

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 17th November, 2015**

The House met at 2.35 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon hon. members. Let us proceed clerk.**PAPERS LAID****REPORT ON YOUTH POLYTECHNIC INSTRUCTORS PETITION**

Hon. (Ms.) Mutune: Thank you Mr. Speaker, and the house. Mr. Speaker, Sir, I beg to lay the following paper on the table of the house today, 17th November, 2015; report on Youth Polytechnic Instructors petition from the education and social welfare committee. Thank you, Mr. Speaker, Sir.

*(Hon. Mutune laid the report on the Table)***Hon. Speaker:** Thank you. Paper laid.**REPORT ON NOMINATION OF MEMBERS TO COMMITTEES**

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, pursuant to Standing Order 155 (1), I wish to lay on the table of the house today, 17th November, 2015; report of committee on selection on nomination of members to committees. Thank you, Mr. Speaker.

*(Hon. Mwonga laid the report on the Table)***Hon. Speaker:** Paper laid.**NOTICES OF MOTION****REPORT ON YOUTH POLYTECHNIC INSTRUCTORS PETITION**

Hon. (Ms.) Mutune: Thank you Mr. Speaker, Sir. I wish to give notice of the following motion; that this house discusses and approves the education and social welfare committee report on Youth Polytechnic Instructors petition as laid today. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Notice issued.

REPORT ON NOMINATION OF MEMBERS TO COMMITTEES

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, I wish to give notice of the following motion; that this house discusses and approves the Report of Committee on selection on nomination of members to committees. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Notice issued.

MOTIONS

PETITION BY MACHAKOS YOUTH POLYTECHNIC INSTRUCTORS

Hon. (Ms.) Mutune: Thank you Mr. Speaker, Sir. Aware that the members of the public can petition the county assembly to consider any matter within its authority; aware that a petition from Machakos county Youth polytechnic instructors was received on 28th July, 2015, and after review by the office of the Clerk to ascertain its admissibility, it was tabled in this hon. house on 4th August, 2015. Mr. Speaker, Sir, further aware that pursuant to Standing Order 201(1), this petition was committed to the committee on Education and social welfare; Mr. Speaker, Sir, cognizant that matters of vocational education are devolved according to the Fourth Schedule of the constitution of Kenya 2010, the Education and Social welfare committee deliberated the petition in several committee meetings and came up with a report.

Mr. Speaker, Sir, I wish to move a motion that this hon. house discusses and approves the Machakos county Youth polytechnic instructors petition report from the Education and Social welfare committee. Thank you Mr. Speaker, Sir. I now call hon. Nzoka to second.

Hon. Nzoka: Thank you Mr. Speaker, Sir. I stand to second the motion. Being from the education committee, I am also a member of the committee, we have discussed that one so, we request the house to discuss the motion in length. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. The motion is laid.

Hon. (Ms.) Mutune: Mr. Speaker, Sir, here is the report of Education and Social welfare committee on petition by Machakos county polytechnic instructors.

Preamble

Mr. Speaker, Sir, Youth Polytechnics were initiated by the National Council of Churches of Kenya (NCCCK) in 1968 with the objective to find solutions to youth unemployment in Kenya. The youth polytechnics were to adopt a diversified curriculum that would in the end, alter the negative attitude of young people towards manual work and rural livelihood. In addition, the curriculum was aimed at matching skills needed in the market with knowledge acquired in

classrooms, reduce youth migration to urban areas and hence lead to economic growth of the Country.

Mr. Speaker, Sir, in 1971, the Government of Kenya started supporting youth polytechnics built by local communities and churches. This support has continued all through with the Government putting various measures to ensure the youth polytechnics did not get into oblivion. Among such initiatives were adoption of the Kamunge Report in 1988 which recommended provision of basic facilities and equipment, capacity building and improved terms of service for the instructors.

Further, Mr. Speaker, Sir, the government of President Kibaki renewed efforts to revitalize, strengthen and streamline the operations of youth polytechnics through Sessional Paper No. 1 of 2005 entitled “A POLICY FRAMEWORK FOR EDUCATION TRAINING AND RESEARCH”. This led to the development of the National policy for youth polytechnics and vocational training sector. The government has been supportive of youth polytechnics through the ministry of state for youth affairs and sports.

The ministry allocated each student in public youth polytechnic Ksh. 15,000 through a programme called Subsidized Youth Polytechnic Tuition (SYPT) which was used to purchase training materials and equipment, textbooks, exercise books, co-curricular activities, education trips and repair and maintenance.

Mr. Speaker, Sir, the Constitution of Kenya 2010, Fourth Schedule, part 2 (9) conferred County Governments with powers and functions of running Youth Polytechnics. The National Government stopped supporting these institutions and the County Governments were supposed to take over. The National Government through the Chairman, Transition Authority, addressed the issue of transfer of youth polytechnic staff to the counties through letters dated 15th December, 2014 and 27th October, 2015 to all County Secretaries. (Letters are annexed to this report).

Background

Mr. Speaker Sir, on 28th July, 2015, a public petition from Machakos County Polytechnics Instructors to the Machakos County Assembly was received in the Office of the Clerk, pursuant to Standing Order No. 194 (1) (a). The petition was scrutinized for admissibility as per Standing Order No. 194 (3) and tabled in the House on 4th August, 2015. After tabling in the House, the petition was committed to the Education and Social Welfare Committee pursuant to Standing Order No. 201 (1).

Mandate of the Committee

Mr. Speaker, Sir, the Committee on Education and Social Welfare was established under Standing Order 190 and the Second Schedule with specific mandate to all matters related to pre-primary education, village polytechnics, home craft centers and childcare, children and social welfare.

Committee Membership

Mr. Speaker Sir, the committee has thirteen (13) members as follows:-

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|----------------------------|------------------|
| 1. Hon. David Manyolo | - Chairman |
| 2. Hon. Christine Mwendu | - V/ Chairperson |
| 3. Hon. Joseph Muli | - Member |
| 4. Hon. Charles Mutisya | “ |
| 5. Hon. Anne Wairimu | “ |
| 6. Hon. Benson Kasyoka | “ |
| 7. Hon. Oliver Nzeki | “ |
| 8. Hon. Renson Muthiani | “ |
| 9. Hon. Alexander Kathinzi | “ |
| 10. Hon. Alice Nzioka | “ |
| 11. Hon. Phoebe Koki | “ |
| 12. Hon. Collins Mbithi | “ |
| 13. Hon. Nzoka Munywoki | “ |

Petition

Mr. Speaker, Sir, the Machakos County Youth Polytechnic Instructors petition was done by 88 petitioners from 11 youth polytechnics who represented all the other polytechnics and instructors across the County. The petitioners' prayer was as follows:

1. To have the County Government implement the directive given by the Transition Authority on 15th December, 2014 on payment of permanent and pensionable staff of Youth Polytechnics with effect from September, 2014 and make budgetary provisions to absorb the Economic Stimulus Programme (ESP) staff on permanent and pensionable terms as from 2015/16 financial year.
2. To employ instructors for youth polytechnics on a three-year contract to replace those who have left the service since September, 2014 to ensure continuity of the courses they were teaching. The instructors to have minimum qualification of Government Test Grade II or craft certificate.
3. To have instructors who have stagnated in one grade for more than five years promoted to the next grade and their salaries backdated as per their merits. In addition, the County

Government to provide a clear scheme of service that allows career progression and promotion of workforce for the purpose of motivation.

4. To have the County Government forward deductions such as WCPS, PAYE, NHIF, HELB, LOANS and any other to the relevant bodies and organizations.
5. The County Government to assist polytechnics by paying instructors employed by BOGs who have been receiving between Ksh. 2125 and Ksh. 2890 per month from government top up grants. Further, the County Government to absorb them and to subject them to suitability test only when employing them.
6. The County Government to ensure regional balance when employing youth polytechnic instructors to avoid overstaffing of some polytechnics while understaffing others. Nepotism and favoritism should also be avoided and induction of new employees carried out.
7. The County Government to create offices of County Polytechnic Training Officers (CPTOs) in each Sub-County or at least three officers to cover three regions of Yatta, Kangundo and Machakos to reduce communication gap and need to travel to County Director Youth Training (CDYT) Machakos office thus reducing wastage of resources.
8. The polytechnics are in deplorable situation and the County Government should arrest the situation by improving of the physical infrastructure in consultation with all stakeholders. The County Government should ensure that in each ward, one polytechnic fully pledged to offer all exams approved by the Kenya Government.
9. The County Government to harmonize fees paid in all the polytechnics and also have a database for all trainees and graduates to assist in balanced training in all fields.
10. The County to equip all workshops and offices with modern tools, equipment and machinery.
11. The County to introduce Subsidized County Polytechnic Tuition (SCPT) scheme for trainees' equivalent to what the National Government was offering through the Subsidized Youth Polytechnic Tuition (SYPT) of Ksh. 15,000. The county to either subsidize each trainee with tuition or bursary of Ksh. 30,000 per year.

Committee Observations on the Petition

Mr. Speaker, Sir, the document presented by petitioners was subjected to thorough scrutiny by the Committee as well as interviewing representatives of the petitioners. The Committee made the following observations:-

1. That prayer No.1 was in line with a letter dated 15th December, 2014 addressed to all County Secretaries. A copy was availed to the committee and members were satisfied on matters requested. The committee also observed that the County was acting in defiance of national governments instructions by not paying these instructors. In addition, the County was failing in its mandate by not making budgetary provisions to pay instructors in the 2015/16 Budget.
2. That the County needed to employ instructors in all the polytechnics and to ensure that all courses are being offered. This would help reduce unemployment in the County, reduce poverty and accelerate economic growth. The committee noted that this prayer was also similar to a recommendation made by the committee last year when it tabled a report on Youth Polytechnics.
3. The committee further observed that national policies on promotion of staff to higher grades should be adhered and that there was need to have motivated staff. Further, it was noted that it was an offence to make deductions on someone's salary and then fail to remit such deductions to the relevant persons.
4. The committee further observed that prayer No. 5 was similar to No. 2. In addition, members observed that instructors employed in the youth polytechnics should be qualified as per the Education Act.
5. On regional balancing, nepotism and favoritism, the committee observed that it was the rule and should always be applied in any employment within the County (??). Moreover, the committee noted that there was need for proper coordination of the polytechnics across the County. Members called on the Department of Education, Youth and Social Welfare to come with a policy as well as a Bill on Youth Polytechnics.
6. On the physical infrastructure of the polytechnics, the committee noted that there was need to support the polytechnics. They observed that there was a budgetary provision in 2014/15 financial year and implementation of the projects identified needed to be fast-tracked. Members were also in cognizant of the fact that the workshops as well as offices needed to be equipped with modern facilities.
7. The committee was also aware of the financial constraints that most of the parents were undergoing to take their children to school. They also noted that most of the polytechnics

visited last year, 2014, requested that the students in the institutions to be assisted with bursaries. The committee felt that there was need to have a policy or a bill to guide support in these institutions. The support would also increase enrolment in these institutions while aiming at reducing unemployment.

Recommendations

Mr. Speaker, Sir, the Committee makes the following recommendations:-

1. That, the County Government to pay the permanent and pensionable instructors their salaries with effect from September, 2014.
2. That, the County Government to initiate process of absorbing the ESP staff attached to polytechnics on permanent and pensionable terms starting this financial year (2015/16) as per letter dated 15th December 2014 to all County Secretaries.
3. That, the County Government to employ instructors as per the need of a polytechnic.
4. That, deductions such as PAYE, WCPS, NHIF, NSSF, HELB, LOANS and any other to be remitted to the relevant bodies immediately.
5. That, a Bill and policy on Youth Polytechnics to be made and forwarded to the Assembly to approval so as to assist in management of the institutions.
6. That, the County Government makes provisions in the Appropriation Act for 2016 to cater for physical infrastructure of youth polytechnics as well as for provision of modern workshop and office facilities.
7. That, students in youth polytechnics to be considered equally in the awards of bursaries by the Members of the County Assembly.

Acknowledgement

Mr. Speaker, Sir, the Committee on Education and Social Welfare is grateful to the Management of County Assembly for facilitating compilation of the report. I wish to express my appreciation to the Hon. Members of the committee who sacrificed their time to participate in the meetings and in preparation of this report. Further, the Committee would like to thank the Youth Polytechnic Instructors for the noble work of nurturing the youth and working tirelessly even without pay to ensure knowledge was imparted.

Mr. Speaker, Sir, it is therefore my privilege, on behalf of Committee on Education and Social Welfare to table the Report on Petition by Machakos Youth Polytechnic Instructors in this Hon. House for consideration and adoption. Thank you, Mr. Speaker Sir.

Hon. Speaker: Thank you very much hon. Christine. Hon. Members, looking at the report, it has annexure and my view is that, to enable a thorough engagement, debate on this report be done tomorrow in the morning. Let members go through the report thoroughly and then we shall begin with the business of the report tomorrow morning. Thank you, Hon. Christine for the guidance. Let us proceed to the next matter.

NOMINATION OF MEMBERS TO COMMITTEES

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, that aware that Standing Order 152(2) and 153(3) mandates the committee on selection to nominate members to committees, aware that there were changes effected by the Majority Party whip; aware that the committee met to fill this vacancies; further aware that the committee had tabled a report on 1st October, 2015, in which it ensures each Hon. Member of the house had at least four committees and that the committee has noted that one Hon. Member was accidentally allocated only three committees; aware that the committee has considered the matter of three committees and added the member another committee, I wish to move the motion that this Hon. House discusses and approves report on Committee of Selection on nomination of members to committees. Thank you Mr. Speaker, Sir. I call upon Hon. Christine Mutune to second my motion.

Hon. (Ms.) Mutune: Thank you Mr. Speaker, Sir. I am a member of Selection Committee and I am here to second the motion. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. The motion is on the floor. Proceed with the report.

Majority Leader (Hon. Mwonga): Mr. Speaker, with your permission, I beg to read the report of committee of selection on nomination of members to committees.

Introduction

Preface

Mr. Speaker, Sir, on 28th September, 2015, the committee on Selection tabled a report on nomination of members to new committees and also balancing of committee membership. Upon tabling and adoption of the report, some critical concerns of some hon. members in certain committee were noted. Further, on 1st October, 2015 the committee received communication, through the Hon. Speaker, of members having been discharged from committees. Consequently, the committee met to execute its mandate pursuant to Standing Order 156.

Mandate of the Committee

Mr. Speaker, Sir, the Committee on Selection is established pursuant to the Standing Order 152 (1) and its mandate spelt out in Standing Order 152 (2); “the Committee on Selection shall nominate members to serve in Committees, save for the membership of the House Business Committee and Committee on Appointments”.

Committee Composition

Mr. Speaker, Sir, the committee has 13 Hon. Members as listed:-

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|----------------------------|----------------------------------|
| 1. Hon. Joshua K. Mwonga | - Majority Leader/Chairman |
| 2. Hon. Thomas M Kasoa | - Minority Leader/V. Chairperson |
| 3. Hon. Renson N Muthiani | - Member |
| 4. Hon. Timothy Kilonzo | ” |
| 5. Hon. Brigid Kitili | ” |
| 6. Hon. Christine Mwende | ” |
| 7. Hon. Rachael Nduku | ” |
| 8. Hon. Charles Mutisya | ” |
| 9. Hon. Veronica Mbithe | ” |
| 10. Hon. Alphonse Wambua | ” |
| 11. Hon. Benson Kasyoka | ” |
| 12. Hon. Ruth Ndumi | ” |
| 13. Hon. Catherine Nguluku | ” |

Nomination of Members to Committees

Mr. Speaker, Sir, Hon. Phoebe Koki and Hon. Jacqueline Nziva were discharged by their parties from Devolution and Inter-governmental Relations Committee on 1st October, 2015. The Committee on Selection met pursuant to Standing Order No. 153 to execute its mandate and in consultation with the Majority Party Whip, nominated Hon. Phoebe Koki and Hon. Jacqueline Nziva to again, serve in the Devolution and Inter-governmental Relations Committee.

Mr. Speaker, Sir, Hon. Mary Ndinda requested the Committee on Selection whether they could retain her in the Youth, Women and Sports Committee since the Assembly had invested a lot in her through training as a volleyball coach and sponsoring her to numerous sports forums and it would not be prudent and cost-effective for her to be moved from the Committee. The Committee considered the request and in consultation with Hon. Brigid Kitili, effected a swap. This means that Hon. Brigid Kitili will serve in the Committee of Culture and Tourism while Hon. Mary Ndinda serves in Youth, Women and Sports.

Mr. Speaker, Sir, the committee received a concern from Hon. Leonard Katela that he had three committees. On consideration of the matter, the committee nominated Hon. Leonard Katela to serve in the committee on implementation in place of Hon. Magdalene Ndawa who had six committees following her election as Chairperson of Devolution and Inter-governmental Relations Committee. This therefore, implies that Hon. Magdalene Ndawa has relinquished her membership in the Committee on Implementation.

Mr. Speaker, Sir, the Committee on Selection received a letter from the Powers and Privileges Committee, through the Clerk to the County Assembly, requesting for an additional

member. The request was informed by the Powers and Privileges Act of the National Assembly which was composed of the Hon. Speaker and 10 other members. The Committee observed that the membership the Assembly Powers and Privileges Committee should be half of that of the National Assembly, hence the request.

The Assembly Powers and Privileges Committee, further noted that it had only one lady Hon. Member and requested an additional lady Hon. Member of high standing. Consequently, the Committee on Selection nominated Hon. Alice Nzioka to serve in the Powers and Privileges Committee. Mr. Speaker, Sir, that lady is of high standing. Mr. Speaker, Sir, the above nominations are summarized as shown below. I have gone through that and with the leave of the house, I beg to skip that because it is what I have gone through Mr. Speaker.

Recommendations

Mr. Speaker, Sir, the committee urges this Hon. House to approve nomination of members to the committees as listed above.

Conclusion

Mr. Speaker, Sir, I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the meetings and in preparation of this report. Mr. Speaker, Sir, it is therefore my privilege, on behalf of Committee on Selection to table the Report on nomination of members to committees in this Hon. House for consideration and adoption. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you very much. Hon. Members, as I ordinarily remind you on the procedure on the report on selection, under Standing Order 155(2), “whenever a motion for approval of a list under paragraph (1) is moved in the House, no objection against the proposed membership of a member in a select committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.” Hon. Members, I open debate.

Hon. Maitha: Thank you Mr. Speaker, Sir. I think the report is self explanatory. We were looking for equality and equal membership in committees and I don’t think there is any need to debate about the report because, now every member is fully satisfied with the committees. Lately, we have not had any complaints in terms of ‘I am in one committee, I am in two committees, I think every hon. member in this house, right now, has at least a minimum of three to four committees.

There is no much need to subject the report to any further discussion because if any person who was dissatisfied with the earlier report by the Hon. Majority Leader, then I think that member would have forwarded that proposal and those who did that, their arguments have been considered and I wish to appreciate the Selection Committee for putting into consideration members’ wishes, in terms of their need to participate in various committees. Mr. Speaker,

without much further ado, I think you better put the question and then we adopt the report because it is self-explanatory. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Yes.

Hon. Nzoka: Thank you Mr. Speaker, Sir. I applaud the Leader of Majority together with his committee. In fact, it is good to listen to the members. There are members who wrote saying they said they are here, they needed to move there, and they were listened to and they were taken care of. Thank you very much and I think we have nothing to say on that one. We are okay.

(Laughter)

Hon. Speaker: I thought you have said something already. Hon. Kathinzi.

Hon. Kathinzi: Thank you Mr. Speaker. I would like to say that in the Bible, the shortest verse says that Jesus wept and I believe it should happen with this particular report that it is over, the ayes have it. I think it is self-explanatory for us to just adopt it because I believe this is the highest scored report which has been brought to the Assembly by the Majority Leader in this session.

Hon. Speaker: Yes Hon. Kamitu.

Hon. Kamitu: Thank you Mr. Speaker, Sir. I strongly stand to support the report that has been brought by our Majority Leader, but in that regard as a Chief Whip, I would urge members to be now committed to the committees, because now that the hon. members are satisfied with the committees that they have been given by the Select Committee and the Hon. House, we should come out committed as committee members in regard to attending the committees because this is equally where people are supposed to present the views of their committees so that whatever is being discussed in the committees is exactly taken down to the electorates and we want to see some good results from the committees. Otherwise, thank you Mr. Speaker, Sir.

Hon. Speaker: Yes, Hon. Matheka.

Hon. Matheka: Thank you Mr. Speaker, Sir. I stand here to say thumbs up to the Majority Leader for the first time, listening to the cry of the members. He did a very noble job and I urge him to keep it up. Mr. Speaker, Sir, in the conclusion, No. 5 reads, 'Mr. Speaker, Sir, I wish to express my appreciation to the Hon. Members of the committee who sacrificed their time to participate.' I beg to differ. No member in this house sacrifices his time. We only come to attend the committee meetings. A sacrifice is free. We do not come here for free so the wordings

need to be done in the right way. Thank you Mr. Speaker, Sir.

Hon. Speaker: Okay. *Ni haki yako hiyo pia.*

Hon. (Ms.) Ndalana: Mr. Speaker, Sir, I say thank you to our Majority Leader and the committee. I have been praying for the unity in this House and I have seen the unity, so I say thank you to Our Lord. Amen.

(Applause)

Hon. Speaker: Thank you. Yes, Majority Leader, maybe you can offer your thanks and appreciate the contribution by Hon. Ndalana. It required a prayer for you to do this.

Majority Leader (Hon. Mwonga): Mr. Speaker, I do not want to say that I am not taking your directive but I am also worried why you are guiding me on what to say. To start with, Mr. Speaker, I want to appreciate the members for supporting my report and on behalf of the committee, I once again want to say thanks and the issue which has been raised by Hon. Matheka of sacrifice, I want to say it is true those members sacrificed their time because, Mr. Speaker, I am also a member in a different committee and I know what has been happening. It is only that members don't sacrifice their busy time to sit in these committees.

Mr. Speaker, the issue which has been raised by Hon. Ndalana, I surely want to say God's time is the best time and maybe this was God's time although I have tried my best to do what I thought was best for these members of the hon. house. Making sure that each and every member is in, at least, a minimum of four committees and if we have some members in more than four committees, I don't think they are more than five. We tried to balance, and I would like to urge the members, sit in your committees, do your work in committees, generate business for this Assembly.

Lastly, Mr. Speaker, I would like to say a few members of this hon. house have been tainting the good name of the Leader of Majority in social media but that did not deter me from giving them or apportioning them four committees. Mr. Speaker, I would urge them to reciprocate and stop tarnishing my name in social media. Otherwise, Mr. Speaker, I do call the shots.

I can sit with the Whip of my party and, I will not instruct him, but we can discuss and consult on how to deal with these errant members. Finally Mr. Speaker, this being---

Hon. Member: Point of Order.

POINT OF ORDER

Majority Leader (Hon. Mwonga): Mr. Speaker, the member raising his hand is not a member of the Wiper party.

Hon. Speaker: Proceed.

Majority Leader (Hon. Mwonga): I am talking about the Majority Party members, not the Minority.

Hon. Speaker: He has not raised any point of order. Proceed.

Majority Leader (Hon. Mwonga): He wanted to raise one.

(Laughter)

Thank you, Mr. Speaker. With that, Mr. Speaker, allow me to rest my case. I don't want more debate on this. Thank you.

Hon. Speaker: Thank you. Hon. Members, we have concluded debate on this report. Indeed, it was the proposal of Hon. Dominic that the question be put and I proceed to put the question of the report as presented and debated this afternoon.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Speaker: In the absence of any further business, then the house adjourns until tomorrow morning. Have a good afternoon.

The House rose at 3.18 p.m.