

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Wednesday, 1<sup>st</sup> March, 2017**

The House met at 10.05 a.m.

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

**PRAYERS**

**PETITION**

**LACK OF PUBLIC PARTICIPATION FOR 2017/2018 BUDGET ESTIMATES**

**Hon. Speaker:** Pursuant to Standing Order number 199 (2) (b), the following petition has been presented to the assembly through the office of the Clerk; a petition by Machakos Central ward residents on lack of public participation for the financial year 2017/2018 budget estimates by County Treasury, department of finance and revenue collection, Machakos County held on 3rd February, 2017 at Machakos Social Hall. To be committed to the committee on budget and appropriation. Proceed.

**MOTION**

**MASTER PLAN PETITION BY SYOKIMAU RESIDENTS ASSOCIATION**

*(Hon. M. Mutuku on 22.02.2017)*

*(Resumption of Debate on the Motion tabled on 22.02.2017)*

**Hon. M. Mutuku:** Thank you, Mr. Speaker, Sir, and the entire House. With your permission, I would like to go through the report which I had moved as a motion and I promised to table the report this week.

**Hon. Speaker:** Proceed.

**Hon. M. Mutuku:** Thank you. Mr. Speaker, Sir, on 31<sup>st</sup> May, 2016 Syokimau Residents Association presented a petition to Machakos County Assembly requesting for intervention on issues related to physical planning of the area pursuant to Standing Order No. 194. The petition was presented in the House by the Hon. Speaker and committed to Decentralized Units and Urban Areas Committee pursuant to Standing Orders 199 and 201. Syokimau/Mlolongo Ward has a population of about 12,000 residents out of which between 4,000 and 5,000 residents are registered with Syokimau Residents Association.

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The increasing population and development of the town does not conform to the standards of social amenities provided and this has caused a lot of strain to the available resources and facilities.

Mr. Speaker, Sir, the Committee on Decentralized Units and Urban Areas is established pursuant to the Second Schedule of the Standing Orders with specific mandate on all matters relating to the delineation and management of decentralized units, urban areas and municipalities.

Mr. Speaker, Sir, the committee comprises of the following Hon. Members;

- |                             |               |
|-----------------------------|---------------|
| 1. Hon. Mutuku Mutua        | - Chairman    |
| 2. Hon. Geoffrey Munyao     | - V/ Chairman |
| 3. Hon. Isaac Muinde        | - member      |
| 4. Hon. Joseph Itumo        | “             |
| 5. Hon. (Ms.) Bibiana Nduku | “             |
| 6. Hon. (Ms.) Brigid Kitili | “             |
| 7. Hon. Nathaniel Nganga    | “             |
| 8. Hon. Festus Ndeto        | “             |
| 9. Hon. Cornelius Kitheka   | “             |
| 10. Hon. Edrick Ngunzi      | “             |
| 11. Hon. Nzoka Munywoki     | “             |
| 12. Hon. Francis Matheka    | “             |
| 13. Hon. (Ms.) Jacinta Luka | “             |

Mr. Speaker, Sir, the petition by Syokimau Residents Association (SRA) was submitted to the County Assembly pursuant to the provisions of Section 15 (1) of the County Government Act which gives a person right to petition the Assembly to consider any matter within its authority including enacting, amending or repealing any of its legislation. The petition underscored citizen participation as enshrined in the Section 87 of the County Government Act.

The following were the prayers of the petitioners;

1. That the County Government to recognize Syokimau Residents Association (SRA) as the sole body of residents of Syokimau that knows how best Syokimau Estate should accommodate building plans and codes, and that the residents of Syokimau want the initial development plans of single dwelling to be upheld and included in the County laws.
2. That the County Government to adopt Syokimau Master Plan that is Syokimau Estate Zoning.
3. That the County Government to establish a Joint Approval Committee on developments in Syokimau where by all developments and change of user are approved by the association before the County Government approves.
4. That the County Government provides access to information, data and documents relevant or related to policy formulation and implementation of development plans, approval procedures and any bylaws as pertains to Syokimau Estate.
5. That the County Government to provide a reasonable access to the process of formulating and implementing policies, laws and regulations including approval of development proposals, projects, budgets and permits.

6. That the County Government to ensure balance in the roles and obligations of County Government and non-state actors (SRA) in decision-making process to promote shared responsibility and partnership.
7. That the County Government to promote Public-Private Partnership on issues such as physical planning, environmental and waste management, health, education, fresh water supply, storm water drainage, sewerage and street lighting.
8. That the County Government to ensure commercial buildings that come up within the residential areas have parking space.
9. That the County Government provides Syokimau area with social amenities such as security lighting, water, sewerage, garbage collection and tarmacked roads.
10. That the Assembly enacts laws covering areas of concern in this petition.
11. That the County Governments allocates enough budget towards improvement of roads, health, security, transport and waste management in line with the proposals made by the Nairobi Urban Development Plan and Strategic Environment Assessment by GIBB International (2014). This is because Syokimau Estate is viewed as a sub-centre that will ease congestion of Nairobi city.

Mr Speaker, Sir, the committee considered the petition and agreed to visit the area to have a meeting with members of SRA, that is Syokimau Residents Association. The committee visited the area on 24<sup>th</sup> and 25<sup>th</sup> June, 2016 and held a meeting with members of SRA. The committee also toured some of the areas in the estates which had critical issues concerning physical planning.

On 12<sup>th</sup> October, 2016, the committee engaged the Chief Officer in the Department of Environment, Lands, Energy and Natural Resources to respond to issues related to the town planning.

Mr. Speaker, Sir, the Chief Officer for Department of Environment, Lands, Energy and Natural Resources informed the committee that the County had not developed a master plan for the area. The Committee learned from the residents that their Association (SRA) had developed a physical plan which they called 'Syokimau Estate Zoning'. The plan has provisions for community facilities, roads, urban centres and various types of residential buildings within the estate.

Mr. Speaker, Sir, the Chief Officer further informed the Committee that developers who had constructed storey buildings within Syokimau estate had followed all due process for applying change of user. The Committee had gathered from the residents that the defunct Mavoko Municipal Council controlled building developments within Syokimau estate to maisonettes and bungalows but things changed after devolution.

The residents informed members that the committee for building plans approval in Mavoko sub-county had disregarded previous arrangements and was not consulting the residents when approving plans for construction. The residents informed members that this had contributed to uncontrolled buildings coming up with some surrounding and blocking what used to be beautiful maisonettes and bungalows. This has also forced the owners of the maisonettes and bungalows to migrate because it becomes un-inhabitable to live in a house that is not storeyed but is surrounded by flats of five floors.

Mr. Speaker, Sir, the committee further learned that the National Government had initiated development of physical planning of Syokimau estate by contracting a private consultant to draw a master plan. The consultant was taking views from stakeholders and the County Government should also give its views.

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Mr. Speaker, Sir, Syokimau residents informed the Committee that most of the land was leasehold and was preserved for residential buildings in form of maisonettes and bungalows. They informed members that storey buildings started coming up after the land was acquired by new developers who influenced the Mavoko building plan approval committee contrary to the leasehold.

The committee observed that the building plan approval committee for Mavoko did not involve residents when approving plans and seemed to be compromised. Members recommended that representatives of residents associations to be co-opted in the approval committee to control compromising of the committee.

Mr. Speaker Sir, the Committee further observed that building plan approval committee and NEMA had approved development on wetlands. There was need for further investigation on how these approvals were done. The County should also control developments in all areas to ensure that the environment and water catchment areas were protected. This will also ensure that there is no loss of life in case of heavy rains and flooding.

Mr. Speaker, Sir, the residents informed members multiple dwelling units were coming up in large numbers in Syokimau estate contrary to the previous controlled development. In addition, informal settlements were coming up as a result of labourers who work in Syokimau area and cannot afford house rent.

The committee observed that there was need to control these settlements by having a policy on land development in Syokimau area and in Machakos County as a whole. There is also need to have controlled development and uniform designs of housing in various estates of Machakos County.

Mr. Speaker, Sir, upon consideration of the findings, the committee made the following recommendations;

1. On prayer number 1: The County Government should endeavour to identify and recognize all associations that have the objective of development in Syokimau area and work with them to achieve faster development. This is a plus to the County Government as faster development can be achieved. In furtherance to single dwellings unit, the County Government should continue with the previous arrangements of issuing construction plans to developers doing one storey buildings only. Any change to this plan should be subjected to public participation pursuant to Section 87 of County Governments Act.
2. On prayer number 2: There is need for the County to develop an accurate and efficient physical plan for Syokimau Estate in consultation with the residents pursuant to Section 102 (i) of the County Government Act and include Syokimau Master Plan in the physical plan for the area.
3. On prayer number 3: The County building plans approval committee of Mavoko should co-opt representatives of residents associations in their committee. Construction of buildings in Syokimau estate needs to be coordinated and public participation should be done when approving building plans. In effect, the County Government should ensure the residents of the area including any structured and registered associations such as SRA are involved when building approvals are being done.
4. On prayer number 4: The County Government should adhere to section 87 (a) and 96 of the County Governments Act, 2012 and provide access to information, data and documents relevant or related to policy formulation and implementation relating to the development of the County and in particular Syokimau Estate.

5. On prayer number 5: The County Government should accelerate the process of formulating and implementing policies, laws and regulations including approval of development proposals, projects, budgets and permits as provided in section 87 (b) of the County Governments Act.
6. On prayer number 6: The County Government should promote citizen participation in its decision making to enhance partnership and cooperation as enshrined in section 87 (e) of the County Governments Act.
7. On prayer number 7: The County Government should promote Public-Private Partnership (PPP) in the development of the County and SRA being one of them, the Government should encourage such initiatives.
8. On prayer number 8: The County Government should consult with the Syokimau Residents when approving commercial buildings in the area.
9. On prayer number 9: The residents of Syokimau have equal rights just like other residents of the County and they should get such services just like other county residents.
10. On prayer number 10: The County Government should collaborate with Syokimau Residents Association to come up with a policy on land development in Syokimau. Based on this policy, the County Government should draft a legislative proposal and forward to the County Assembly for consideration and enactment into law.
11. On prayer number 11: Syokimau Estate has the potential of growth and can boost revenue collection of the County. To realize this potential, the County Government can consider allocating enough funds to develop the infrastructure in the region that will attract more investors.

Mr. Speaker, the absence of the national land use policy has led to the proliferation of informal settlement, inadequate infrastructure services, congestion environmental degradation, unplanned urban centres, pressure on agricultural land and land use conflicts. It is the high time the National Government and County Government should join hands to streamline land policies to avoid repeated conflicts in land use.

Mr. Speaker, Sir, the committee of decentralized units and urban areas is grateful to the office of the Speaker and that of the Clerk for the support accorded during the committee sittings and also to the Honorable members for sacrificing their time to participate in the meetings.

Mr. Speaker, Sir, it is therefore my privilege on behalf of the committee on decentralized units and urban areas, to table this report to this House for consideration and adoption. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** I was of the view that you invite one of the committee Members to support the report and then we debate.

**Hon. M. Mutuku:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to welcome one of the Members to support the report. In view of that, I would like to invite Hon. Nzoka to support the report. Thank you.

**Hon. Nzoka:** Thank you, Mr. Speaker, Sir. I support the report and as you can see, it is even overdue. If we fail like controlling this situation in the time, it will another slum because this land which has been bought by the residents, by the owners and, in fact, we appreciate Syokimau Residents Association who have even fast-tracked the plan for the area.

So, it is the duty of the County now to act immediately, join hands with them because it is an estate that is well accessible. Otherwise, it will be another slum. People will be building where they see the space. So, I support the report. Thank you.

**Hon. Speaker:** Thank you. Maybe, the Chairman, you can clarify to the House. You are talking about single dwelling units in Syokimau, you are also talking about storey buildings in Syokimau and you are also talking about slums. Proliferation of slums, informal settlements. How do you manage the three settlement scenarios? I do not think storey buildings could be informal sectors.

**Hon. M. Mutuku:** Thank you, Mr. Speaker, for allowing me to make clarification to the entire House. Mr. Speaker, and the entire House, as you are aware, when you are making a decision to own a house, there are several factors you consider other than the cost and one of the factors you consider is the aspect of the neighborhoods, also the aspect of pollution if the area is not polluted, you also consider the aspect of if the area could be encroached by the industries.

Mr. Speaker, when we are talking about single dwelling, we mean bungalows and maisonettes and Mr. Speaker, when we are talking about high-rise buildings, we are talking about buildings which have floors of three and above, five and six which means, Mr. Speaker, Sir, with line with initial arrangement with defunct Mavoko Municipal, such high-rise building were not allowed and Mr. Speaker as you are aware, owning a residential home and especially in urban areas, Mr. Speaker, it is a capital intensive affair and Mr. Speaker, many home owners sacrifice a lot to acquire a home especially in a metropolis town and Mr. Speaker, the least they can get at the end is to get a decent House and Mr. Speaker, in a decent neighborhood.

And, Mr. Speaker, when we allow informal settlements like slums, we allow companies or factories to build within the residential houses, Mr. Speaker, it will really affect the home builders who has acquired homes in those particular areas. So, Mr. Speaker, in line with that, I believe and hope the Hon. Members are in a position to know now what the petition is all about. Thank you.

**Hon. Speaker:** Thank you, very much, I think that is very well done. Let us proceed. Hon. Nzoka, you had contributed. Let us hear another member. Yeas Hon. Maitha.

**Hon. Maitha:** Thank you Mr. Speaker for giving me this opportunity. I want to applaud the committee for the excellent work that it has done and Mr. Speaker, I would have wished we could have heard or as you have heard the Hon. Member for Syokimau, Mheshimiwa Rachel, comment on the petition because this really belongs the residents of where she represents but all the same, Mr. Speaker, the matters highlighted or the matters issued or tackled in this petition by the Syokimau residents are issues that are really coming up strongly.

I personally share a lot of interest with Syokimau, at times I also pass around that place when I am going home and the issues that have been outlined here Mr. Speaker, have been really serious issues that affect the residents of Syokimau.

Mr. Speaker, I want to remember sometime back the Hon. Members, an *ad hoc* committee was formed to discuss the issue like the issue of the storm water, drainage and this and that, and we happened to have visited that place and Mr. Speaker, it is quite unfortunate that, even after we brought a report in this House, even as at that time when there were serious issues

affecting the Syokimau residents especially the issue of storm water, floods, the County Government did totally nothing and the Hon. Members who were present with me, you remember we visited the then CEC member for decentralized units, gave our urgent measures which ought to have required immediate mitigation but nothing happened.

The Hon. Member for Syokimau can confirm that we lost lives through the same issues and the proposals that we gave that needed immediate action, Mr. Speaker, nothing totally happened and I believe it is on this period that the residents of Syokimau thought it fair to bring a petition because after we adopt this report, then the County Government has no choice other than, to implement what has been adopted in this petition Mr. Speaker.

It is like a case in court which is certified as urgent. So, this matter is a matter that is certified urgent and the moment we adopt it, there is no short cut about it, the County Government has to act on it. Mr. Speaker, when you pass through Syokimau, there is serious encroachment where people just decide to construct, on public access roads, where people decide that when they have a plot of 50x100, they want also to encroach to the space, next to the road and construct.

Mr. Speaker, this has to be stopped with immediate effect and it is by this petition report and adoption that this House through the executive arm of Government needs to come up with very stringent rules and measures to curb this, Mr. Speaker. The Hon. Member for Athi River has given a very good clarification where someone would wish to own his own home, Mr. Speaker and if you allow me, I want to give a practical example.

Like yourself, Mr. Speaker, when you constructed your home where you reside today, Mr. Speaker, you never expected high-rise buildings. Today, Mr. Speaker, when you are waking up, someone on third or fourth floor can see you when you are leaving your house. That is not the kind of privacy that you wanted, Mr. Speaker. That is not the kind of investment that you would have wished to put where you are staying. You ought and you really wanted that privacy and I think this is what the Syokimau residents are talking about.

You have constructed a house worth more than Ksh. 15 million, if those of us who have visited Syokimau can attest the worth of investments in Syokimau is quite huge. Actually, the Muthaiga of Machakos County is Syokimau and nowhere else, Mr. Speaker. You cannot even compare Syokimau with the upcoming estates like Green Park and others. Syokimau has a state-of-the-art investment which has proximity to the airport and those people who came and invested in Syokimau, that is what they had in mind but the situation nowadays Mr. Speaker, has turned the other way round.

High-rise buildings are coming up, single dwelling units are coming up whereby someone has construct a five storey building with single houses and that is why even the issues of insecurity has been so much been so much prevalent in Syokimau. Actually, it is only last year when we received a new OCS in Mlolongo that the rate of killing and hijackings and break-ins in Syokimau residents houses, at least has stopped because there is serious threat, there are slums next to Syokimau and I believe that is why the residents of Syokimau felt it was fair to petition this House so that, this County can come up with stringent measures to curb the same.

If the County Government, if they so decide that, if Syokimau is a no-go zone for high-rise buildings Mr. Speaker, then so be it. So that those residents of Syokimau can enjoy that privacy that they deserved and it is not only in Syokimau if you allow me. Even in other areas where sub-division of land is taking place. If the residents so feel or the County feels that, that

area should only be for private home users, there should be no rentals or anything Mr. Speaker that law should come in this Assembly as immediate as practicable.

Mr. Speaker, where I reside, if you so allow me as well, I constructed my own home, I wanted that privacy whereby there are no structures that hinder my privacy but Mr. Speaker, next to my house less than 50 meters there is a four-storey building which has been constructed there. I no longer have that privacy and I really experienced that embarrassment that I never thought that I would wish to go through today, Mr. Speaker.

I believe that is happening with the Syokimau residents, you have constructed your Ksh. 15 to 20 million worth of a house and then someone residing in a single room worth Ksh. 2,500, wakes up and comes at night drunk or whichever intoxicated and decides to enjoy himself to the fullest of the music of the local wherever. You cannot stay and enjoy yourself. That is the privacy I believe the Syokimau residents want.

So, Mr. Speaker, to sum it up all, I support this report and this petition in totality. The issues that have been outlined here ought to be implemented as much as it can be, as immediate as possible.

On the issue of security lighting, it is quite pathetic, the County Government has opted to invest in street lighting on roads where people own cars and their cars have got lights at night but if you go to Syokimau today, Mr. Speaker, I can attest that Syokimau has got less than two or three *mulika mwizi* (floodlights) for the entire Syokimau. Do we need what we call an assessment Mr. Speaker? No. We need to assess and that is why Syokimau residents are saying, before you go ahead and do anything, come and involve us so that we can give you our first or our priority needs in terms of what the County services has to be given to those people.

So, I support this report in totality and may it also be replicated in other areas, the upcoming estates, let us have these laws as immediate as possible, as practicable so that we can stop this antagonism because the next thing you will find that, the entire Mavoko the entire Machakos County where we have upcoming estates, people will just be coming up, erect kiosks, do all manners of disruptions, Mr. Speaker, and that privacy is not enjoyed.

So, I support this report in totality and wish to tell the County Government that, the only best and efficient way they can be able to deliver services, is to work closely with the residents associations like these. I have an association like in Katani as well. We need to make sure that these people are respected because what they have and the understanding they have about that area is best known to them more than any other person.

So, I support the report in totality and wish to acknowledge the good work that was done by the committee and the best way we can reward the good work of the committee as well as the petitioners is to ensure that their prayers are so heard, Mr. Speaker, as they have said. I believe Mr. Speaker, when you are doing your legal practice, when someone said we are putting prayers, we want to have these prayers, it is an issue that is of concern, it is an issue that is quite needy that when addressed it is going to address the key issue outlined by these petitioners.

I support in totality and wish the best for the petitioner. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Rachel.

**Hon. (Ms.) R. Nduku:** Thank you, Mr. Speaker, I want to thank and also give special appreciation to the committee on decentralized units and urban areas committee and also the



chairman who is my neighbor and colleague in Athi River ward for the good work they have done concerning the outcry of the people of Syokimau.

Mr. Speaker, I want to raise my concern on the prayer from the residents, prayer number 11 where they are seeking or they are asking that the county government to allocate enough budget towards improvement of roads, health, security, transport, waste management in line with proposals made by Nairobi urban development plan and strategic environment assessment. This is because estate is viewed as a sub center which will ease congestion of Nairobi city.

Mr. Speaker, as I go to the recommendations of the same prayer number 11 the committee recommended that on prayer number 11 that Syokimau estate has the potential of growth and can boost revenue collection of the county. My argument is on this prayer number 9, Mr. Speaker, and I want to remind this House that on years back 2014 or 2015 when all of us were talking of Ward Development Fund, Mr. Speaker, it came a time that the monies were to be allocated equally to every ward and also when it comes to allocation of money to roads and every other thing, in this House it has been a tendency when allocation of money from the budget to every other ward it has been equal share but I want to remind this House that Syokimau and Mlolongo is a small area but densely populated, Mr. Speaker.

So, as the committee has recommended that when we will be allocating monies, we should consider Syokimau estate in its own because if you walk over to Syokimau estate, as my colleague Hon. Dominic has said, it is the biggest estate in Nairobi or in Kenya and the allocation which is done in this whole ward, Mlolongo and Syokimau, is not enough that is why when we allocated money for Mlolongo roads, the Governor gave another bunch of money from special programmes to cater roads for Syokimau itself.

This is because as an assembly, we forgot that Mlolongo and Syokimau have different problems and different issues. So, I would wish to request this House, when it comes to allocation of budget to all these problems and needs Syokimau residents have raised through this petition, I would wish to request this House that it considers those residents because also, Mr. Speaker, when it comes to revenue collection and when you check on all others wards in this county government of Machakos, Syokimau and Mlolongo take the lead.

So I wish to plead with you, Mr. Speaker and the House that you will consider my ward when we will be allocating monies within our budget. So thank you very much the committee and thank you for supporting this document. It is a very important document and I know the residents of Syokimau will be happy when they see all these things we have recommended here they go through. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Yes Hon. Kathinzi.

**Hon. Kathinzi:** Thank you, Mr. Speaker. I would like to take this chance appreciate the committee which has done this wonderful job because on the prayers, Mr. Speaker, I would like to emphasize on prayer number 6. Mr. Speaker, I would like to realize that this prayer, the people of Mavoko have requested that the county government should promote citizen participation in its decision-making to enhance partnership and cooperation as enshrined in Section 87 (e) of the County Governments Act.

Mr. Speaker, I would like to realize that we are just talking about public participation which we have been talking about over and over again and on several occasions, Mr. Speaker, I am on record instigating that we need to promote the idea of thorough consultation with our

citizens even when we are trying to analyze some of the documents even when the executive side of Government is going round to do some works, Mr. Speaker, there is no consultation with the public and I think this is a key point which I think I felt is good because this is also happening in my ward where and even when I am not dealing with issues of partitioning in my area, Mr. Speaker, you find the executive just coming they start a project, there is no need assessment, there is no consultation, the Chief does not know, the area MCA does not know, my PA is not aware and then at the end of the day the project stalls.

Waste of resources, Mr. Speaker, and I think we have a clear act of public participation in this county assembly the way things can be carried out. So, I think it is good to understand. From this document it has spoken loudly that our people are well versed with regulations and their rights. It is their right to be involved in public participation.

So therefore, Mr. Speaker, as I support this document I will also try to indicate that on prayer number 8 which has been talked at length by Hon. Dominic Maitha, that the county government should consult with Syokimau residents when approving commercial buildings in the area. Mr. Speaker, I would like to.....I think Hon. Matheka is here and he usually wonders when things are done without any information.

I have reported to Ruai police station sometimes last week because I saw some lorries of Machakos County Government at around 9 p.m. ferrying *kokoto* (ballast), sand and building materials taking to a certain site. Mr. Speaker, this is intolerable and I think the law should take place because when these people are building these commercial buildings they do not have the plan, some of them are building at night as I saw that day.

So, I am just wondering why are we misusing the county resources? We know the authorization of the county government. The normal working hours are from 8 a.m. to 5 p.m---

**Hon. Speaker:** Order Hon. Kathinzi!

**Hon. Kathinzi:** I rest my case.

*(Laughter)*

**Hon. Speaker:** Members, I think for a good portion of last week we were dealing with these kind of petitions and you remember I had read out Standing Order 201 on the manner that petitions are conducted. Reports ordinarily on petitions are equated to court judgements and our duty as a House is contained in Standing Order 201 (2) which reads: 'whenever a petition is committed to a sectoral committee, the committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the table of the assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the petitions for not more than twenty minutes.'

So, you realize that in this form of reports, no debate is allowed but the manner of treatment of such reports is within substantive parameters perhaps because of the nature of the report which operates the judgement. After the report is deliberated the report is forwarded by the Clerk for action and that those observations that, perhaps, that today I have allowed is that remained the Clerk will forward copies of such responses together with the report to the

implementing authority. Having said that then I will call upon the mover to appreciate the comments.

**Hon. M. Mutuku:** Thank you, Mr. Speaker. I would like on behalf of the committee and also on my own behalf to appreciate the Hon. Members who in one way or another they have contributed positively to the report. This is because, Mr. Speaker, we are aware of areas or sections or organizations which do not have standards or regulations, Mr. Speaker, Sir, cannot progress.

So Mr. Speaker, Sir, I would like to say thank you to the members and I would like to say Mr. Speaker, the Hon. Members have done their part in line with the constitution and Mr. Speaker, Sir, it has been said no child who really asks the father for bread and the father gives the stone, in line with Biblical teaching or no father who will be asked by the son for fish and the father gives him a snake.

Mr. Speaker, Sir, the Hon. House and the Hon. Members have played their part and they have washed their hands like the Biblical Pilate who washed their hands and said; Syokimau residents, we have their cries and we have answered accordingly.

In view of that Mr. Speaker, I would like to say 'thank you' to all Hon. Members who have participated in contributing positive responses to the report. Ahsanteni.

**Hon. Speaker:** Then I proceed to put the question.

*(Question put and agreed to)*

The report is adopted and the Clerk will act accordingly under Standing Order 201 (3). There is no more business for the morning---

**Hon. Maitha:** Point of information.

**Hon. Speaker:** Yes.

**Hon. Maitha:** Mr. Speaker, thank you for that interjection. There is an issue that has been raised Hon. Kathinzi, Mr. Speaker, and I would wish you give directions to that because Mr. Speaker, the Hon. Member said he saw county tracks ferrying construction materials to a private site at night. Mr. Speaker, can you give directions on that. Please, I beg, Mr. Speaker.

**Hon. Speaker:** The matter was raised within the petition and was ruled that Hon. Kathinzi was at that moment out of order and that is why the Chair read the procedure under the Standing Orders. In any event, Hon. Kathinzi, you can raise the issue and you know how to do it in the way of a question on a future date.

## ADJOURNMENT

**Hon. Speaker:** Thank you then the House adjourns.

The House rose at 11.00 a.m.