

# MACHAKOS COUNTY ASSEMBLY

## OFFICIAL REPORT

**Thursday, 4<sup>th</sup> August, 2016**

The House met at 2.37 p.m.

*[The Speaker (Hon. Mung'ata) in the Chair]*

### PRAYERS

**Hon. Speaker:** Good afternoon Hon. Members. Let us proceed.

### PETITION

#### PAYMENT OF TOP UP ARREARS FOR YOUTH POLYTECHNIC INSTRUCTORS

**Hon. Speaker:** Hon. Members, pursuant to Standing Order 199 (2) (b), the following petition has been presented to the Assembly through the office of the Clerk: a petition by Machakos County Youth Polytechnic instructors requesting for payment of top up arrears, absorbing them as youth polytechnic instructors and consideration of retirement package. That petition will be committed to the committee on Education and Social Welfare. Proceed.

### PAPER LAID

#### REPORT ON PHASE 2 ROADS PROJECT IMPLEMENTATION

**Hon. Speaker:** Hon. Peninah Kaluki....The paper is deferred. Back to the House Business committee.

### STATEMENT

#### BUSINESS OF THE HOUSE FROM 9<sup>TH</sup> TO 11<sup>TH</sup> AUGUST, 2016

**Majority Leader (Hon. Mwonga):** Mr. Speaker, Sir, I stand under Standing Order 41 (2) (a) where during the statement hour, a member of the House Business committee designated by the committee for that purpose shall every Thursday or on the last sitting day for not more than 10 minutes, present and lay on the table, the statement informing the House on the business coming before the House in the following week. Mr. Speaker, Sir, the House business committee met on Thursday 4th August 2016 and pursuant to the positions of the Standing Order No. 151, balloted business for this week is as follows:

#### **Tuesday (Afternoon)**

- Report of committee on Selection and Replacement of membership.

- Report of Agriculture and Cooperative Development committee on establishment of milk chillers.

**Wednesday (Morning)**

- Report of committee on implementation status on report of County projects in Kivau ward.
- Report of Education and Social Welfare committee on construction of ECD classes.

**Wednesday (Afternoon)**

- Report of Trade, Planning and Industrialization committee on projects implemented by Trade, Economic Planning, Investment and Industrialization department for the first three quarters of 2015/2016 financial year.
- Report of Culture and Tourism on benchmarking to Kilifi County Assembly.

**Thursday (Afternoon)**

- Report of Education and Social Welfare Committee on benchmarking with Mombasa County.
- Motion on tractors to be used in garbage collection.

Thank you Mr. Speaker.

**Hon. Speaker:** Thank you. Proceed clerk.

**MOTION****ADJOURNMENT OF THE HOUSE TO DISCUSS IMPORTANT COUNTY MATTER**

**Hon. Ndeto:** Mr. Speaker, Sir, pursuant to Standing Order 30 on adjournment of the House for the purpose of discussing a matter of County importance, aware that there is a doctors' and nurses' strike that has paralyzed the operations of Machakos Level 5 Hospital and aware that the strike is imminent to spread to the County Level 4 Hospitals, I wish to move the motion that this Hon. House adjourns today's business to discuss the health crisis within Machakos County. Thank you Mr. Speaker. I wish to call Hon. Muthuka to second the motion.

**Hon. Muthuka:** Mr. Speaker, Sir, I stand here to support this motion as everybody knows if our health service is sick, everybody is sick. Since it is affecting our lives and we are looking for an amicable solution towards the stalemate, it would be prudent for this Hon. House to take it very seriously so that we can discuss about it and then we can advise and we can take part in advising the looming or the continued strike and in so doing, we will be able to protect many lives of our people. Thank you, Mr. Speaker.

**Hon. Speaker:** Yes.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I have listened carefully to the immediate speaker. The motion has been moved by the mover and when he called Hon. Muthuka

to second the motion, the Hon. Member did not second the motion; he stood in support, so Mr. Speaker we cannot debate on a motion that has not been seconded, Mr. Speaker. Thank you.

**Hon. Speaker:** Yes Hon. Muthuka

**Hon. Muthuka:** Mr. Speaker, English is a foreign language. If you want me to use 'I stand here to second,' I stood here to second and also to support. Thank you.

**Hon. Speaker:** My finding on the matter is that Hon. Muthuka was invited to second the motion and that is what he did

*(Applause)*

The motion is properly placed before the House. I would want to hear from Hon. Cecilia. I am aware that there was a matter under discussion in the health committee on this particular item; I want to get guidance from the chair, Health.

**Hon. (Ms.) Sereka:** Mr. Speaker, Sir, what I want to tell this House is that the matter is in the committee of Health so Mr. Speaker, Sir, I would like to ask Hon. Ndeto to give the committee time because on Tuesday we will be sitting because of this matter Mr. Speaker, and I do not think there is that big issue as the Hon. Member is really trying to advice this Hon. House.

Mr. Speaker, as we talked, some two hours ago, the Governor of Machakos County was in Machakos Level 5 Hospital and he was with the nurses and the doctors. Mr. Speaker, I want to urge this Hon. House to let the committee sit down on Tuesday and we promise to give a very good report on what is happening and I want to thank Mr. Speaker, because the seconder of this motion is a member of the health committee, one Hon. Muthuka, and I am sure he will be seated in that committee.

Mr. Speaker, Sir, I want to ask this Hon. House to let the committee first finish with the matter and then we will bring all that is happening on the floor of the House. Thank you Mr. Speaker, Sir.

*(Applause)*

**Hon. Speaker:** The Hon. Chairperson, Health committee, about how long will we have this matter resolved?

**Hon. (Ms.) Sereka:** Mr. Speaker, Sir, the committee will sit down on Tuesday in the morning and on Wednesday we will give this House a report on the issue.

**Hon. Speaker:** Thank you. Let me hear the point of order.

**Hon. Muthuka:** Mr. Speaker, Sir, it is common knowledge that every Tuesday we normally meet as a committee for Health and Mr. Speaker, this motion is a matter of urgency or emergency. Mr. Speaker as we talk now, Kangundo hospital is closed; there are no services going on there. The nurses have gone on strike, the doctors have gone on strike. I am talking about right now; the hospital is closed.

Mr. Speaker, we are aware that the Governor visited Level 5 hospital today. There is no solution which he is offering to that Hospital at the moment because there is no meeting between the nurses and the doctors; they are not meeting and that is in public domain. When we are requesting for discussion because this is an issue that is sticking in our lives, I do not support this motion because my life is in danger but the life of my mother, the life of my brothers, the life of my electorate is in danger because all the referrals are coming to Level 5.

As we talk today now Mr. Speaker, I have just received a message from one of my electorate; his sister has been promoted to glory right away and there is a bill of more than Kshs. 50,000 and there is no doctor to give a guideline on how they are going to retrieve the body. Mr. Speaker when we are talking about some things of emergency, this is not a matter of just making jokes around here; let us be serious, let us get where we can so that we can protect the lives of our people. Thank you, Mr. Speaker.

**Hon. Speaker:** Yes point of information.

**Hon. Nganga:** Mr. Speaker, the motion before the House and the essence of a motion in front of the House is for the leaders present here to ventilate on the issues affecting their people. Mr. Speaker we are very aware that committee business is important in transacting the outcome of the decisions that will be taken as we move forward but Mr. Speaker, this motion will allow the Members of this House to ventilate their thoughts on how the Health crisis is going to be resolved.

In as much as we shall be waiting for the report of the committee which is critical in resolving the whole matter, I find it also important for the leaders in this House to ventilate their thoughts and also help in shaping the direction towards which the County leadership should take in finding a solution to the Health crisis, Mr. Speaker. I wish to find that the Chair sees and the members finds the need to see the decision that is going to be made by the various organs that are involved in leadership in this County.

Mr. Speaker, further, it is also to say that the matter of Health is a matter that we cannot play around with. If anybody falls sick and within a fraction of given time they are not attended to by the required persons Mr. Speaker, this is a matter of life and death and we cannot hide our heads in the sand when our people are facing a crisis that determines whether they will continue to be alive or they will be promoted to glory as Hon. Muthuka has said.

Mr. Speaker, this crisis is spreading across the entire County to our Level 4 hospitals in Matuu and in Kathiani. When we do not participate in resolving these issues, then we as leaders shall also be abdicating our duty. I urge and find it important for all leaders present in this House to ventilate their thoughts and help in shaping the decision that will be made to take care of our people. Thank you Mr. Speaker.

**Hon. Speaker:** Hon. Deputy Speaker, you are a member of the Rules and Procedure committee. What is the position when a matter is under deliberation by a committee *vis-a-vis* debate?

**Hon. Nganga:** Mr. Speaker when a matter is before debate in a committee, the ruling of the committee is critical in shaping the way forward about the decision that will be made in this House. It helps in giving concrete solution as a part of the recommendations that are given at the conclusion of the report. However, Mr. Speaker, while that is happening, it doesn't gag the House in expressing its willingness if a matter is of County importance but as the Chair of the House, I am certain that you stand the best place to further guide the House in line with that.

**Hon. Speaker:** I wish you were a little bit honest on your reply. Let us hear the chairperson, Legal affairs committee.

**Hon. Itumo:** Mr. Speaker, this is not the time to joke around. Mr. Speaker, immediate measures, even if the matter is within the committee, should be taken. Mr. Speaker, you realize health is number one and the others follow. We cannot just watch when the medics have downed their tools, Mr. Speaker. I would like this House to come up with the solution to intervene so that we may see our medics back to work so that they may change the lives of our people down there.

Mr. Speaker, I know this House has intelligent Hon. Members and I know they are going to come up with the solution that will make our people who are concerned just go back to work and we safe lives. Thank you, Mr. Speaker.

**Hon. Speaker:** I think, Hon. Members, we have a duty to the Standing Orders. Standing Orders clearly say that matters in committee cannot be debated because we shall pre-empt debate. Order Hon. Ndeto! The only option that we have is to expedite the matter; indeed the chair recognizes the urgency of the issues raised in the motion and I will direct that the committee on Health suspends its business and present the report on this matter on Tuesday.

*(Applause)*

Before the House adjourns, I would wish to recognize the presence of Nguumo Primary School of Kithimani ward.

*(Applause)*

I will urge the member for Kithimani ward to appreciate them and welcome them to this Assembly.

**Hon. Nduva:** Thank you, Mr. Speaker. I am grateful for giving me this opportunity to welcome pupils from Nguumo Primary School which is within my ward and tell them to feel at home being in the place to be. Thank you, Mr. Speaker.

*(Applause)*

### **ADJOURNMENT**

**Hon. Speaker:** In the absence of any other business, the House adjourns.

The House rose at 2.57 p.m.