

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 18th November, 2015**

The House met at 2.36 p.m.

*[The Temporary Deputy Speaker (Mr. Raphael Mutuku) in the Chair]***PRAYERS**

Hon. Temporary Deputy Speaker: Good afternoon, Hon. Members. I recognize the Members from Kiambu County Assembly. You are most welcome for the proceedings of the day. Proceed, Clerk.

*(Applause)***COMMUNICATION FROM THE CHAIR**
DISCHARGE OF A MEMBER FROM A COMMITTEE

Hon. Temporary Deputy Speaker: Hon. Members, I am in receipt of a letter from the Minority Whip. Re: Discharge of a Member from a Committee. This is pursuant to Standing Order 156 of the County Assembly of Machakos Standing Orders. The Minority party hereby gives notice that Hon. Stephen Muthuka is discharged from the Powers and Privileges committee. Thank you. Proceed, Clerk.

BILL*Second Reading***MACHAKOS COUNTY OMNIBUS STATIONS AND PARKING BILL NO. 2 OF 2015**

Hon. (Ms.) Kaluki: Thank you, Mr. Speaker, Sir and the House at large. Mr. Speaker, Sir, pursuant to Standing Order 121 (1), I wish to move the motion that the Machakos County Omnibus Stations and Parking Bill No. 2 of 2015, be now read a second time. Thank you, Mr. Speaker, Sir. I call upon Hon. Dominic Maitha to second.

Hon. Maitha: Thank you, Mr. Speaker, Sir, and the Hon. Members present. I do stand to second that Machakos County Omnibus Stations and Parking Bill No. 2 of 2015, be read for the second time. Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Thank you. Hon. Chairperson, you can proceed.

Hon. (Ms.) Kaluki: Thank you, Mr. Speaker, Sir, once again. I am going ahead and read the report for Machakos County Omnibus Stations and Parking Bill 2015 by Committee on Transport, Roads, Public Works and Housing.

Preamble

Mr. Speaker, Sir, despite the growing demand for transport services, Transport sector is currently facing numerous challenges. For instance, public transport is usually over-crowded and inefficient with unreliable service operations, long waiting times and poor safety and security standards. Also Kenya has no urban transport policy yet. As such, there is no clear decision as to which modes of transport and facilities the urban areas should encourage or provide. Transport facilities under public ownership and management generally have weak and ineffective structures. Lack of capacity and shortage of resources seriously undermines their capability for good corporate governance, sound decision-making and efficient management.

Committee's mandate

Mr. Speaker, Sir, Pursuant to Standing order 190 (5)(a) and (g), the Committee on Transport is mandated to investigate, report, recommend and even propose legislation under its mandate. Mr. Speaker, Sir, in the second schedule of the Standing Orders, this committee is specifically mandated to deal with all matters related to County transport, including county roads, housing, street lighting, traffic and parking, public transport and ferries and harbors, excluding the regulation of international and national shipping and matters related thereto.

Department Under Oversight

Department of Transport, Roads, Public Works and Housing.

Committee Composition

As per the list.

Committee Sitings

Mr. Speaker, the committee made three sittings in the month of July to scrutinize the Bill, present submissions and also to propose alterations in the contents of the Bill.

Significance of the Bill

Mr. Speaker, Sir, Machakos County, in its mission to offer quality services to its citizens requires proper policies and well-thought legislative framework. The Bill on Omnibus Stations is aimed at regulating the activities of the passenger carrying motor vehicles in the county and ensure order in the bus station.

Mr. Speaker, such regulations will lead to proper organization of activities in the Transport sector, cause sanity, block loopholes leading to unnecessary loss of revenue and

maximize revenue collection. In the process, delivery of services will be commendable and this is our dream.

Public Participation

Mr. Speaker, Sir, in the month of July this year, the committee undertook Public participation on this Bill in all the sub-counties pursuant to Standing Order 120 (3) which provides that, “the Sectoral committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the House.” Mr. Speaker, the exercise of public participation is crucial as indicated in Article 10 (2) (a) of the Constitution which outlines the National Values and principles of governance.

Mr. Speaker, in any democratic state, public participation is a fair activity that improves transparency and accountability in decision-making in addition to increasing public confidence in any undertaking. It also provides an opportunity for the public to influence project design in a positive manner thereby creating a sense of ownership.

Retreat

Mr. Speaker, the committee retreated to Naivasha from 2nd to 5th September, 2015 for the exercise of report-writing. In the report, both the views of the Committee members and that of the public have been factored. Mr. Speaker, Sir, the report is a crucial product required by all stakeholders who participated in the Bill process for the purpose of offering feedback in order to convince the stakeholders that their views have been considered.

Recommendations

(a) Committee Members

Mr. Speaker, Sir, the committee members welcomed the Bill as a good document intended to streamline areas that occasionally cause friction in the Transport sector. However, they noted some sections in the Bill that need consideration as outlined below;

1. Delete Clause 4 (1) and replace with; ‘The County Executive Committee Member shall be the licensing officer for purposes of this Act.’
2. Delete Clause 4 (2) ‘delete the County Executive Committee member’ and replace with the Licensing Officer.’
3. Delete the word ‘Motor omnibus’ in clauses 9(3) (4) and clause 10(1) (2) and replace with the words ‘Motor vehicle.’

4. Delete the word ‘police officer’ that appears at the start of Clause 17 (1).
5. Delete Clause 19 (e) and replace with; ‘Tout or shout or call for customers.’
6. Include a subsection in clause 19 that reads; 19 (1)
 - (f) Use offensive or abusive language.
 - (g) Drop litter in undesignated place.
 - (h) Damage, deface, misuse or interfere with any part of such bus station;
 - (i) Except in an emergency parking repair, take down, assemble, wash, polish or clean motor vehicle or part thereof in such manner as to cause public nuisance or obstruction and in such cases the vehicle shall be towed from the omnibus station.
 - (j) Otherwise behave in a disorderly manner.
7. Include a new clause 19 (2) that reads; ‘A person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding Ksh..40,000 or to a term of imprisonment not exceeding two years or both.’
8. Delete the whole clause 20.
9. In Clause 25 (1) include the words; ‘Pay the prescribed fee.’
10. In clause 25 (1) delete all the words after the word pay.
11. After Clause 25 include a section for; ‘general provisions.’
12. Clause 26 be given a sub-heading of ‘protection from personal liability.’
13. In Clause 27 (2) replace Ksh. 100,000 with Ksh. 50,000.
14. In the same clause 27 (2) replace ‘three years with twelve months.’

B) Recommendations from Members of the Public

1. In Clause 2 on the meaning of Omnibus, use the words ‘accommodating between seven and ten excluding the driver.’

2. In Clause 8 (1) replace ‘Town director with Town administrator.’
3. In Clauses 16 and 17 (1) (2) (3) replace the word ‘authorized officer with County Inspectorate Officer.’
4. Insert a new Clause to accommodate omnibus Stations Committee comprising of relevant county government officers and stake holders for the purpose of giving feedback and input of regulations and management. This will ensure citizens participation of the county affairs.
5. Include Schedules on regulations.

Challenges

Mr. Speaker, the committee in its effort to adhere to the constitution and Standing Order 120, it is good to note some of the challenges witnessed:-

- Poor attendance by members of the public. This was specifically evident in Yatta, Mwala, Matungulu and Kathiani Sub-Counties. This was attributed to distance and financial constraints to facilitate them to where the exercise was being carried out.
- Reluctance by the public to voice their submissions. They claim that this exercise is just a routine and no implementation is done. They gave an example of the Sand Bill.

Conclusion

Mr. Speaker, Sir, it is very obvious that development that is credible and that satisfies the needs of its citizens, proper strategic assessment and sound policies need to be developed and implemented. This will promote the political faith which citizens have towards their government, create development opportunities, boost economy and therefore reduce the gap between the rich and the poor. As county government of Machakos, this is our dream. Thank you Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Hon. Members, the report is before the House. I welcome debate on the report on the issue of the Bill. Yes, Hon. Dominic.

Hon. Maitha: Thank you, Mr. Speaker. I do not have much to discuss or debate on the Bill because I am a Member of the Transport Committee but I just want to make an emphasis on a major observation that is outlined here and the issue is about attendance by the Members of the Public for such bills. Mr. Speaker, this week on Monday, we had public participation in all the

eight sub-counties and, Mr. Speaker, the most worrying thing is that the attendance is diminishing after every single time that we have a public participation forum. Basically, Mr. Speaker, these bills are not meant to benefit us, Hon. Members, but are meant to benefit the public itself and that is why we involve them as per the constitutional obligation.

Mr. Speaker, I would really request this Hon. House to re-consider on how we are going to revamp the participation by the public in terms of these kind of bills because the moment we pass them and we start enacting them, and the moment the bill becomes an act and it becomes operational, Mr. Speaker, then it remains, it starts again to haunt us because we are the Assembly who has passed it but because the public does not participate in the recommendations that we need to make or in the adoption of the bill, then it becomes a big problem.

Mr. Speaker, Sir, I think it is a matter of concern because it was evidenced this week it has been evidenced before and if the trend continues, then we might be doing a constitutional violation and the major issue that is attributing to this, is the issue about facilitation. Mr. Speaker, you remember very well we had the Commission on Revenue Allocation sit with us for a whole day at Gelian Hotel and it is a constitutional mandate requirement for public participation and the constitution is very clear, we are supposed to facilitate the public in order they can come and participate and give their contributions, Mr. Speaker.

But that is becoming a major concern and that is why you can see most public cannot even attend this public session. So we need to re-consider that, at least, even if it needs getting at least two to three people and facilitate them, through the locations of the sub-locations, we better go that way because at the end of the day. We might be sending our officers and find that they do not have any person to participate in the public bill procedures. So, it is a major concern. The other issue is about inability to implement the bills that have been passed here, Mr. Speaker. The sand bill is not the first or the second time this issue has been raised in this House Mr. Speaker---

Hon. Temporary Deputy Speaker: Hon. Yes, can I have the point of order.

POINT OF ORDER

Majority Leader (Hon. Mwonga): Mr. Speaker, I am wondering what the Hon. Member is raising because if it about public participation, Mr. Speaker, he was in Mavoko Sub-County, he was not in the other Sub-Counties, Mr. Speaker. I personally attended this public participation in Masinga Sub-County and we were over, the participation was attended by over 300 people, Mr. Speaker. I also want to tell the Hon. Member for Muthwani, in public participation, there are no guidelines or policies of the minimum number of people who should attend these participations, Mr. Speaker, and participation is not only in County level, Mr. Speaker. At National level, they only hold them at KICC. How many people travel all the way from Turkana to come and attend them at KICC, Mr. Speaker? I think the Hon. Member is misleading this

House and we should stick to what is before us. We were not to discuss about public participation. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Point of order sustained and Hon. Member, maybe for the purpose of being guided, I will restrict we debate on the issues that are touching on the bill and maybe you can tell the House whether there was public participation for this Bill.

Hon. Maitha: Mr. Speaker, there was public participation and we have indicated clearly that we experienced that problem. It is not even indicated Mavoko, it is written in the bill and I wish to put to the awareness of the Hon. Majority Leader that, it does not mean that because Turkanas are in Turkana we do not have Turkanas in Nairobi. There are Turkanas who attend public hearings in Nairobi. So, what I was saying is a point that I am emphasizing, it is a point that has been noticed and if he so wishes to dispute it, then there is no problem. The message is delivered. Otherwise, Mr. Speaker, basically this bill is meant to reinforce the status of transport being a devolved function in the County Government. So, what I was saying is this, we need to have full participation of everybody because it is going to touch directly on the public, not even us.

So, what I would like to say is this, basically the challenges that we have found here, the recommendations that we have given here, we are giving them to Members so that they can adopt them or reject them, but it is for the betterment of us all and especially the people who we represent as per the constitution. So, I do support the report and wish to ask the Members, whatever measures that we have sought to be enhanced or enforced, they ought to be because in future then, we might be having a major challenge, not even in this bill but in also public functions. Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Yes, Hon. Alex Kathinzi.

Hon. Kathinzi: Thank you, Mr. Speaker. I would like to start by applauding the Committee for Transport, Roads and Public works and Housing for especially in the part of the recommendations that is item No. 1.8. I think the Vice Chairperson of this Committee has explained clearly to this Assembly that those were the recommendations of the public. So, it means these recommendations are coming from the public themselves. So, we need to accept that there was really a public participation which was carried out because the recommendations were done from the views of the citizens.

Mr. Speaker, as I continue supporting, it is good to note that, as they have indicated that in issues of challenges, the challenges this committee is facing or the challenges they tried to analyze after meeting, you can read item and challenges the last paragraph which says that ‘reluctance by the public to voice their submissions, they claim that this exercise is just a routine and no implementation is done.’ So, by indicating implementation, then that means that

challenge has to be referred to the Committee which I insist which is Committee of Implementation to see to it that such bills like sand bill, we also have another bill like water bill, you have issues which are before the implementation side of this Assembly, that they should be implemented and see the corrective measures which has to be put in place. So, I rest my case as I say. I support this report. Thank you very much.

Hon. Temporary Deputy Speaker: Yes you can have the point of information.

POINT OF INFORMATION

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to inform the Hon. Member who has just contributed that we do not have a sand bill already we have a Machakos Sand Act. We dispensed with the bill as a House and it was assented to by the Governor. So it is an Act, we do not have a bill. Thank you.

Hon. Temporary Deputy Speaker: Thank you for the information. Hon. David Manyolo.

Hon. Manyolo: Thank you Mr. Speaker, Sir,---

Hon. Temporary Deputy Speaker: Proceed, Hon. Manyolo.

Hon. Manyolo: Okay. Thank you. I was worried that while I am standing and the Majority Leader is still raising his finger. I understand when they are entering in their Church, they enter while they are raising one finger, that is Salvation Army.

(Laughter)

Mr. Speaker, Sir, protect me---

Hon. Temporary Deputy Speaker: Can we have the point of order from Deputy Majority Leader.

POINT OF ORDER

Hon. Kasimu: Thank you, Mr. Speaker. Hon. Member Kiviu Manyolo is improperly dressed in the House. Mr. Speaker, Sir, he is wearing a hat that is neither traditional nor religious. Mr. Speaker, Sir, that Hon. Member should get out of the House.

Hon. Manyolo: Mr. Speaker, Sir, I understand I am not improperly dressed. I have a suit, I have a tie and this cap is allowed. This one is allowed.

Majority Leader (Hon. Mwonga): Point of order, Mr. Speaker.

Hon. Manyolo: I do not see where I am out of order. Even if I turn round Mr. Speaker, Sir, you may look at me.

(Hon. Manyolo turns around)

(Laughter)

Hon. Temporary Deputy Speaker: Let us take the point of order. Hon. Member resume your seat.

POINT OF ORDER

Majority Leader (Hon. Mwonga): Mr. Speaker, I do not think it is proper or in order. Once a Member has been mentioned, the directive from the Speaker should be that Member moves out forthwith. He or she should not defend himself or herself, please.

Hon. Temporary Deputy Speaker: Yes, Hon. Katela

Hon. Katela: I stand to inform the Majority Leader that the Speaker does not see but he is still trying to see. So give him time, do not give orders. Thank you.

(Applause)

Hon. Temporary Deputy Speaker: Hon. Members, a matter has been raised and Hon. David Manyolo, I do not think it is procedural for you to have a cap in the Assembly, so kindly withdraw from the Assembly.

(Applause)

Hon. Manyolo: Mr. Speaker, as I withdraw---

(Laughter)

(Hon. Manyolo withdrew from the House)

Hon. Temporary Deputy Speaker: You can proceed with the debate. Hon. Benedete Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir. Mine is to support the report by saying that; the recommendation of the Committee of the public not coming to the....it is only that to say our people need civic education and to know that it is theirs and they have to be taught how to be coming to the public participation so that they can understand their work of knowing whether the MCAs are doing their work in the Assembly because sometimes they don't know the work of the MCAs and it is important to be having the civic education. So I ask the Majority Leader to have money or the Government to have money for our people to be taught their rights. Thank you, Mr. Speaker, Sir.

Hon. Temporary Speaker: Thank you. Hon. Kalunde.

Hon. Kalunde: Mr. Speaker, I am a member of the Transport Committee and I hope all these recommendations were done for the betterment of our people. I do not see the reason why we should not give something, a token to the public so that they can participate fully. Because previously, a year ago or two years ago, when we invited public to participate, they used to be given lunch and transport but this time, nothing was provided to them and that is why they are not now interested in participating in these bills. So, I do not see the reason why, despite I am supporting the motion or the report, I do not see the reason why we should not give something to the public so that they can participate in all our reports. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Members, you realize that, the concern of public participation whereby members of public are not coming in large numbers. We passed the Public Participation Act which I would urge the Committee on Implementation maybe to move with speed and see it implemented so that in future maybe we can curb those problems. Hon. Rachel Nduku.

Hon. (Ms.) Nduku: Okay, thank you, Mr. Speaker. I am a Member of that Committee. I want to support this report but I want to add something small on the part of public participation whereby if the bills we are reading in this House, we invite public without target. We will miss what we want to do because if we have public participation concerning things to do with Bus Park, we should target the touts and the drivers and the owners, SACCOs and all that.

For example, when we were talking about Sand Bill, in our Sub-Counties, the people who came to deliberate on those issues were people who do not do business on sand. I believe that when the public participation was going on, on this report, the people who came there, they are people who are not in transport sector. So, my input in this report is that, in future when we are dealing with things to do with bills, we should also invite the target people who are dealing with the same things which they are complaining or it is targeting their businesses. So in that recommendation, I rest my case. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you. We can have Hon. Alex Kamitu.

Hon. Kamitu: Thank you, Mr. Speaker, Sir. I stand here to support this report on the second reading and this is in regard, I want to highlight that you can see in their report, the significance of this bill. They have highlighted on some very important issues but they have missed the importance of building some sheds in the bus station---

Hon. Temporary Deputy Speaker: Let the Member complete. You can proceed.

Hon. Kamitu: I am standing here as I said that I want to highlight some of the good things that the committee has done but it has missed some of the important issues like sheds. We should build some sheds within the bus station, so that during the rainy seasons, the passengers ferried by the omnibuses, whether it is in the railway stations, they should be cared for because Mr. Speaker, Sir, you are aware if there are no sheds during rainy season, there is that tendency of the passengers being rained on or during the sunny seasons. Yes, so---

Hon. Temporary Deputy Speaker: Yes Hon. Dominic Maitha.

POINT OF INFORMATION

Hon. Maitha: Mr. Speaker I want to inform the Hon. Member, the bill seeks to give guidelines and he has gone through the bill. The bill is very clear. It has given the authorized officer, who is the Chief Officer, the powers to make any other recommendations that can effectively make the transport sector the best. So, let him go through the bill clearly and understand that, the Chief Officer is being given those powers to undertake those kind of things and after all, Mr. Speaker, still the same the issue of constructing sheds within the bus parks is fully under the Department of Decentralized Units.

It is not under the Department of transport. It is under the Decentralized Units, the trade Department, Hon. Mutuku is fully responsible for market sheds. We are talking about sheds in the designated areas as per the bill. So that is fully under the decentralized units and the bill allows the Chief Officer to make such kind of decisions. So, we are not talking about what has to be done or not. It is about enacting the bill and when the moment it becomes an Act, then the Chief Officer is now to take forth and recommend the same. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you. Maybe we can have another point of information before you proceed.

POINT OF INFORMATION

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir, I think we are lacking quorum.

Hon. Temporary Deputy Speaker: As you verify that, Hon. Alex Kamitu you can proceed.

Hon. Kamitu: Thank you, Mr. Speaker, Sir. I will not stand to argue with Hon. Maitha because I said we should enlighten, if not enlightening, we should bring to note that these are some of the important things that in any bus station, they should be there so there is no argument about that. Again, Mr. Speaker, Sir, as you are aware and most of this Hon. Members, there are Members who have been out on overseas countries, they have seen the make-up, the line ups, the discipline within the bus stations, so this is exactly what I wanted to emphasize. It is a very important aspect because, sincerely, we cannot be going to some areas like the overseas trips that people have been making. I am saying ‘what have you been learning when we go out?’

So these are the sort of things that are supposed to be implemented within our bus stations, within our railways, that is exactly my emphasis and it is very important because we should be seen to be improving on situations. We should be seen to be doing things that when we go out for benchmarking, we should bring those ideas and whatever we learn from those areas from the developed countries, we bring them here. Otherwise, I sincerely and strongly stand to say the Committee has done a very good thing. Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Thank you, Hon. Member. We can have Hon. Mutua Mutuku before we hear the Chairperson.

Hon. M. Mutuku: Thank you, Mr. Speaker and the entire House at large. I do stand here to support the report and also I would like to say, I am also a Member of that Committee. I think it is very important to have the bill because as you are aware bus stations in many markets centers or in many areas, that is where we have many activities taking place. And if we are going to have a structured way, an orderly way of managing them, in a way we will have streamlined the transport sector. Truly speaking, this County of Machakos has been losing a lot of money because of failure to have a structured way of managing the parking lots, managing the areas, the market and all that. Therefore, Mr. Speaker, Sir, I do stand to second the report. Thank you.

Hon. Temporary Deputy Speaker: Are you seconding or supporting?

Hon. M. Mutuku: I support, I support, I support.

Hon. Temporary Deputy Speaker: Then we can have the Vice-Chairperson. Maybe there are issues that have been raised by the Members and you want to respond.

Hon. (Ms.) Kaluki: Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, going by the mood of the House, Members are in agreement with the report so I propose that the House turns into Committee of the whole House so that we can discuss the bill. Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Hon. Members, most of the matters that are touching on the bill will be considered when the House turns to a Committee of the whole House and I hereby agree with the Vice-Chairperson of the Committee on Transport, Housing and Roads, that the House turns to a Committee of whole House.

Hon. (Ms.) Kaluki: Mr. Speaker, Sir, I beg to move that the Machakos County Omnibus Stations and Parking Bill No. 2 of 2015 be now read a Second Time by leave of the House.

Hon. Maitha seconded.

(Question proposed)
(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

(Temporary Speaker left the Chair)

IN THE COMMITTEE

(Madam. Chairperson [Ms. Jacqueline Nziva] took the Chair)

MACHAKOS COUNTY OMNIBUS STATIONS AND PARKING BILL, 2015

Madam Chairperson: Thank you Members. I want to welcome you to this session, ask for your contributions as the other Members come in. So, Clerk I think we can continue with our proceedings.

(Clause 2 agreed to)

(Clauses 26 and 28 agreed to)

Clause 3

Delete the phrase “omnibus activities” and from clause 3 and substitute therefore with the phrase “commuter, vehicles activities” and 2, delete the word “omnibus” from sub-clause (a) of clause 3 and substitute therefore the expression “commuter motor vehicles.” Delete the word “omnibus” from the sub-clause (b) of clause 3 and substitute therefore the expression “commuter motor vehicles.” Delete the word “omnibus” from sub-clause (c) of clause 3 and substitute therefore the expression “commuter motor vehicle”

(Question of the amendment proposed)

(Question that clause 3 be amended as proposed put and agreed to)

Clause 4

Delete the phrase “in charge of transport” from sub-clause 1 of clause 4, delete phrase “responsible for enforcing the provisions” and appearing before the words "shall be" from sub-clause 1 of clause 4 and substitute therefore the phrase “the licensing Officer for purposes,” Delete the expression “County Executive Committee Member” from sub-clause 2 of clause 4.

(Question of the amendment proposed)

(Question that clause 4 be amended as proposed put and agreed to)

Clause 5

Delete the phrase “permitted to do so by the licensing Officer” from clause 5 and substitute therefore the phrase “he or she has obtained a license to do so.”

(Question of the amendment proposed)

(Question that clause 5 be amended as proposed put and agreed to)

Clause 6

Delete sub-clause 1 of clause 6 and substitute therefore the sub-clause “a driver of motor vehicle when carrying a fare paying passenger except on the basis of a private hire shall not commence or terminate any journey at any place other than a bus station.” Delete the words “County Omnibus” from sub-clause 2 of clause 6 and substitute therefore the word “motor vehicle.”

(Question of the amendment proposed)

(Question that clause 6 be amended as proposed put and agreed to)

Clause 7

Delete the word “omnibus” appearing before the word "when" from clause 7 and substitute therefore for the words “motor vehicle.” Delete the words “omnibus” appearing the words station and substitute therefore the words “bus” in clause 7.

(Question of the amendment proposed)

(Question that clause 7 be amended as proposed put and agreed to)

Clause 8

Delete the words “Country bus omnibus” appearing before the word whilst in sub-clause 1 of clause 8 and substitute therefore the words “motor vehicle.” Delete the expression “town director” appearing before the phrase without the prior written permission of from sub-clause 1 of clause 8 and substitute therefore the expression “licensing Officer.” Delete the words “omnibus” appearing before the words station in sub-clause 1 of clause 8 and substitute therefore the phrase “the designated bus.” Delete the phrase “despite” subsection 1 from sub-clause 2 of clause 8. Delete the expression “an omnibus standing at a stopping place designated as an omnibus stop” from sub-clause 2 of clause 8 and substitute therefore the phrase “designated bus station.” Delete the word “omnibus” from paragraph (a) of sub-clause 2 of clause 8 and substitute therefore the word “bus.” Delete the word “omnibus” from paragraph (b) of sub-clause 2 of clause 8 and substitute therefore the words “bus.”

(Question of the amendment proposed)

(Question that clause 8 be amended as proposed put and agreed to)

Clause 9

Delete the word “omnibus” from appearing the word utilizing in sub-clause 1 of clause 9 and substitute therefore the word “motor vehicle.” Delete the word “omnibus” from sub clause 1 of clause 9 appearing before the word station and substitute therefore the word “bus.” Delete the word “omnibus” from sub-clause 2 of clause 9 and substitute therefore the word “bus.” Delete the word “omnibus” from sub clause 3 of clause 9 and substitute therefore the word “vehicle.” Delete the word “omnibus” appearing after the word motor from sub-clause 4 of clause 9 and substitute therefore the word “vehicle.” Delete the word “omnibus” appearing before the word station in sub-clause 4 of clause 9 and substitute therefore the word “bus.” Delete the word “omnibus” appearing

before the word motor in sub-clause 5 of clause 9 and substitute therefore the word “vehicle.” Delete the word “omnibus” appearing before the word shall be from sub-clause 5 of clause 9 and substitute therefore the word "motor vehicle". Delete the word “omnibus” appearing before the word station to a lawful place from sub-clause 5 of clause 9 and substitute therefore the word “bus.” Delete the word “omnibus” appearing before the word station earlier than and substitute therefore word "bus" in sub-clause 5 of clause 9.

(Question of the amendment proposed)

(Question that clause 9 be amended as proposed put and agreed to)

Clause 10

Delete the words “omnibus” appearing after the word motor and substitute therefore the word “vehicles” in sub clause 1 of clause 5. Delete the word “omnibus” appearing after the words station shall from sub-clause 1 of clause 10 and substitute therefore the word "bus". Delete the word “omnibus” appearing after the word station shall be and substitute therefore the word "bus" in sub-clause 1 of clause 10. Delete the word “omnibus” appearing before the words shall be times comply in sub-clause 1 of clause 10. Delete the word “omnibus” appearing before the words save operations of van in sub-clause 1 of clause 10 and substitute therefore the word "bus". Delete the word “omnibus” appearing after the words once having been in sub-clause 2 of clause 10 and substitute therefore the word "vehicles". Delete the words "they" appearing before the words being parked in a parking in sub clause 2 of clause 10 and substitute therefore the word "place". Delete the phrase “lay down conditions covering such matters are referred to” in sub-clause 1 of this section and may and substitute therefore the phrase “prescribed regulations governing all bus stations and shall” from sub-clause 3 of clause 10. Delete the words an “omnibus” from sub-clause 3 of clause 10 appearing before the word station.

(Question of the amendment proposed)

(Question that clause 10 be amended as proposed put and agreed to)

Clause 11

Delete word “omnibus” appearing before the words where a motor in sub-clause 1 of clause 11 and substitute therefore the word "motor".

(Question of the amendment proposed)

(Question that clause 11 be amended as proposed put and agreed to)

Clause 12

Delete the word “omnibus” appearing before the words removed in pursuance of in sub-clause 2 of clause 12 and substitute therefore the word "bus". Delete the word “omnibus” appearing before the words until they have and substitute therefore the word "bus".

(Question of the amendment proposed)

(Question that clause 12 be amended as proposed, put and agreed to)

Clause 13

Delete the word “omnibus” appearing before the words parked in the omnibus and substitute therefore the word "vehicle" in clause 13. Delete the word “omnibus” appearing before the words station and substitute therefore the word "bus".

(Question of the amendment proposed)

(Question that clause 13 be amended as proposed, put and agreed to)

Clause 14

Delete the word “omnibus” appearing after the words enter a motor and substitute therefore the word "bus" in clause 14. Delete the word “omnibus” appearing before the words station they shall and substitute therefore the word "bus" in clause 14. Delete the word “omnibus” appearing before the words ahead of any person and substitute therefore the word "bus" in clause 14.

(Question of the amendment proposed)

(Question that clause 14 be amended as proposed, put and agreed to)

Clause 15

Delete the word an “omnibus” appearing before the words shall comply in clause 15 and substitute therefore the words "a bus". Delete the word “omnibus” appearing before the words station and substitute therefore the word "bus".

(Question of the amendment proposed)

(Question that clause 15 be amended as proposed, put and agreed to)

Clause 16

(Question of the deletion proposed)

(Question that clause 16 be deleted as proposed, put and agreed to)

Clause 17

Delete the word "a police officer or" from sub-clause 1 of clause 17 appearing before the words an authorized officer. Delete the expression "shall have the power to" from sub-clause 1 of clause 17 appearing before the word arrest and replace therefore the word "may". Delete the phrase "a police officer or" from sub-clause 2 of clause 17. Delete the phrase "a police officer" from sub-clause 3 of clause 17.

(Question of the amendment proposed)

(Question that clause 17 be amended as proposed, put and agreed to)

Clause 18

Delete the words "omnibus" appearing before the words station from clause 18 and substitute therefore the word "bus". Delete the words "in receptacle" appearing before the word "provided" in clause 18 and substitute therefore the word "the container".

(Question of the amendment proposed)

(Question that clause 18 be amended as proposed, put and agreed to)

Clause 19

Delete the phrase "omnibus station or at a Country Omnibus" and replace therefore the word "bus" from clause 19. Delete the expression "acting in the performance of his duties" from sub-clause (a) of clause 19 and substitute therefore the phrase "from the performance of duty". Delete the words "an omnibus" from the sub-clause (b) of clause 19 and substitute therefore the words "a vehicle". Delete the word "omnibus" from the sub-clause (c) of clause 19 and substitute therefore the words "commuter vehicle". Delete the words "an omnibus" from the sub-clause (d) of clause 19 and substitute therefore the words "a commuter vehicle". Delete the phrase "acting in the performance of his duty as a driver or conductor or" and substitute therefore the phrase "performing their duties".

(Question of the amendment proposed)

(Question that clause 19 be amended as proposed, put and agreed to)

Clause 20

Delete clause 20.

(Question of the deletion proposed)

(Question that clause 20 be deleted as proposed, put and agreed to)

Clause 21

Delete the word "omnibus" appearing before the words vicinity of an in clause 21 and substitute therefore the words "bus".

(Question of the amendment proposed)

(Question that clause 21 be amended as proposed, put and agreed to)

Clause 22

Delete the words "omnibus" appearing in clause 22 and substitute therefore the words "bus".

(Question of the amendment proposed)

(Question that clause 22 be amended as proposed, put and agreed to)

Clause 23

Delete the word "Omnibus" from clause 23 and substitute therefore the word "bus".

(Question of the amendment proposed)

(Question that clause 23 be amended as proposed, put and agreed to)

Clause 24

Delete the words "omnibus" from clause 24 and substitute therefore the words "a bus".

(Question of the amendment proposed)

(Question that clause 24 be amended as proposed, put and agreed to)

Clause 25

Delete the word "omnibus" appearing before the words "using an" in sub-clause 1 of clause 25 and substitute therefore the words "commuter vehicle". Delete the phrase "an omnibus station" appearing before the words "station" in sub-clause 1 of clause 25 and replace therefore the word "a". Delete the words "such fees" as the licensing officer may prescribe from the sub clause 1 of clause 25 and substitute therefore the phrase "the prescribed fees". Delete the words "omnibus" from the sub clause 2 of clause 25 appearing before the word "driven" and substitute therefore the words "commuter motor vehicle". Delete the words "an omnibus" appearing before the words "station shall be deemed" from sub-clause 2 of clause 25 and substitute therefore the words "a bus". Delete the word "omnibus" from sub-clause 2 of clause 25 appearing before the words "using the" and substitute therefore the words "bus". Delete the words "an omnibus" from sub-clause 3 of sub clause 25 appearing before the words "not drive" and replace therefore the words "commuter vehicle". Delete the words "an omnibus" appearing before the words "when the fees" in sub-clause 3 of clause 25 and substitute therefore the words "a bus".

(Question of the amendment proposed)

(Question that clause 25 be amended as proposed, put and agreed to)

Clause 26

Delete clause 26 and substitute therefore the clause "as person who contravenes any of the provisions of this act of which no other penalty is provided commits an offence and is liable upon conviction to a fine not exceeding Kshs. 50,000 or to a term of imprisonment not exceeding 12 months or both."

(Question of the amendment proposed)

(Question that clause 26 be amended as proposed, put and agreed to)

New Clauses

Add the following provisions to Clause 19

- a) Tout or shout or call out for customers.

- b) Use offensive or abusive language.
- c) Drop litter in a designated place.
- d) Damage, deface, disuse or interfere with any part of such bus station.
- e) Except in an emergency, parking, repair, take down, a simple wash, polish or clean motor vehicle or part therefore, in such manner as to cause public nuisance or obstruction, in such cases the vehicle shall be towed from the omnibus station.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

(Cover page agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. (Ms.) Kaluki: Madam Chairperson, I beg to move that the Committee do report to the House its consideration of Machakos County Omnibus Stations and Parking Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Speaker [Mr. Raphael Mutuku] in the Chair]

REPORT AND THIRD READING

MACHAKOS COUNTY OMNIBUS STATIONS AND PARKING BILL

Hon. (Ms.) Nziva: Thank you, Mr. Speaker, Sir, the Committee does report to the House its considerations of the Machakos County Omnibus Stations and Parking Bill 2015 and its approval therefore with amendments. Thank you, Mr. Speaker, Sir.

Hon. (Ms.) Kaluki: Thank you, Mr. Speaker, Sir, I wish to move the committee do report its consideration of the Machakos County Omnibus Stations and Parking Bill 2015 and its approval thereof with amendments. Thank you.

Hon. Kamitu seconded.

Hon. Temporary Deputy Speaker: Thank you. Hon. Members, I proceed now to put the question.

(Question proposed)

(Question put and agreed to)

Hon. (Ms.) Kaluki: Thank you, Mr. Speaker, Sir and the House at large. I wish to move that, the Machakos County Omnibus Stations and Parking Bill number 2 of 2015, be now read a third time. Thank you, Mr. Speaker, Sir. I call upon Hon. Dominic Maitha to second the reading.

Hon. Maitha: Thank you, Mr. Speaker, Sir, I do stand to second the motion that, the Machakos County Omnibus Stations and Parking Bill No. 2 of 2015, be now read a third time. Thank you, Mr. Speaker, Sir.

(Question put and agreed to)

*(The Bill was accordingly read the
Third Time and passed)*

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Hon. Members now the Bill is considered enacted by this Hon. House, now it will proceed to the other stage of assent.

ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other business, the House adjourns until tomorrow.

The House rose at 3.53 p.m.