

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 14th September, 2016

The House met at 2.35 p.m.

[The Temporary Deputy Speaker (Hon. R. Mutuku) in the Chair]

PRAYERS

Hon. Temporary Deputy Speaker: Good afternoon Hon. Members.

PAPER LAID
BENCHMARKING WITH KILIFI COUNTY

Hon. Kimata: Thank you, Mr. Speaker for giving this opportunity to table the report of benchmarking. Mr. Speaker, Sir, I beg to lay the following the following paper on the floor of the House today, 14th September, 2016: the report of benchmarking with Kilifi county.

Hon. Temporary Deputy Speaker: Thank you. Paper laid.

NOTICE OF MOTION
BENCHMARKING WITH KILIFI COUNTY

Hon. Kimata: Mr. Speaker, pursuant to Standing Order 190 (5), I wish to give notice of the following motion: that this Hon. House discusses the report of benchmarking with Kilifi County Assembly.

Hon. Temporary Deputy Speaker: Notice is issued.

MOTION
BENCHMARKING VISITS WITH KISUMU AND MOMBASA

Hon. Manyolo: Mr. Speaker, Sir, on 11th August, 2016, a notice of motion was given to this House on the benchmarking study visit in Kisumu and Mombasa. Mr. Speaker, I will go through the report.

Mr. Speaker, Sir, benchmarking is the process of comparing one's practices with best practices from other institutions. From the benchmarking visits, committees are able to gauge their performance and pinpoint their shortcomings.

Mr. Speaker, Sir, the need to benchmark was triggered by the committee's concern on the slow implementation of projects by the department of Education, Youth and Social Welfare. Further, the same department was not submitting legislation proposals for consideration.

Mr. Speaker, Sir, the committee of Education and Social Welfare was established pursuant to the Second Schedule of the Standing Orders with specific mandate on all matters related to pre-primary education, village polytechnics, home craft centres and childcare, children and social welfare.

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

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

Mr. Speaker, Sir, the committee travelled to Mombasa County to benchmark on 15th and 16th April, 2016. The areas of benchmarking included the bursaries disbursement, ECD enrollment and in general all achievements and challenges that faced the Education and Social Welfare committees. The Committee was informed that Mombasa County had a well-defined education policy with the following objectives:

1. Restore the role of parents as the primary stakeholder.
2. Multi-sector approach to dignified care and safety for children.
3. Improve the quality of education.
4. Increase financial, technical and human resource by 55 per cent annually.
5. Improve exposure and access to information

There are currently 770 ECDE centers within the county, 85 public and 685 private centres with a total enrolment of approximately 57,000 students and 1,714 teachers. Only 7000 of these children go to public ECD schools. The rate of enrolment was bound to increase minimally if these learning institutions and technical capacity of those involved in these institutions remain the same.

On bursaries, the committee was informed that bursaries were disbursed at two levels; the Governor had a kitty whereby, he was sponsoring bright needy students. A policy to support this

had been enacted by the County Assembly. The MCAs were overseeing disbursement of bursary at the Ward level in consultation with ward bursary committees.

Mr. Speaker, Sir, the committee travelled to Kisumu County to benchmark on 19th and 20th November, 2015. The areas to benchmarking included majorly the ECD classes, recruitment of ECD trainers and polytechnics.

Mr. Speaker, Sir, on the ECD classes, each ward had benefited by having one ECD class. Each ECD class had four rooms to cater for the baby, nursery, the pre- unit classes and store. None of the classes had stalled unlike the classes in our county.

The budgetary allocation for one ECD class was Kshs. 5 million. The committee was informed that before payment to the contractors, the inspection team incorporated the views of the community who in this case represented the user. This was to make sure that the Government implemented projects as prioritized by the members of public.

Mr. Speaker, Sir, the committee was also informed that all the ECD centres had received learning materials including desks and tables. On the recruitment of ECD trainers, the committee was informed that following a case in court on recruitment of trainers, the County had opted to change the name to child guides. The trainers had been engaged on contractual terms with each getting a salary of Kshs. 20,000. The trainers had been sourced from the respective wards factoring regional and gender balance.

Mr. Speaker, Sir, on the polytechnics, the committee noted that the County had not done anything on infrastructure but had adopted the instructors and factored them in the payroll.

The Committee observed that:

1. The system of bursary disbursement in Machakos was better compared to the two counties since it ensures that all wards get equal amount although Machakos County has not implemented as expected.
2. As much as the County Government of Kisumu had not factored funds to the polytechnics' infrastructure, the instructors had been absorbed by the relevant department and hence motivation.
3. Public participation was done before construction of classes in Kisumu County
4. In Mombasa, the Governor had a bursary kitty to cater for the needy bright students. This served as a motivator for good performance.
5. All the ECD centres in Kisumu had sufficient learning materials.
6. None of the ECD classes in Kisumu had stalled; all had been built to completion.
7. The County Assembly of Kisumu had enacted Acts related with matters of ECD education

The committee made the following recommendations;

- 1) That the employment of the ECD child guides should be fast tracked and implemented with a lot of urgency.
- 2) That the ECD classes should be completed and equipped with desks and all learning materials
- 3) The department of Education, Youth and Social Welfare should move with speed and submit legislation proposals on matters of education.

- 4) A bursary kitty should be established to sponsor the needy bright students and a policy on the same be enacted.
- 5) Polytechnic instructors who have not been absorbed by the county should be considered pursuant to a petition report tabled in this House on 25th November, 2015.
- 6) That bursary balances for the financial years 2013/2014, 2014/2015 and 2015/2016 should be disbursed to benefit the electorates.

Mr. Speaker, Sir, the Education and Social Welfare committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee benchmarking exercises.

Mr. Speaker, Sir, it is therefore my privilege, on behalf of the Education and Social Welfare Committee, to table this report and recommend it to this Hon. House for adoption. Thank you, Mr. Speaker.Sir.

Hon. Temporary Deputy Speaker: Hon. Members, the report is properly before the House. I hereby proceed to invite contributions. Yes, Hon. Nzoka.

Hon. Nzoka: Thank you Mr. Speaker, Sir. In fact, that is what we found out when we went to Mombasa and Kisumu. In Mombasa, when we are saying our bursaries are better than theirs, every MCA receives 200 forms and how they share depends on how you will give your people. If you issue the bursaries to dayschools, there is a category of the money which you are giving. And if it is university, if it is boarding or polytechnic, they are totally detailed. If you issue the 200 forms, to university you come up with getting all the money, because in university they were giving Kshs. 20,000, in day schools they were giving Kshs. 4,000, in boarding schools Kshs. 8,000 so with your 200 forms, it is you to decide which school you shall give.

So it is not equal in the wards, but ours we just set and say each ward is Kshs. 2 million, so we share equally and that is why we say ours is somehow fair, only that it is not done as we have passed. That is why you can see recommendation number 6 that the bursary balances for the financial year 2013/2014, 2014/2015 and 2015/2016 should be disbursed to benefit the electorate.

We have never exhausted one financial year bursaries. It is a shame for this House now; it has to get muscles to see how we can get this money. This money is not for *waheshimiwas*; it is for our people on the ground and they cannot come here and ask for the money. It is us to see how, since we were sent here by our electorates and they are expecting when we go down there we say we are giving two or three million but there is nothing.

So it is the duty of this House to see how we can do what the people sent us here to do. When we went to Kisumu, you can see the class is Kshs. 4 million. It is four classes which are well-equipped. We have none here, it just the roof and the kids get in. If you go there you will find mattresses.

(Laughter)

Members, don't laugh, it is serious. When you go to Kisumu, you will find mattresses in the class for the pupils to sleep during the day. It is something organized. It seems those people have more brains than us. We have no brains because we have done nothing.

(Loud consultations)

Protect me please.

Hon. Temporary Deputy Speaker: Yes, what is the point of order Hon.Mwonga?

Majority Leader (Hon. Mwonga): Mr. Speaker, is it in order for the Hon. Member to say that this Hon. House has Members who have no brains? Is it in order Mr. Speaker?

Hon. Temporary Deputy Speaker: Point of order sustained---

Hon. Nzoka: Can I apologize for that?

Hon. Temporary Deputy Speaker: Order! Order! Hon. Nzoka. I will want you to constrain yourself to the parliamentary rules. Proceed.

Hon. Nzoka: Thank you Sir. In fact, it was just by the way but the request is, can we move how the others are moving? That is the only question. We have been sent here by people---

Hon. Temporary Deputy Speaker: Yes, Hon. Isaac Muinde, what is the point of order?

Hon. Muinde: Mr. Speaker, I thought it was in order first for the Hon. Member to apologize to the House. Calling Hon. Members.....(*inaudible*) is a dishonour to this House.

Hon. Temporary Deputy Speaker: Point of order sustained---

Hon. Nzoka: I apologize and I think I apologized because I am one of them because I am not delivering.....Yes, I am one of you, so what I am saying is, I appreciate when we moved out and we learnt a lot and now it is the duty of this House to see how we can now act. People are waiting, people will not come here...the electorates will not come here, they are just waiting in vain. So, they have waited since 2013 and up to now we have not exhausted what we have passed here; it has not been implemented. So, I do request this House to adopt the report and move with speed to ensure whoever is concerned, because we need this money to go to the kids. Thank you so much.

Hon. Temporary Deputy Speaker: Then any other point or contribution? Yes Hon. Isaac Muinde.

Hon. Muinde: Mr. Speaker, first I congratulate the team, the committee for bringing us this report but as Hon. Francis Matheka has always wondered, I also join him today to wonder, the benchmarking trip to Kisumu was held in 2015. Hon. Speaker, today we are at the end of 2016. If a report is coming almost a year after, surely what are we really benchmarking? I thought by the definition of what a benchmarking trip is, we are out to learn the best practices. So, Mr. Speaker, I would urge House leadership to ensure that reports are brought to this House timely. Information can only be useful when it is timely, otherwise, it is not.

Secondly, Mr. Speaker, one of the functions of devolved Government is early childhood education. Mr. Speaker, I wonder how much as a County we have covered; how much ground we have covered in the last four years. We may have concerned ourselves in functions that are not within our docket. Those that are squarely in our arms, we have neglected. We should have covered a lot; the benchmarking trips to Kisumu and Mombasa show that. They have put more energy, more resources to ensure that the kids in the ECD centres have got the best; we have done little. Yes, we have done something, but the momentum that we had in 2013 has really died down. We should have been able to ensure that more ECD classes are constructed and over and above, we should have equipped these rooms. This is one major functions of the County Government.

We have always talked about recruitment of trainers; these ECD teachers. It has remained a pipe dream. To date, people are still asking us at the ward level, what we are doing as a Government. We have heard that even our neighboring Counties, that is Makueni and Kitui have recruited, we have not yet, despite that fact that this House, in subsequent years set a budget for the recruitment of ECD classes. Remember, Mr. Speaker, it is only a few months ago that we have been able now to set youth polytechnic structures.

Otherwise, they had gone for a whole year after they were fully devolved, they went a whole year without salaries; it is only a few days. Thanks to the County Government, at least everybody has been paid his cent but for them to have gotten this, they had to wait for a whole one year.

On the issue of bursaries, I wonder again how we can say that we are better than those other Counties. Only a few wards have received their whole disbursement. Mr. Speaker, remember at one time we set Kshs. 4 million per ward; no ward has ever been able to get Kshs. 4 million. It is only the year just ended that some wards got Kshs. 2 million otherwise the rest got Kshs. 1 million and the story seems to be forgotten.

We are doing less than what we should be doing. We have our plans under the closet but we need to equip our plans, we need to walk the talk so that we are able to give services to the people that sent us into this House. We have done something but we need to do much more so we urge the committee on implementation to ensure that all the plans and all the budgets that are set aside by this House are fully implemented so that the citizens of Machakos can realize and benefit from the 2010 Constitution that set out devolution. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you. Hon. Francis Matheka.

Hon. Matheka: Thank you, Mr. Speaker, Sir. I would like first to thank the committee. They did a good job and I want dwell on the observation number 2, that the County Government of Kisumu had factored funds for this polytechnic. As much as they had not factored the funds, in our County we did factor the funds in the 2013/2014 budget but nothing happened. They have also absorbed all the polytechnic teachers, which is something I think we have not done and it is something which needs to be done. All polytechnic teachers need to be absorbed because that is a devolved function.

Mr. Speaker, Sir, the other time we were arguing in this House about stalled ECD classes, bullet number 5 in the committee observations says, all ECD centres in Kisumu...no, no, bullet number 6, none of the ECD classes in Kisumu had stalled, all had been built. Mr. Speaker, Sir, I never stop wondering in this House, just wondering, county number one has stalled projects and a numberless county, all the projects are finished. What do we call that, Mr. Speaker?

Mr. Speaker, Sir, ECD centres in Kisumu have enough or sufficient learning materials. I have a simple question to our Chairman, does our ECD centres have any learning material from the County? Yes, they maybe there but are they sufficient? Mr. Speaker, Sir, we need to pull up our socks and stop behaving as if we are leading anybody, maybe we are tailing them because of the report we are getting from that benchmarking visit.

Mr. Speaker, Sir, to finish my contribution, there is something I have seen in this House and in Machakos as a whole, and I would like to quote something from Napoleon. He said "the world suffers violence not because of the few who are violent but because of the many who are silent," that is what is happening in this House and in Machakos at large.

This Assembly is suffering because of the many who are silent. Machakos is suffering because the representatives who came to represent them are silent. If the many of this House can speak out, Mr. Speaker, Sir, I am sure we can head somewhere but there is no problem, we can keep our silence and our silence will send us somewhere. Time is coming for us to be evaluated. Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Any other contribution? Yes, Hon. Joshua Mwonga.

Majority Leader (Hon. Mwonga): Mr. Speaker, allow me to give a rejoinder on the quote which has been given by Hon. Member for Kangundo North and I say this Mr. Speaker---

Hon. Temporary Deputy Speaker: Order! Order! Hon. Member. Are you contributing on the report---

Majority Leader (Hon. Mwonga): I am contributing on the report, Mr. Speaker.

Hon. Temporary Deputy Speaker: Proceed.

Majority Leader (Hon. Mwonga): But I am just building my basis. Mr. Speaker, I want to say, an army of lions led by a sheep can be defeated by an army of sheep led by a lion. That is a rejoinder that I wanted to give that Hon. Member. Mr. Speaker, back to this report, I am

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.*

wondering...I first want to congratulate the committee on this wonderful job they did but I want to join my Hon. colleague, Member for Kangundo North, to start wondering or in wondering Mr. Speaker.

I am wondering whether when we go for benchmarking, we also borrow on what to implement or to legislate in our own County, Mr. Speaker. I am wondering why the committee saw it wise to say that we should start employing child guides who are employed or another name given to ECD teachers by the Kisumu County.

Mr. Speaker, I think they should have come up with another name instead of just copy and pasting what they saw in Kisumu. Mr. Speaker, I do not think there is anything wrong if we say Machakos County should employ ECD teachers. I think that is fine Mr. Speaker and the court case is no longer there Mr. Speaker and that is why in the last...when we were making the last financial year budget, we were saying and I think we had factored some money Mr. Speaker to employ ECD teachers. So, Mr. Speaker I would urge this House to expunge that from this report. We should not employ child guides Mr. Speaker, what we should have in Machakos County is ECD teachers.

Mr. Speaker, on the same...on the recommendations number 4,I am totally against a bursary kit that should be established for the bright children in this County, Mr. Speaker. Why am I saying this? Because in our budget, each and every ward is awarded Kshs. 4 million. It is the prerogative, let us not create another arm to issue these bursaries Mr. Speaker no matter who will be handling it Mr. Speaker, but the Members of the respective wards and their committees, should identify the bright children and award them with bursaries, Mr. Speaker. Where are we going to get this other extra funds Mr. Speaker when in our budget we only allocated Kshs. 160 million?

Mr. Speaker, since the Chairman of this committee has tabled a report touching on bursaries,I would want the Chairman to shed some light on where we are on this issue of bursaries. It is only by the end of last financial year where we made a supplementary budget and allocated Kshs. 161 million which was to benefit the disadvantaged children or pupils in secondary schools and colleges, Mr. Speaker.

I want to urge these Members to move fast because time is not on our side and award more bursaries to the needy kids and I want to remind this Hon. House, the pupils or students we award these bursaries, are not sons or daughters of the Members of the County Assembly; they are not Members of Chief Officers, they are not Members of CEC members but they are Members of our electorates and the poor peasant farmers down there, Mr. Speaker. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Point of concern? I will urge the Member to contribute.

Hon. Nzoka: First, I want to respond because I am a Member of this committee---

Hon. Temporary Deputy Speaker: Order! Order! Hon. Nzoka. You want to respond on behalf of the Chairperson? I think the Chairperson is in the House.

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. Nzoka: My concern was this; he talked very well, lions led by a sheep---

Hon. Temporary Deputy Speaker: Order! Order! Hon. Nzoka. You are out of order

Hon. Nzoka: Mr. Speaker, I thought he was the sheep---

Hon. Temporary Deputy Speaker: You cannot assist a Member; every Member has a right to speak his mind.

Hon. Nzoka: But I wanted to know the position.

Hon. Temporary Deputy Speaker: Order! Order! Hon. Nzoka. Resume your seat.

Hon. Nzoka: Because I think I am a lion---

Hon. Temporary Deputy Speaker: Resume your seat; Hon. Nzoka resume your seat. Yes, Hon. Oliver Munyaka and as you contribute, I think the chairperson, you are taking note of the issues that are raised by Members. I will give you time to respond on the same.

Hon. Nzeki: Thank you Hon. Speaker. I would like to say that I am a Member of that committee and the question is not directly pointed to the Chairperson .On the issues of child guides, this report was written sometime back in 2015 and the Majority Leader said that he had set aside the amount for ECD teachers, that was the budget for 2016/2017. I said when we went to Kisumu and Mombasa, when we had the 2015/2016 budget, the case was not over. Why? It is because---

Hon. Temporary Deputy Speaker: Order! Hon. Oliver. I would like to understand, are you talking of the report prepared back in 2015?

Hon. Nzeki: Of course.

Hon. Temporary Deputy Speaker: I am holding a report which was prepared on 11th of August.

Hon. Nzeki: But Mr. Speaker, Sir, you can check on page 3, meeting with Kisumu County in 2015 and that is when we went there. So, I was just answering to the Majority Leader that, the report we went to Kisumu was back in 2015. On the side of bursaries, we found that we had the Governors of Kisumu and Mombasa and if you happen to put this County Government to have two different bursaries, it is better because if an MCA does not award a bursary to a kid, the kid can be given by the Governor.

On ECD child guides, because this financial year 2016/2017, we have said there is a certain amount for ECD teachers, because in every Primary school we have an ECD class so the committee has recommended that we employ ECD teachers. On classes costing Kshs. 5 million, in Kisumu, the class had some compartment, had a big class, a big room that is subdivided whereby you find a kid can sleep when it is time for sleeping and where a kid gets food when it is time for eating. So if we happen to copy what Kisumu is doing, we will be far more than where we are now. So, Mr. Speaker, I support the document.

Hon. Temporary Deputy Speaker: Thank you. Yes, Hon. Peter Nzioki.

Hon. Nzioki: Mr. Speaker, I would want to applaud the chairman and the committee on Education for this report. Mr. Speaker, when the education committee was visiting Kisumu, I was a Member then who accompanied the committee. Mr. Speaker what we saw in Kisumu on ECD centres was a very wonderful job, Mr. Speaker and what is happening in our county is deplorable.

Mr. Speaker, you also know that when kids have started without an education base like what we are doing today, they do not catch up well. Mr. Speaker, when this County Government started and ECD to attend to the County Government, I thought the quality of education was going to improve because some of these Mr. Speaker when they started school, they are taught by teachers who have no morale of teaching; they are not paid and some of them have no basic education on ECD classes.

Mr. Speaker, it will be a very wise idea and it would be a very good improvement if our County took up this matter with a lot of urgency, so that our kids can get a starting base in education. Mr. Speaker, the base of education is just like a house; when you build a house on sand, and when you build a house on rock, Mr. Speaker, the house on the rock stands a better chance of staying longer but on sand Mr. Speaker, it might not take long for that house to fall and Mr. Speaker, that is the same case that happened to our kids who started their education on sand where they are taught by demoralized people; where they are taught by untrained teachers. So, Mr. Speaker, I urge our County Government to employ ECD teachers and to improve on the infrastructure of the ECD centres. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Members, looking at the mood of the House you are in agreement with the report. I only invite those in opposition to the report.

(Silence)

In the absence I will invite Hon. Chairman to respond on a matter that was raised by Hon. Francis Matheka and Hon. Joshua Mwonga.

Hon. Manyolo: Mr. Speaker, Sir, we visited Kisumu in November last year and then from there we went to recess, then on April, we visited Mombasa. We were to compile all those

reports and by that time, we had problems of committees' travels the Liaison committee had a problem of committees going to write reports outside and Members were of the opinion of going out to write the reports. Finally we have compiled all the reports and we have brought them to the House.

On the issue of the ECD child guides, we had a case in court, that is why we didn't propose that we employ teachers because the KNUT and TSC had a problem that there we cannot have two bodies which are employing teachers. So we were of the option of the child guide or Machakos County comes up with our own name of these trainees.

Mr. Speaker, the other issue was about the bursaries. We had a joint committee of budget, the ward development and education. We had invited the Chief Officer, Finance and the CEC member and also the Chief Officer for Education and also the CEC member for Education but they failed to come. The one who came was only the Chief Officer for education. So, we could not discuss anything of bursary because we had a joint committee.

We have also requested the clerk, Matthew, because he is the one who is coordinating this, to come up with another day when we are going to meet the chief officers from both departments and also the ministers. The soonest, next week, that is on Tuesday or Thursday. We have talked to the clerk, so the issue of bursaries; we will come up with a report after interrogating the Minister and also the officers of those two departments, that is Finance and Education.

I had brought a report here of the bursaries that the Chief Officer, Finance said he received only Kshs. 4 million from the Kshs. 161 million which was picked from the supplementary budget. We had given Kshs. 161 million for the bursaries but the Department of Finance did not submit the full amount to the Department of Education.

That is why we have a shortfall of Kshs. 197 million which we requested her and they said that it will fit, of which I did not agree with it because once we have monies in the county, it cannot be shifted because it is committed and when we went to the department, they said that they had committed the money. They did not say that they had allocated this money to another project, that is why we need the CEC members for both departments, Education and Finance to come and discuss. For those Mr. Speaker, sir, I thank the House for contributing well in this report. Thank you Mr. Speaker, sir.

Hon. Temporary Deputy Speaker: Hon. Chairman, on the issue of recommendation number one where Hon. Joshua Mwonga was recommending that we expand.....

Hon. Manyolo: Mr. Speaker, I had also said that we had a problem, of the TSC and KNUT, that we cannot have two bodies employing ECD teachers. That is why Kisumu county came up with the word of employing teachers but they be referred as child guide. I have said let Machakos County come up with another name, be it teachers, child guides or even child care provided, provided they are employed permanently and we had that allocation within the budget; we employ one ECD child guide in every ECD class in the county.

Hon. Temporary Deputy Speaker: Hon members with the response from the chair I will proceed to put the question.

(Question put and agreed to)

BILL

First Reading

THE MACHAKOS COUNTY FINANCE BILL, 2016

Hon. Nzeki: Mr. Speaker, Sir, pursuant to Standing Order 119, I would like to present the Machakos County Finance Bill, 2016 to this House for the first reading. Thank you Mr. Speaker, Sir.

(Order for First Reading read - Read the First Time and ordered to be referred to the Committee on Finance and Revenue Collection)

MOTION

BENCHMARKING VISIT TO KILIFI COUNTY

Hon. Kimata: Mr. Speaker, aware that the committee on Justice and Legal Affairs is mandated to all matters related to constitutional affairs, the administration of law and justice including the elections, ethnics, integrity and anti-corruption; human rights and intergovernmental relations. Mr. Speaker, further aware that benchmarking is the process of comparing one's practices with the best practices from other institutions; cognizant of the fact that from the bench-marking visits, committees are able to gauge their performance and pinpoint their strengths and shortcomings; Mr. Speaker, acknowledging that the committee on Justice and Legal Affairs benchmarked with their counterparts in Kilifi County on 29th and 30th July, I wish to move the motion that this Hon. House discusses and approves the report on benchmarking visit with Kilifi County. Thank you, Mr. Speaker. I call upon Hon. Mary Ndinda to second the motion.

Hon. (Ms.) Ndinda: Mr. Speaker, Sir, I wish to second that this House approves and adopts the report of the benchmarking visit to Kilifi County Assembly. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you. Proceed.

Hon. Kimata: Mr. Speaker, Sir, benchmarking is a process of comparing one's practices with best practices from other institutions with a view of improving performance. The committee on Justice and Legal Affairs saw the need to benchmark with Kilifi County so as to gauge its performance and pinpoint its shortcomings. Moreover, the Committee was interested to see how

their counterparts from Kilifi County Assembly undertook their legislative, representation and oversight roles.

Mr. Speaker, Sir, the Justice and Legal Affairs committee is a sectoral committee established as per Standing Order No. 190 under the second schedule and it underlines its specific functions to include all matters related to constitutional affairs, the administration of law and justice including the elections, ethics, integrity and anti-corruption; human rights and intergovernmental relations.

Mr. Speaker, Sir, the committee on Justice and Legal Affairs is comprised of the following members:-

- | | |
|--------------------------------|-------------------|
| 1. Hon. Joseph Itumo | -Chairperson |
| 2. Hon. Justus Kimata | -Vice Chairperson |
| 3. Hon. Jacinta Luka | -Member |
| 4. Hon. Alphonse Wambua | ” |
| 5. Hon. Alex Kamitu | ” |
| 6. Hon. Festus Ndeto | ” |
| 7. Hon. Raphael Mutuku | ” |
| 8. Hon. Justus Katumo | ” |
| 9. Hon. Winston Kanui | ” |
| 10. Hon. (Ms.) Magdalene Ndawa | ” |
| 11. Hon. Felix Ngui | ” |
| 12. Hon. (Ms.) Ann Wairimu | ” |
| 13. Hon. (Ms.) Mary Ndinda | ” |

Mr. Speaker, Sir, the Committee travelled to Kilifi County to benchmark on 29th and 30th July, 2016. The areas of benchmark were basically on matters to do with the mandate of the committee.

Mr. Speaker, Sir, members found that the Kilifi County Assembly Committee had benchmarked with the Senate National Assembly, and this had gained them some knowledge on interpretation of the mandates entrusted to it. Members were also informed that the benchmarking exercise had also helped them learn how to scrutinize Bills in terms of identifying which Bill should be handled by which committee.

Mr. Speaker, Sir, members observed that both committees had not been trained sufficiently in regard to mandate execution particularly in regard with intergovernmental relations whereby important interactions between Government units of all types and levels enable various parts of the Government to cohere in a manner more or less appropriate to our institutional arrangements.

Mr. Speaker, Sir, members also found out that the several bills which were committed to the Kilifi Assembly Justice and Legal Affairs Committee; were passed by the Assembly and became Acts. However, these Acts had not been implemented yet since the executive arm of the Kilifi Government was too slow. Members observed that Machakos County experienced the

same challenges since some of the Acts needed regulations from the CECs but they were taking too long to provide for. The enacted bills include:-

The Kilifi Petition to County Assembly (Procedure) Bill, 2016

This is a Bill for an Act of the County Assembly of Kilifi to give effect to section 15 of the County Governments Act on the rights to petition a County Assembly; to make provision for the procedure for the exercise of the right pursuant to that section and to enhance public participation on the County Assembly and Legislative process and for connected purposes.

The Kilifi County Vetting and Appointment of Public Officers (County Assembly Approval) Bill, 2016

This is a Bill for an Act of the County Assembly of Kilifi to provide; a) for the vetting of public officers as envisaged under Chapter Six of the Constitution of Kenya 2010; to require the submission of nominations for specified public appointments to the County Assembly of Kilifi for approval; to provide for matters connected therewith and incidental thereto.

The Kilifi County Persons with Disabilities Bill, 2016

This is a Bill for Act of the Kilifi County to provide for the rights and rehabilitation of persons with disabilities; to achieve equalization of opportunities for persons with disabilities; to establish the County Board for persons with Disabilities; and or connected purposes.

The following bills handled by the committee were yet to be passed by the Assembly of Kilifi:-

- a. Kilifi County Public Participation Bill.
- b. Kilifi County Resource Allocation and Development Bill.

Mr. Speaker, Sir, the committee further found out that their counterparts had been able to look into the following issues within the County and tabled reports in the House:-

- a. Illegal extension of boundaries within the County.
- c. Contamination of rivers and other water bodies.
- d. Compensation of workers dues.
- e. Environmental degradation.
- f. Rights of workers in terms of underpayment and poor working conditions.
- g. Lack of or poor supervision by the public health Officers in keeping the right hygienic standards in hotels within Kilifi County.
- h. Integrity issues by Kilifi County officers.

The committee observed that both Committees experienced the same challenges in dealing with issues concerning Rights of workers in industries in regard to the working environments. Mr. Speaker, Sir, it was noted that the committee had visited Mombasa Cement Industry located in Kilifi County since it had received complaints in regard to underpayment and

poor working environments. Members were informed that the company management had not taken the appropriate measures in controlling environmental pollution and this affected the people neighboring the company.

Members were also informed that the company had imposed unions on its favor to the employees; instead of allowing them to form their own unions as per the Constitution of Kenya. The Committee had tabled a report in regard to the issues above but nothing had been done. The Committee is still following on the matter as per the laid procedures. Members from Machakos County Assembly noted that the same case applied in Machakos, that after adoption of reports by the honorable house, very little or nothing is done in the implementation part.

Mr. Speaker, Sir, members were informed that lack of implementation of reports was one of the main challenges that the Kilifi County Assembly faced. Others being lack of enough money to facilitate all the site visits that the committee had intended to make within the County and also lack of funds to facilitate more workshops. In addition, the Committee also faced a problem in working together with the Government officials to ensure that the problems raised by the Kilifi *mwananchi* were solved amicably. Most of the Government officials were reluctant and unwilling to co-operate.

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

1. Intensive training should be conducted to the committee members to ensure that they are cognizant of their mandates well. One of the mandates of the committee is to check in matters concerning administration of law and Justice. Therefore the committee has the mandate to look into any area and ascertain whether law and justice is being followed; hence the need for intensive training.

Further Mr. Speaker Sir, the committee should be exposed to various workshops dealing with the evolving system of institutional co-operation that seeks to address various institutional issues and the relations of equality and interdependence as defined by the Constitution; and intensive awareness on the Intergovernmental relations Act 2012, should be done.

2. The committee recommends more benchmarking exercises especially with the Senate National Assembly; for exposure and to learn on different strategies of handling the mandates entrusted to it
3. Enhancement of frequent opportunities to liaise with the National Government, as this will improve the creation of business for the Committee. This will also promote efficiency in execution of committee mandates.
4. The issue of the CECs who are reluctant in the implementation of reports and Bills enacted by the Assembly should adhere to the provisions of Article 183 of the Constitution of Kenya, failure to which they be sanctioned.

Mr. Speaker, Sir, the committee on Justice and Legal Affairs is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the visit. Mr. Speaker, Sir, it is therefore my privilege, on behalf of the Justice and Legal Affairs

Committee, to table this report and recommend it to this hon house for adoption. Thank you Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Thank you, Hon. Members. The report is before the House for debate. Yes Hon. Jacqueline Nziva.

Hon. (Ms.) Nziva: Mr. Speaker, Sir, I want to applaud the committee for such a wonderful report. In fact I think this is the first report for the Legal and Justice Affairscommittee and you know, the committees should make monthly visits because when members visit the counties, the committees are busy and are able to bring such wonderful reports.

On recommendation number one, ‘further Mr. Speaker, Sir, the committee should be exposed to various workshops dealing with the evolving system of institutional co-operation that seeks to address various institutional issues and the relations of equality and interdependence as defined by the Constitution” and intensive awareness on the Intergovernmental Relations Act 2012, should be done. So, Mr. Speaker, this is a nice report and I stand to support it. Thank you.

Hon. Temporary Deputy Speaker: Thank you. Yes, Hon. Willie Mukewa.

Hon. Kasimu: Mr. Speaker, I would like to bring to your attention that the House has no quorum.....(*inaudible*) Mr. Speaker, I would like your guidance on the same. Members should not just walk in, sign and walk out.

Hon. Temporary Deputy Speaker: Clerk, confirm.

(Clerk advises the Speaker on quorum)

I am advised we do not have quorum and therefore I proceed to ask the Serjeant-at-Arms to ring the bell for eight minutes.

(Quorum Bell rung)

The bell can stop. Hon. Members, I would like to invite you to Standing Order 32. I would urge the Members to be serious with business and take up their role seriously.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, I am advised that we haven’t attained quorum, and therefore the House adjourns.

The House rose at 3.43 p.m.

