee restrained itself from making any recommendations taking into account that the matter had taken a different direction. Mr. Speaker, that is ridiculous. All of us we know the work of Auditor General. The Auditor General gave out, did his mandate and pointed out this money. From the report of the Auditor General, all these issues were raised and the Auditor General gave directions or recommendations and from the Auditor General, that is where our work starts because we discuss that report.

Now leaving this issue to the Auditor General, I find it very funny for the committee. Already we cannot know, we don't know where this land is. We have never seen the proof that the land as bought. Who approved the purchase of this land? Where is this land? Is it in Kitui, is it makueni or is it in Machakos and who are the owners of this land? Does it belong to the county of Machakos or is it an individual land but which was purchased by our money? Mr. Speaker, I think I also concur with Hon. Ndeto that to some extent, you will have to offer some direction because we cannot honor or we cannot sit down and now, recommend that we adopt a report whose recommendations are not valid and they are off-cut, Mr. Speaker.

Again, Mr. Speaker, if I continue on recommendation No. 3 'that the department should keep proper records on all financial matters.' I thought that as obvious unless now we are starting, I don't know what class we are for count entities and submit them to the relevant organizations as provided by the law. (??) Mr. Speaker every department must follow the law. We are discussing the report because it is within our mandate. So the fact that we are recommending that proper records should be kept, I think that is not a recommendation that should come from this house because that is an obvious issue. Mr. Speaker, 'that the issue of pending bills should be taken serious by the department'. Also we have been taken for a ride and if I was in power I could have surcharged this committee because I don't know whether they went, evaluated the report and gave the correct recommendations. Because that means we don't take our work seriously.

How do you just recommend that issue of pending bills should be taken serious by the department and 'that an updated county debt management strategy report on pending bills as well as the level of indebtness of the county should be submitted to the county assembly within 30

---

**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.*

days from this date'. Mr. Speaker, I believe in this house also we raised the issue of the county, indebtedness of this county. Mr. Speaker, the chairman of budget committee, there is a time he brought a report here and in his recommendation or the committee's recommendation, they recommended that we be supplied it the level of indebtedness of this county so that it can help even the committee and the department in budgeting.

This thing is also repeated in this committee's report, and remember, we had also another report of the PAIC committee with the same loveable recommendations. Mr. Speaker, this is the time that now we will have to leave above the board. We need your direction, whether we can just read this report, the so called report because it is within the prescribed format, and adopt it or are we going to be supplied with what we requested so that we can discuss the report and give the correct recommendations that ultimately will help steer this county to the right direction. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. I think Hon. Felix Ngui is a member of this committee. He has heard the issues raised. Hon. Felix Ngui, kindly take a moment and tell us about the serious issues that have been raised on the recommendations, particularly the matter on purchase of land, recommendation. Yes, Hon. Ngui.

**Hon. Felix Ngui:** Thank you Mr. Speaker, for giving me this opportunity even before I raised my hand you have already noticed that I was in a mood of giving a statement on the same. So, Mr. Speaker, being a member of the finance committee, I want to stand here in support of the report and Mr. Speaker, several members have raised issues and to my own opinion, I think the report it self-explanatory because it states clearly that the committee on finance had a very hard time on getting the correct report from the Chief Officer, finance. Mr. Speaker, the recommendations that are made are very clear and there is nothing to hide on the report because the report states clearly, on the recommendations, that Mr. Speaker, 'the committee did not find any difference between the report which was referred back and the other reports which were submitted later. The last report was not better than the earlier one other than being in the prescribed format. It lacked information on pending bills, annexure were missing, did not have supporting documents and items were not labeled.'

Mr. Speaker, from that point of view, the committee recommended that the Chief Officer should provide this hon. house with quarterly reports, not basing on the report that was presented to the committee on finance. So to my own view, Mr. Speaker, once the committee sits down and comes up with a report and tables to the whole house, then, Mr. Speaker, it is the mandate of these hon. members either to add or remove any other recommendation that they feel will go well with the said report. So at this juncture Mr. Speaker, I think it will be fair enough for these members because the committee on finance did its own part, now it is the part for the whole house, for this house, to give more recommendations that feels that they feel would go well with

---

**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.*

this report, Mr. Speaker. So having said so, Mr. Speaker, I have nothing more to add but to say that the committee on finance gave their own findings as per the report that we received from the department finance. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. I think for the two hon. members, Hon. Ndeto and Hon. Member for Muthwani. Looking at the recommendations and the response from Hon. Ngui, recommendation No. 2, Hon. Ngui is welcoming an amendment which will be that the relevant department does supply the particulars of the land, value, the size and documentation. Recommendation No. 4, can be amended with additions that the county debt management strategy and the total bills be supplied perhaps within the same period. I don't know, how does that go with you, Hon. Member for Muthwani?

**Hon. Maitha:** Give me the opportunity to, your wisdom---

**Hon. Speaker:** I am sorry about that. Let us hear Hon. member for Muthwani

**Hon. Maitha:** This is the Hon. Member for Muthwani---

**Hon. Speaker:** There is place here, kindly help me.

**Hon. Member:** Ndalani.

**Hon. Speaker:** Ndalani. Sorry about that.

**Hon. Muthuka:** Thank you Mr. Speaker. My problem is the timing. Already the committee that reported to this hon. house, that even getting this reports was not that easy. From February, now today is the last day of September. Mr. Speaker, by the time that we rejected the earlier report, you only directed that the correct report be presented in this hon. house within a fortnight. Now my problem is, if from February up to September, end of September, that is fortnight, then on that report, the committee was very clever to describe what has happened because they said they lacked information on lacking bills, annexures were missing. That means there is no documentation. So even asking for the documentation, I don't know where the department will go to cook the recommendations.

So i think, if we amend this, we need to call the Chief Officer, we need to call also the the CEC members, both finance and lands, in a joint meeting, Mr. Speaker and I would direct that, I would recommend that in the invitation letter, this issue should be captured. Let them come with this documentation because if the land was paid for, there must be some transactions which were made through the bank. There must be some contract, sale contract, which was signed by somebody. There must be maybe allotment letter, there might be, maybe, a title deed. We don't



need even to take a seven days notice. That is part of the information that can be supplied even within hours since there are in offices.

So Mr. Speaker, if we amend that we get these things, latest next week, let them be tabled in this hon. house, not even the committee so that we can have a proof that we have some land that was bought at Ksh. 10 million and again we will be able to know where it is because today, we are requesting people who can give out their lands for development yet we have bought maybe a Ksh. 10 million piece of land, even if it is in Yatta, I think we will have more than 100 acres of piece of land. So if we can give that recommendation and then, No. 4. 30 days is a lot. Today, we know where we are in terms of our indebtedness. Let us get this report also within seven days. From there, maybe, we can continue with the discussion. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Felix, you must have perhaps seen this documents as you were deliberating this one. Maybe, what is your reaction?

**Hon. Ngui:** Mr. Speaker, on the issue of the land that was bought costing Ksh. 10 million, it is clear that the Chief Officer did not provide us with the documents. From the committee level, the response was that work of the department or the Chief Officer was to pay. The documentation should be with the department of land and environment, So, Mr. Speaker, I don't know, with your guidance, maybe you can refer the matter of the purchase of the land to the committee on lands and give them some period, maybe the seven days, mheshimiwa Muthuka is talking about, to provide us with the documentation on the same because there is the relevant committee that should deal with the matter.

**Hon. Speaker:** Thank you. I think there we are properly guided. The matter for the land would be referred to the committee on land and environment and file your report. Yes. So with that, let us continue with further debate. Yes, Hon. Kitheka.

**Hon. Kitheka:** Mr. Speaker, I wish to oppose the referring of the issue of land to the committee of lands with reasons---

**Hon. Speaker:** Hon. Kitheka, I had already made a ruling. I am sorry about that but I would urge you to make a separate motion if you want the ruling rescinded. Can I hear the Hon. Chairperson, now that you are out of order?

**Hon. Isaac Muinde:** Thank you Mr. Speaker. I have been away for some time and when this report was tabled, last week I wasn't in to get the main document other than the report of the committee. But, Mr. Speaker, before I comment on the recommendations of the committee on finance, I am wondering why, in the first place we should be discussing this report, if in their

own observation, that is the committee on finance, has said in page 2 on 2.1, one, that the document was not forwarded according to the PFM Act section---

**Hon. Speaker:** Page what?

**Hon. Muinde:** I am on page 2 of the document. They have said in the last paragraph, in reports 2.0, (2.1) (1) 'that the document was not forwarded according to the Public Finance Management Act 2012 section 166 (2) (b) which states that the accounting officer to prepare quarterly reports for county government entity in a form determined by the accounting standards board and section 166 (4) (a) that the county treasury shall consolidate quarterly reports and submit them to the county assembly (b) deliver copies to the Controller of Budget, National Treasury and Commission on Revenue Allocation and (c) publish and publicize them.

Mr. Speaker, when you go down reading the observations of the committee, even long before you come to the recommendations, it is clear that a shoddy job is being done here and a deliberate attempt to frustrate the working of this county government. Mr. Speaker, I wonder why the committee fell short of recommending that a more serious team be put in place to work in the Machakos county treasury.

*(Applause)*

The recommendations by the committee are very lenient. If this report is no different from the report that came here six months ago, what was the effort of shelving the report for six months, despite your ruling that a fortnight was enough, and the same committee has said that getting answers from the CEC was very difficult. When you look at the amounts that the committee observed was not supported, for example, I want to read there is hundreds of millions that the committee says, page 6, is it six? Yes page six. Page 5, Note 3, 'information available on the following sums of money was not acceptable to the committee, Ksh. 160 million from other receipts not classified elsewhere,' on page 26 of the original report. Other personnel payments, page 27, amounting to Ksh. 32 million, other operating expenses, totaling to Ksh. 188 million and untitled amount of Ksh. 32 million. Either, Mr. Speaker, we do not have qualified accountants or staff in the department who can compile a nice report to this house or there is massive graft.

*(Applause)*

So this house should be furnished with a report that is acceptable. This report already fails in its principal presentation. It is not according to the PFM law and even the little information that should be here, is not contained and Mr. Speaker, I even wonder why we should be discussing a very serious report when the entire committee is not even here.

---

**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.*

*(Applause)*

I think there are so many questions that are lingering around. I would not want to accuse anybody but a report by a finance committee, should have the chairperson here, the vice chairperson, I can see she is around and only a number of members. Finance committee has 15 members. The entire house those of us seated here, including non-members, we are basically, I mean, above 15. What is happening? Mr. Speaker, there is an attempt to frustrate the working of this assembly. Even in my committee, as chairman of budget, we have demanded quarterly reports. Nothing is forthcoming. So what are we really doing? Even resolutions passed here are not answered or adhered to. Mr. Speaker, my recommendation would be or my observation is that this house directs the finance committee to bring a better recommendation to the house, within a week, and that this house can take the necessary decision to tame the working of the Machakos County Treasury.

This is a report of 2013/2014. 2014/2015 is gone and nothing is in front of us. We are in 2015/2016 and we are witnessing a situation where we make budgets and nothing is followed. So, Mr. Speaker, I do not think we are really on the right track discussing a document that fails in its principal format that, one, it is not according to the accounting standards and, two, the answers that the finance committee sought, were not answered so they also brought to this house raw information that cannot give us the leeway to make a viable recommendation. So it fails. I am not supporting the document because, in any case, what are we supporting. So, I recommend it be taken back to them and six months is also taking this house into circles, that we give strict timelines and should there be anything, I am hearing whispers of chicken, then although, I am not qualified to say there was chicken, but if there was chicken, they can consider paying back. Thank you. Mr. Speaker.

**Hon.Speaker:** Wacha tusikie Hon Alice.

**Hon. Alice:** Asanti Bw. Spika. Sisi kama kamati, maagizo ambayo tumetoa ni uchunguzi ambao tuliangalia sisi kama kamati. Bw.Spika, kamati zote ambazo tunazo, tumekuwa na shida kubwa juu ya kazi yetu. Bw. Spika, ripoti ambayo ilirudishwa, wakati tukiangalia pamoja nayenye tuliletewa, tumekuwa na wakati mgumu. Pia tukaangalia hii hesabu ya milioni 10 ya shamba ambayo ilinunuliwa na pesa ambazo zilikuwa kwenye hiyo idadi, hazikuonyeswa vile ziliwekwa ama vile zililipwa kama ni watu walilipwa.

Bw. Spika, sisi kama kamati tumechunguza na tumeangalia. Pia tumekuwa na wakati mgumu sana kufanya hii kazi. Bw. Spika, nasema kwamba, kama vile ambavyo wenzangu katika bunge wamesema, tupewe siku saba kutoka leo. Kama hili jambo la shamba, sisi tulimuuliza waziri, akasema kazi yake yeye mwenyewe ilikua ni kulipa pesa kwa shamba ambayo

---

**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.*

imenunuliwa. Kwa hivyo kama tunataka hiyo barua ambayo ililipwa ama cheti, tunaweza pata katika wizara ya mashamba. Bw. Spika, sababu sisi kama kamati tuko hapa, mwenyekiti hayuko, na wanakamati wengine Bw. Spika, naomba kwa niaba ya kamati, utupe siku saba kutokea leo. Ili twende tufanye kazi ambayo bunge limetupatia na naamini kwamba sisi kama kamati tutafanya kazi kabisa sasa. Ni kufa kupona ndio tuone sisi kama kamati, tumefanya kazi ambayo inapaswa. Bw. Spika, asante.

**Hon. Speaker:** Kwa hivyo mheshimiwa Alice iyo nikusema hamkuomba hizo vyeti kutoka kwa wizara ardhi.

**Hon. Alice:** Bw. Spika, tuliomba, tumeomba, tumetuma wanakamati kadhaa kutoka kwa kamati yetu, tukaenda kwa ofisi ya waziri na ametuelekeza kwamba alikuwa amesema atatuma mfanyikazi mmoja kutoka kwa wizara yake ili atuletee. Sisi sasa tumekaa mpaka tumeona itatokea mengine kwamba ndio sababu ambayo inafanya tusilete hii ripoti, inaonekana, maybe, itakua...pole Bw.Spika, itaonekana kama kuna mpango wa kando na sisi hatutaki kuhusika kwenye ufisadi, maana kama kiongozi, lazima ujiangalie sana. Bw. Spika, imekua kwenda kurudi, tumeomba hiyo barua. Kwa hivyo sasa kama kamati, tutaona njia nzuri ambayo hii kazi tutaifanya. Asante.

**Hon. Speaker:** Asante. Nawaomba, mmemsikia amejitetea kweli, siku saba haijalishi. Mwaonaje? Mwenyekiti anaongea Kiswahili, mwaonaje?

*(Laughter)*

Haya, Mheshimiwa Kyalo Kyuli.

**Hon. Kyalo Kyuli:** Asante mwenyekiti kwa kubadilisha mita bendi. Sio vibaya waheshimiwa kupatia kamati siku saba lakini mambo walioshindwa kufanya miezi sita, watayaweza kwa siku saba?

*(Applause)*

Miezi sita, Bw. Spika, miezi sita wameomba cheti kutoka kwa wizara ya ardhi, miezi wametafuta vile ambavyo watapewa vyeti vya kuonyesha kwamba shamba ilinunuliwa ama haikununuliwa, miezi sita, Bw. Mwenyekiti, ya kuuliza pesa zaidi ya nusu bilioni hizo pesa ambazo hazina makaratasi ama hati za kuonyesha kweli zilitumika ama hazikutumika.

Miezi sita ya kuonyesha wafanyikazi walipewa pesa wakafanye kazi mahali pengine na hawakurudisha na hakuna vyeti vya kuonyesha kwamba walirudisha makaratasi ya kuonyesha

---

**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.*

walifanya kazi ama hawakurudisha. Bw. Spika, miezi sita walete ripoti ambayo inalingana na vile mwenyekiti wa bajeti amesema, ndio wapewe siku saba. Mimi nitasema wapewe siku saba lakini itakua ngumu kwa sababu kwa ripoti yao wenyewe, wamesema kwamba, ile ripoti ambayo walileta mwezi wa pili, haina utafauti wowote na hii ambayo wameleta. Kwa hivyo pendekezo la kwanza lingekuwa ni kwamba, katika ile ofisi, wale wote ambao wanahusika wakae kando tufatute wafanyin kazi wengine ambao wanaweza leta hata ripoti zile za robo mwaka.

*(Applause)*

Kwa hivyo pendekezo langu ninaposema wapewe siku saba, pio naa kama hawawezi wakaleta ripoti inaonekana kuna upungufu mahali. Mwenyekiti hayuko na ripoti kama hii yenye tumbo joto inaletwa leo. Mwenyekiti yuko safarini. Kamati yote, ninaona nikama watu wanne ama watano kwa idadi ya watu kama kumi na wanne ama watano, Bw. Spika. Umuhimu wa ripoti hii ambayo ililetwa kweli tumbo joto kwa bunge letu, nautumizi mbaya wa fedha mwaka 2013/204 na hivi sasa, tuna mwaka mwingine ambao hatujui kama tulipofanya bajeti, ni nini ilifanyika, nini ilinunuliwa, nini ilikuliwa. Kwa sababu, pale kuna kanuni kama ni tatu Bw. Spika. Kanuni ya kwanza tulipitisha bajeti, kanuni ya pili bajeti ilitumika mpaka kiasi fulani na kanuni ya tatu walikula pesa kiasi fulani. Hiyo kanuni ya tatu ndio maana inafichwa na makaratasi kamati ya bajeti, kamati ya fedha, wakiomba kupewa hawawezi wakapewa kwa sababu kanuni ya tatu haina karatasi ya kudhibitisha.

Haina udhibitisho wowote hivyo maana wataweka pesa tu, waseme kama vile mwenyekiti wa bajeti amesema, kama pesa milioni 118, milioni 160, milioni 32. Bw. Spika tuwape siku saba, lakini pendekezo kutoka leo, mimi ningeliomba hivi; baada ya siku saba, sisi tukipawa kitu kama hichi cha kuficha ufisadi ama kuficha maneno ambayo yanafaa kuwa wazi kwa bunge yetu ama kwa kaunti yetu, basi ile ofisi ifagiliwe kwa kila mmoja anahusika na mambo haya. Yule waziri, yule katibu wake na wale wengine ni wahusika, wakae kando sisi tupewe watu ambao wanaweza wakaleta, hata ripoti ambazo kamati iliomba, kwamba walete ripoti zao za kila robo mwaka kama vile ambavyo hata mwenyekiti wa bajeti amesema imekua ngumu kupewa. Asante.

**Hon. Speaker:** Sawasawa lakini wacha mshemiwa ajibu swala lile. Kweli kula pekee ni makosa ama makosa iko wapi? Si mshahara wako wewe unakula?

**Hon. Kyuli:** Naomba, Bw. Spika, tutafautishe haya mawili; ulaji wa pesa na ulipwaji wa pesa. Nikilipwa tayari nina cheti cha kuonyesha kwamba nilifanya kazi kuanzia tarehe moja mpaka tarehe thelathini, hivyo ninalipwa kwa sababu nilifanya kazi. Ulaji wa pesa ni holela. Nikiangalia hivi, nione hapa kuna pesa zinakaa bure, ninachukua ninakula. Pesa zangu mimi, nikilipwa sili, ninazitumia. Hivyo kuna taofauti kubwa kwa hivyo ulaji wa pesa ni ufisadi kwa jina nyingine.

---

**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.*

(Applause)

**Hon. Speaker:** Haya, sawa sawa. Okay.

**Hon. Maitha:** We might take this matter lightly but I need to be guided. The Hon. Ndeto, and I wish he was here, said there was an auditor's report, some document taken to the auditor's office and the Controller of Budget about the same. Mr. Speaker, we cannot even contradict ourselves because we already have a booklet from the officer of the Auditor General, the Controller of Budget detailing on the financial transactions of Machakos county government for the year 2013-/2014. One, I don't even need to go far. The report was saying that according to the document they were furnished by Machakos county government, Ksh. 150 million was transferred; grants and transfers. Can these members attest how much money was transferred to each ward? It is less than Ksh. 40 million, Mr. Speaker, less than because the old men in my ward received less than half a million. Less than Ksh. 500,000.

The women groups in my ward go only Ksh. 250,000 so if my ward roughly received about half a million and that was 2013 not 2013/2014 and multiply by 40, Mr. Speaker, it is less than even Ksh. 20 million and the Auditor General and the Controller of Budget report booklet, which was given and supplied to all this members, was saying that the county government of Machakos paid Ksh. 150 million in terms of grants. That is in itself is an exercise in futility and more on that, protect me Mr. Speaker---

**Hon. Speaker:** Let us take a point of information.

### POINT OF INFORMATION

**Hon. Muinde:** Mr. Speaker, I want to inform the Hon. Member from Muthwani that we are discussing the report for 2013/2014 and in that year Mr. Speaker, the MSWEB funds, nothing went to the beneficiaries. It is only in 2014/2015 that some paltry amounts were sent to the beneficiaries so there was zero monies send to that board. So let him not confuse the amounts, so if there are any transfers that were deemed to have been send, I can say nothing went to the beneficiaries in the year 2013/2014.

**Hon. Speaker:** Thank you. The point of order is sustained.

**Hon. Maitha:** It was a point of information not a point of order, Mr. Speaker and I wish to highlight. What I was saying, Mr. Speaker, is the information that I also need to be given by Hon. Alice is she is saying seven days---

**Hon. Speaker:** Hon. Dominic, what don't you understand.

---

**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:** I understand---

**Hon. Speaker:** The issue that has been raised?

**Hon. Maitha:** I understand but I have restrained from that---

**Hon. Speaker:** But a moment, you misled the house.

**Hon. Maitha:** I withdraw the statement, Mr. Speaker.

**Hon. Speaker:** The Speaker said you were out of order to that extent.

**Hon. Maitha:** Thank you, Mr. Speaker. I acknowledge your guidance and seek to comment just once because it is important. Mr. Speaker, the Hon. Alice has said they need seven days. We need to take a reference. While the report was brought in the floor of this house, they said the report reached this assembly in August, last year. They debated, debated documents such and everything and they report in the floor of this house in February. From February, you commanded them, in a fortnight, the report should be here.

That never happened. Now, she is saying, seven days and in the entire report, they are saying it was an exercise in futility. They tried to get documentation but all in vain. How sure is she that they will get the same information? She is saying the CEC finance said her work is to pay. Mr. Speaker, I have seen vouchers in this assembly for payment, attached with any necessary documentation as evidence to show that that voucher ought to be paid. How do you pay land Ksh. 10 million? No even a copy of title, no copy of commitment nothing.

Mr. Speaker, I doubt the committee's performance in seven days to give us a tangible report. I propose, Mr. Speaker, with your guidance, you know that, Mr. Speaker, Hon. Ndeto has said he has the Auditor's report. I was also a member of the PAIC committee and I also have some information. The chairman of budget committee is also an interested party because by then, the committee of finance had not been formed. It was under his docket. If an *ad-doc* committee Mr. Speaker, can be formed, go sit down, get first all the Controller of Budget reports from 2013 up to end of that financial year and they take the report, the initial report which was given to committee and the current report, and they compare, they can give this hon house a tangible information of the financial transaction of Machakos county government. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** But Hon. Dominic, it is within this debate that you need to prepare and table those documents. This document has been with you, hon. members, for some time because you were going to research and come up with ..... (inaudible)

---

**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:** Mr. Speaker, what even surprises me---

**Hon. Speaker:** I would be more than grateful if, as you are addressing the house, you were presenting that information.

**Hon. Maitha:** Mr. Speaker, if the HANSARD records what we do say here accurately, I presented an extract from the booklet of 2013/2014 of the office of the Controller of Budget about a certain payment that was made and was also appearing on the same document and when I brought it here I was told that document has not been brought before this house for discussion.

*(Applause)*

So am I contradicting myself or is you who is contradicting yourself, Mr. Speaker, or it is the house? I exonerate you from that, Mr. Speaker, but we cannot continue hiding our heads under the sand. The readings are on the wall. To date, most of the members who, Mr. Speaker---

**Hon. Speaker:** Order, order Hon. Dominic.

**Hon. Maitha:** We are objecting the reports are not in the floor of this house---

**Hon. Speaker:** Order, order, Hon. Dominic. All the reports by Auditor General were received by the house and communicated.

**Hon. Maitha:** Mr. Speaker, there is an extract I even brought in the floor of this house but it was disowned. It was said that that document---

**Hon. Speaker:** You can back that.

**Hon. Maitha:** So what I want to say, as I summarize Mr. Speaker, kindly let this house not even task the committee anymore to give a tangible report. Let you, Mr. Speaker, with all the wisdom that you have, give and elect a committee that is competent enough, an *ad-hoc* committee that can scrutinize those documents. Politics aside but leadership exhibited so that we can give this hon. house and justice to the people of Machakos County. Thank you and will not contribute any further.

*(Laughter)*

**Hon. Speaker:** Thank you let us hear Hon Mutuku.



**Hon. Michael Mutuku:** Thank you Mr. Speaker. Mr. Speaker, I would wish to appeal to the members the committee to be given an extra week, to actually, look into the matter and finalize the pending or the contentious issues. It is within, we have not, as a committee or as a house, exhausted all the provisions and I think it is within, it is actually a common practice, if a committee requests an extra time to look the matter---

**Hon. Speaker:** Let us hear a point of order.

### POINT OF ORDER

**Hon. Muthuka:** Thank you Mr. Speaker, I don't know when we will be serious. I think Hon. Mutuku has just come after deliberating a lot of things in the report and he is, very confidently and convincingly, telling us that we have not exhausted all the mechanisms. Mr. Speaker, if you read this report, on the mandate of the committee, and I am shocked (a) to investigate and enquire into and report all matters relating to the mandate. So Mr. Speaker, we gave them a fortnight, they presented a shoddy report after six months. Now they are very confidently, requesting for some more time I think Mr. Speaker, it comes a time that we must take our work seriously. I wish if we had the chairperson of chairpersons in this house because we have been requesting for the same reports now everyday and then.

Now, Mr. Speaker, I would like to support Hon. Dominic Maitha's suggestion that now is the time for *ad-hoc* committee. This committee has failed it has failed completely and if they insist also to be given the extra days, they should not be compensated. And actually Mr. Speaker, if you direct they should be surcharged for the shoddy work that they are bringing to this hon. house. Mr. Speaker, some of us we are very serious people when it comes to our work. We may joke outside but when we come to our work, this is a mandate that we have been vested by our people and if we take our people round and round, this is the report for the first year. We have 2014/2015.

What Hon. Dominic was alluding to is an extract from the Controller of Budget for the financial year 2014/2015 whereby by March, 2014 we had dispensed Ksh. 140 million to the MSWEB kitty which is a lie. So Mr. Speaker, if we cannot dispense the work of the first year, when are we going to dispense the work of even 2015/2016. It is in record that 2014/2015, no project which was done by the Machakos county government. Now we are discussing 2013/2014. Will 2014/2015 come in 2019? Are we doing our mandate? Are we doing our job? Mr. Speaker, is the high time that, before I had requested that you give direction and now I think we are in the right direction that you give the house direction that, we constitute an *ad-hoc* committee of very serious people, who even don't know about the chicken that is talked about.

(Applause)

Within that specific period of time, seven days, they will be able to present a report in this hon. house and they will be able to do the mandate of the committee; to investigate and inquire. Not just pick figures and then bring to the house. You must investigate and enquire into the truth of the figures that you bring into the house. So Mr. Speaker, if you give that direction, we will be guided and the work will be done according to the law. Thank you.

**Hon. Speaker:** Okay. Let us hear the chairperson of budget committee. I think the point of order is sustained. Hon. Mutuku.....(inaudible)

**Hon. Muinde:** Thank you Mr. Speaker and you note that Hon. Mutuku is also a member of that committee.

**Hon. Speaker:** A member of which committee? This committee?

**Hon. Muinde:** Yes. Mr. Speaker, it shows the level of commitment by the members of that committee to.....so, Mr. Speaker, I want to draw your attention to, again on page 2, on the same number that I made on reports. Page 2.1 'the document was not forwarded according to Public Finance Management Act 2012 section 116 (2) (b)' and then having read that, Mr. Speaker, go to page 6, top of the page and you hear what the same committee, which has just said that the report was not submitted in accordance with the PFM law and they say, 'Mr. Speaker, Sir, the report presented had complied with most of the requirements of PFM Act provisions except that it did not show how much debts the county had.' Mr. Speaker, this is the same committee. In its foreword saying that the law was not followed and in between, they forget and say the law was followed---

**Hon. Speaker:** Guide me, chairman. Which paragraph is that?

**Hon. Muinde:** Page 6, top on the page.

**Hon. Speaker:** Okay.

**Hon. Muinde:** They say I have to repeat again---

**Hon. Speaker:** I am okay.

**Hon. Muinde:** Okay. Now, Mr. Speaker, within their observations, you see the kind of serious observations they made and when you look at their recommendations, they do not tally because the observations are so worrying that you would expect the recommendations to be that the officers should be made to answer. What happened after making the observations to the time

---

**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.*

they made their recommendations, Mr. Speaker? So, I suggest this, Mr. Speaker, that, one, we cannot take the mandate of a committee and give it to an *ad-hoc* committee when the committee is in existence. We need to give them the seven days, Mr. Speaker, so that by the time they come here with their report, we also come here with our own ammunition. That we will trash the report, if they are not serious and then what would follow is that if they are not serious and we will recommend the disbanding of that committee and have a serious committee in place, which will be given the mandate to present a proper document here.

If the chairperson does not recognize that when he is seating, he is representing you in that committee, and that the powers he has and the entire committee is equal to the high court judge, that they can force presentation of proper documents to the house, then we will conclude that they have no mandate being our committee on finance, Mr. Speaker. So Mr. Speaker, as I rest after saying or talking about my recommendation, Mr. Speaker, this committee on finance should be serious. Last week, they sat and interrogated the finance bill 2015 and I want to tell you, Mr. Speaker, during the final report writing, only the clerks were seated to write the report.

*(Applause)*

Only a few members at 67 Hotel sat and I can provide that, Mr. Speaker. The chairperson was absent. The chairperson was absent, I can say and this is a very serious document. Mr. Speaker, let the committee be serious and if they are not serious, Mr. Speaker, let them give the role to other members who are serious to bring serious reports to the house. Thank you, Mr. Speaker.

**Hon. Speaker:** There is a point of order here. Hon. Ngui.

### **POINT OF ORDER**

**Hon. Ngui:** Mr. Speaker, I want, as a member of the finance committee, I would want Hon. Isaac Muinde to substantiate to this house how he came to know members did not attend report writing at 67 Hotel. The work of the clerks, the work of confirming who attended the report writing, is the work of clerks and there is a register. Can he provide this house with a register of the hon members who went for the report writing on the finance bill? Thank you. Mr. Speaker.

**Hon. Speaker:** I would not want to handle that, maybe leave it to the gods. Let us hear Hon. Matheka.

**Hon. Francis Matheka:** Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, Sir, I would agree with the previous speakers about this report. It is a shoddy job and I

---

**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.*

do not want to say the committee should be done this or that, the committee chairman and its members know their job. They should do justice to this house and to the people of Machakos County because that is what we came here to do.

Mr. Speaker, Sir, if we go to the recommendations, on page 5, bullet 2, they are talking of capacity-building to revive sacco. Mr. Speaker, Sir, I have told you several times that I will never stop wondering in this house because I don't know where the capacity building was done, because leave alone my ward, Kangundo North, in Kangundo, I have never heard of it. So I don't know whether it was done on space or on Mars. The committee should come with annexures of where this capacity building was done.

Mr. Speaker, Sir, we go to bullet 6, in the same page 6, on the acquisition of assets. Mr. Speaker, Sir, the practice, the accounting standards practice all over the world, is that there should be a register of assets acquired within a year, either in a government or in a private company. Even in our homes, I think we are having registers of what we acquire, because we keep records. Mr. Speaker, Sir, whoever will be bringing a report to this house, should have an extract of the same. What was acquired what was disposed, we should know. This is our money, this is the taxpayers' money and we should know exactly what is happening, lest Mr. Speaker, Sir, we start suspecting.

We are seeing some Tiida cars doing taxis, repainted, yet we will start suspecting, this are the same cars which were meant for security and for the local collection or the Inspectorate. We are suspecting and we have seen them exactly the same cars repainted. Unless we get this register, our suspicions will be confirmed. Mr. Speaker, Sir, we need an extract of that register. The report, No. 7, did not show the pending bills. Mr. Speaker, Sir, unless we pretend we don't know what is happening in Machakos County, the county, as we talk now, is being weighed down by pending bills.

Contractors are collapsing and dying because they are not paid their dues. Mr. Speaker Sir, the county is weighed down by bills to an extent of not paying salaries at the right time. We need an annexure of the pending bills of this county and a way of how to pay them *ama* who how they are going to mitigate on them. Mr. Speaker, Sir, we need annexure not stories. These are stories we are given by the committee. The committee chairman and the committee members should know that we do not want stories. We are tired of stories. We need annexures, extracts and proof of what happened with the money of the people of Machakos County. It is our money and we should know what happened what happened to our money. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. I think hon. members, the issues that are being raised in this debate are weighty issues. Let me direct that the office of the Clerk summarizes the issues raised in this report and has served on the chairman who is absent and that debate on this matter continues on Tuesday when the chairman is expected to be in attendance.

---

**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.*

**ADJOURNMENT**

**Hon. Speaker:** I think with that hon. members, let us prepare and deal with this matter further on Tuesday afternoon. Consolidate your questions. Thank you and let us meet later in the afternoon. The house adjourns.

The House rose at 12.00 p.m.