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

**OFFICIAL REPORT**

**Wednesday, 24<sup>th</sup> May, 2017**

The House met at 10.03 a.m.

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

**PRAYERS**

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

**PAPER LAID**

REPORT OF AD-HOC COMMITTEE ON STATUS OF MARKET SHEDS

**Hon. Nduva:** Mr. Speaker, I wish to lay the following paper on the table of the Assembly today, 24<sup>th</sup> May 2017; the report of the *ad hoc* committee on the status of market sheds in Machakos County. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. The paper is laid. Proceed.

**NOTICES OF MOTIONS**

REPORT OF AD-HOC COMMITTEE ON STATUS OF MARKET SHEDS

**Hon. Nduva:** Mr. Speaker, Sir, I wish to give notice of the following motion; that this Hon. House discusses and approves the report of the *ad hoc* committee on the status of market sheds within Machakos County. Thank you, Mr. Speaker.

**Hon. Speaker:** Notice accordingly issued. Proceed.

PRIVILEGES FOR MEMBERS OF THE FIRST ASSEMBLY OF MACHAKOS

**Hon. Katela:** Mr. Speaker, Sir, I wish to give a notice of the following motion; that this Hon. House discusses and approves that the members of the First Assembly of Machakos, whether re-elected or not, continue enjoying the privileges of parking their vehicles free of

charge within the county, access the precincts of the Assembly and obtain meals at the Assembly cafeteria at a subsidized cost. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** Notice issued.

### MOTIONS

#### REPORT OF AD-HOC COMMITTEE ON STATUS OF MARKET SHEDS

**Hon. Nduva:** Mr. Speaker, Sir, aware;

THAT on 24<sup>th</sup> August, 2016, a report on implementation of development projects undertaken by the department of Trade, Economic Planning and Industrialization was tabled in this assembly by committee on Trade, Economic Planning and Industrialization;

THAT the report was discussed and issues pertaining to incomplete market sheds, poor construction works and unpaid contractors, contradicting information between the status report that had been submitted by the department and the actual situation on the ground and failure to factor construction of market sheds in some wards raised;

Mr. Speaker, Sir, informed THAT in every financial year since 2013, monies have been allocated for the construction and the completion of the sheds and still this has not been attained;

THAT the contractors had not been paid and most of them had stopped working because of lack of payment;

THAT an *ad hoc* committee was constituted by this Assembly to look at these issues;

Noting THAT the committee went to the ground and ascertained the status of market sheds and met with the Chief Officer for the department of Trade, Economic Planning and Industrialization;

Mr. Speaker, Sir, I wish to move the motion that this Hon. House discusses and approves the report of the *ad hoc* committee on status of market sheds within Machakos County.

Thank you, Mr. Speaker. I want to call upon Hon. Ngunzi to second the motion.

**Hon. Ngunzi:** Thank you, Mr. Speaker. I wish to second the motion.

**Hon. Speaker:** Thank you. The motion is properly laid. Take us through the report.

**Hon. Nduva:** Mr. Speaker, Sir, the strategic objective of the Machakos department of Trade, Economic Planning and Industrialization is to establish a sustainable and vibrant business

and investment environment, spearheading formulation and implementation of sound economic policies and carrying out periodic monitoring and evaluation.

Mr. Speaker, Sir, a vibrant competitive economy is highly dependent on sustainable and equitable socio-economic development. So as to contribute significantly to the growth of the County's economy, the department should endeavor to promote all commodities and services produced in the County.

Mr. Speaker, Sir, on 24<sup>th</sup> August, 2016 a report on implementation of development projects undertaken by the department of Trade, Economic Planning and Industrialization was tabled in this Assembly by the Committee on Trade, Economic Planning and Industrialization. The report was discussed and issues pertaining to incomplete market sheds, poor construction works, unpaid contractors, contradicting information between the status report that had been submitted by the department and the actual situation on the ground, and failure to factor construction of market sheds in some wards were raised.

Mr. Speaker, Sir, the Assembly resolved that an *ad hoc* committee comprising of 10 members from both Implementation and Trade, Economic Planning and Industrialization committees be constituted to investigate further on the issues raised by honorable members.

Mr. Speaker, Sir, the following Hon. Members were nominated to form the *ad hoc* Committee; The members are as listed.

|                             |                  |
|-----------------------------|------------------|
| 1. Hon. Sammy Nduva         | Chairperson      |
| 2. Hon. Jacqueline Nziva    | Vice Chairperson |
| 3. Hon. Kyalo Kyuli         | Member           |
| 4. Hon. Edrick Ngunzi       | ”                |
| 5. Hon. Alphonse Wambua     | ”                |
| 6. Hon. Francis Matheka     | ”                |
| 7. Hon. (Ms.) Ruth Ndumi    | ”                |
| 8. Hon. Philip Ndolo        | ”                |
| 9. Hon. Gideon Kavuu        | ”                |
| 10. Hon. Alexander Kathinzi | ”                |

Mr. Speaker, Sir, the committee was guided by the following terms of reference:-

1. To find out why there were variations in the status report presented by the department and the actual state on the ground.
2. To find out reasons why Machakos Central Ward was not allocated a market shed like the other wards.
3. To establish reasons why the contractors who had completed construction of some projects had not been paid yet money had been budgeted for that purpose.
4. To establish why there was poor workmanship and low occupancy of market sheds.
5. To establish when the stalled market sheds and those that never started will be constructed and strategies for fast tracking the completion of the incomplete market sheds.

The committee conducted site visits on 20<sup>th</sup> February, 2017 and 6<sup>th</sup> March, 2017 to ascertain the actual status of the market sheds and observed the following. Mr. Speaker, the table

below, that members can look at, shows the position of the market sheds according to the findings of the committee. If you allow, Mr. Speaker, I will request the members to go through the tables then I move to number three on committee findings on site visits, Mr. Speaker.

| <b>Market shed</b>     | <b>Ward</b>   | <b>Status at the time of visit</b>   |
|------------------------|---------------|--|
| Kiatuni Market Shed    | Kalama        | The project was completed and handed over. The gutters however have not been fixed well and risk falling   |
| Kyumbi Market shed     | Kinanie       | The market shed was completed and it is operational. The toilets have been completed but were not in use.  |
| Athi River Market Shed | Athiriver     | The market shed is not complete. No toilets and no water tanks   |
| Mlolongo Market Shed   | Mlolongo      | The contract was terminated. Only the foundation was done  |
| Joska Market shed      | Muthwani      | Toilet construction was yet to start   |
| Kathome market shed    | Mua           | Completed.   |
| Kaseve Market shed     | Kiima Kimwe   | The shed not completed   |
| Mutituni Market shed   | Mutituni      | Project not completed  |
| Muumandu Market shed   | Kola          | The project never started  |
| Tumba market shed      | Mumbuni North | The market shed is complete  |
| Katangi market shed    | Katangi       | The market shed is complete and handed over  |
| Ikombe Market shed     | Ikombe        | The project is almost complete only plastering of the display counters was remaining   |
| Matuu market shed      | Matuu         | The shed was partially roofed, some of the iron sheets had been blown off by the wind and were lying at the site, toilet construction was yet to start, the iron sheets have been lying at the site for over a year and risked being stolen. |
| Kithimani market shed  | Kithimani     | The project was incomplete   |
| Kithyoko market shed   | Kithyoko      | The project was complete   |
| Masinga market shed    | Masinga       | Project not complete-not roofed and counters not plastered   |
| Ekalakala market shed  | Ekalakala     | Project complete and handed over   |
| Kisiiki market shed    | Ndalani       | Market shed Incomplete. Toilets not complete   |

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|                             |                |  |
|-----------------------------|----------------|--|
| Milaani market shed         | Muthesya       | Project complete and handed over but gutters have not been installed                               |
| Kiatineni market shed       | Ndithini       | Project incomplete, gutters have not been installed, toilets incomplete. Poor workmanship observed |
| Kawethei market shed        | Kangundo West  | Gutters for water harvesting not properly fixed  |
| Kikambuani                  | Kangundo North | The project had never started  |
| Kangundo market shed        |                | The project is incomplete  |
| Kivani market shed          | Kangundo East  | The project is incomplete  |
| Tala market shed            | Tala           | The project never started  |
| Matuu ma mwiitu market shed | Matungulu west | The project not complete   |
| Oldonyo sabuk market shed   | Matungulu west | Market shed complete and handed over   |
| Kyeleni market shed         | Kyeleni        | The shed is complete and handed over   |
| Kinyui market shed          | Matungulu      | Market shed was never done   |
| Kathiani market shed        | Kathiani       | The project is complete  |
| Kaveani market shed         | Upper kaewa    | The project has stalled  |
| Ithaeni market shed         | Lower kaewa    | The market shed is complete  |
| Mitaboni market shed        | Mitaboni       | The shed is incomplete   |
| Mbiuni market shed          | Mbiuni         | The shed is complete   |
| Wamunyu market shed         | Wamunyu        | The project is complete  |
| Ikalaasa market shed        | Kibauni        | Project never started  |
| Muthetheni market shed      | Muthetheni     | Project at the roofing stage, toilets not complete   |
| Masii market shed           | Masii          | The shed is incomplete   |
| Mwala market shed           | Mwala          | The shed is yet to be completed  |

Mr. Speaker, Sir, the department for Trade, Planning and Industrialization had reported that Milaani and Kiatineni market sheds in Muthesya and Ndithini wards were complete and handed over to the community but the status on the ground was contrary to this report. Gutters had not been installed in the two markets and the toilets for the two markets were not complete despite the status report stating that the projects were complete.

The departmental report stated that the contractors were on site doing final touches for the incomplete sheds but this was not the case. When the committee went on site, no contractor

was found at the site. Markets which were reported to have contractors on site were Mitaboni, Kaveani, Muthetheni, Kangundo, and Matuu ma Mwiitu.

The committee observed poor workmanship in that some plastered walls were peeling off, roofs were too high letting in sunshine and rain and gutters in some sheds had fallen off. Iron sheets at Matuu market shed had fallen on the ground and have been lying there for a while risking being stolen. The committee observed that the five market sheds had not started namely: Muumandu, Ikalaasa, Kinyui, Tala and Kikambuani while three, namely Mlolongo, Mutituni and Kaseve had started but stalled.

Mr. Speaker, Sir, the committee held a meeting with the Chief Officer for Trade, Planning and Industrialization department to investigate on the discrepancies regarding the above projects. The meeting was held on 29<sup>th</sup> September, 2016 at the Assembly Boardroom and the following were the findings of the Committee:-

#### *Variations in the status report and the actual status on the ground*

Mr. Speaker, Sir, the committee sought to know why the status report from the department was contradicting the actual status on the ground. The Chief Officer informed members that the issue of contradiction in the reports was brought about by the demand of the public to use the market sheds even before finishing was done. The markets were handed over to the public through the market committees as they awaited minor finishing such as fixing of the gutters, fixing of tanks and plastering.

#### *Market Shed for Machakos Central Ward*

Mr. Speaker, Sir, the committee sought to know why Machakos Central Ward was not allocated a market shed just like the other wards and the Chief Officer informed the committee that the ward had a spacious well-constructed market shed which was constructed by CDF and therefore there was no need for another.

The committee noted that citizens should not be denied services by their county government just because another entity like CDF had provided a service elsewhere. The committee also argued that the ward had other small markets which should have been considered as well as a wholesale market in Machakos town which does not have a shed.

#### *Non-payment of contractors*

Mr. Speaker, Sir, the Chief Officer informed members that payments for projects were done by the department of Finance and that her work was to prepare progress reports of the projects, prepare payment certificates, initiate payments through IFMIS and present them to the department of Finance for payments.

She also informed members that some of the seemingly complete projects were poorly done and the department could not recommend them for payment. She added that the department had raised the issue with the contractors and was waiting for the contractors to correct the mistakes so as to pay them.

Mr. Speaker, Sir, the committee observed that the contractors were taking too long to correct errors in the market sheds because they were not sure whether they will be paid after repeating the work. They called on the Chief Officer to assess the work done, value it and pay before awarding another contractor to finish the work.

The committee also noted that there was laxity in the department of Trade, Economic Planning and Industrialization in undertaking development projects and the Chief Officer should be held liable for the slow pace of implementing the projects.

#### *Poor workmanship and low occupancy of the market sheds*

The Chief Officer informed members that it was the role of the department of Decentralized Units and Urban Areas to make sure that the market sheds were fully occupied and that the toilets had water and were in use. On the issue of poor workmanship, the department had taken up the matter with specific contractors and remedies had been instituted.

For instance, in Mutituni market, the contractor was terminated and the project recommended for demolition due to substandard work. Supervision was harbored by lack of technical staff in the area of construction in the department hence over-reliance on staff from the department of Public Works which had few engineers.

Mr. Speaker, Sir, members observed that the market sheds were constructed before undertaking needs assessment and public participation. This has contributed to refusal of traders to move from their working spaces to occupy the market sheds.

#### *Stalled projects and those that never not started and strategies in place to construct them*

Mr. Speaker, Sir, the Chief Officer informed members that the department was in discussions with the contractors to fast-track completion of the market sheds. They had requested the department of Public Works to draw bills of quantities for in-house construction by county employees. The department was negotiating with the department of Lands to ensure the title deed for Tala market was available so that the World Bank can start doing the Tala Market shed.

She also informed members that some contractors who were doing two market sheds had requested for payment of one of them so as to complete the other one and payments were at an advanced stage in the Department of Finance.

On the issue of Kikambuani market shed which was to be moved to Kawauni Market, there was procurement delay but she was working on it. The Chief Officer further added that she had allocated funds for the market sheds in financial year 2017/2018 to ensure that they are completed.

Mr. Speaker, Sir, the committee observed that market sheds have been allocated funds since 2013 and little has been done. They proposed that the market sheds can be done through the Ward Development Fund (WDF) and money allocated to market sheds in financial year 2017/18 be moved to Ward Development Fund.

#### ***Committee Recommendations***

The committee recommends the following:-

1. There was an initial plan to construct a market shed in Tala ward and therefore it should be constructed in another site but within the same ward.
2. That a market shed for Machakos Central ward be factored in the budget for 2017/2018 and be constructed at the wholesale market in Machakos town.
3. That the department carries out assessment of the work done by contractors and pay them immediately.
4. That a needs assessment survey and public participation should be conducted before a project is undertaken to ensure acceptance and utilization by the community.
5. That the market sheds that never started or stalled are done through the Ward Development Fund. This will ensure that the projects are fast-tracked.
6. That the Chief Officer, Trade, Economic Planning and Industrialization has been delaying in processing payments to pay contractors and should be held liable for the slow pace of completing the market sheds.

Mr. Speaker, Sir, the *ad hoc* committee on market sheds is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for the support accorded and I wish to express my appreciation to the Hon. Members who selflessly participated in the site visits and preparation of this report.

Mr. Speaker, Sir, it is therefore my privilege on behalf of the *ad hoc* committee on the status of market sheds, to table this report and recommend it to this Hon. House for adoption. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you very much Hon. Nduva for the report. The report is before the House for debate but Hon. Members as this report was being laid, the Speaker did notice the entry of Hon. Benson Kasyoka, the Member of County Assembly for Kyeleni ward. He entered the chamber improperly dressed, signed in by the door and went out.

Actually what was in this chamber was his hand, not even his body. I therefore accordingly, under Standing Order 103, 105 and 106 discharge him from the precincts of the Assembly for the next four days. Let us proceed with debate.

In the absence of contributions then, I consider this report..... Okay, let us hear that Hon. Members.

**Hon. M. Mutuku:** Mr. Speaker, first and foremost, let me applaud the chairman of the committee plus the committee members for the work done. The report is a reflection of what is on the ground as at now and what I would like to recommend or to support is the committee of Implementation to see how they can actualize or action the report.

The other issue which I can recommend is, in future, there is need for the Executive to honor the spirit of public participation because it is out of public participation that the public can give their priorities because we have seen in the report they are saying there is low occupancy of the market sheds and the reason behind that could be the public interest, wishes or aspirations were not considered when the market sheds were being pioneered or initiated.



I would like to say it is a good report which is in line with what is on the ground or what is in line with the aspirations of the stakeholders of the market sheds. Thank you, Mr. Speaker, Sir

**Hon. Speaker:** Thank you for that. Yes, Majority Leader.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I want to applaud the committee and the chairman for presenting this wonderful document. Mr. Speaker, I am not going to contribute much on the same but on recommendations, that is page 4, Mr. Speaker, on recommendation number 2. I will propose that it be struck off, Mr. Speaker, because it is already overtaken by events. Last week, this Hon. House approved the 2017/2018 budget but if this had not been captured, Mr. Speaker. I do not see it being implemented. Thank you.

**Hon. Speaker:** I think, Hon. Nduva, you do not need to struggle. The point raised by the Majority Leader is dismissed; we know that budgets can be amended, appropriation budgets can be made and the point is unfortunate. Let us proceed.

**Hon. Ndolo:** Mr. Speaker, Sir, mine is just a point of correction. In our chart that shows every ward and the projects being done, number 26 page 5, Matuu ma Mwiitu market sheds Matungulu West, the project not completed and when you come to number 27, Ol Donyo Sabuk market shed Matungulu West, market shed complete and handed over. You find in the ward, both of them are in Matungulu West but I think one is Matungulu North. Number 27 should be Matungulu North, because we have one shed in every ward.

**Hon. Speaker:** Chairman, you need to note that correction; I think it is a clerical slip. Any further contributions? Yes, let us hear Hon. Chairman for Agriculture.

**Hon. Muli:** Mr. Speaker, first let us applaud the chairman and the *ad hoc* committee on market sheds because according to their findings, it shows clearly that they managed to arrive to all corners of Machakos wards whereby they have indicated that if they managed to go to Muthesya and Ndithini wards, Mr. Speaker, it shows that they were very dedicated to complete the mission. Mr. Speaker, I would also like to request the chairman for implementation, if it is possible, Mr. Speaker, to follow on these issues of market sheds because they are appearing to be great white elephants.

You can imagine a project which started in 2013 up to now having not been completed, Mr. Speaker. It will tarnish the good name of this county, Mr. Speaker. Therefore, what has been tabled here is the truth of the matter of what is on the ground and I would urge if it could be possible, let the projects be accomplished so that they can start being worked on. Thank you.

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

**Hon. Nzeki:** Mr. Speaker, I congratulate the chairman and the members who brought this report. It is a good report and it is reflecting what is happening on the ground. However, on page 7 on strategies, they have said that department of Public Works to draw bill of quantities for in-house construction. The word in-house means the employees of the county will do the works but at Mutituni, you find the employees of the county went there and did a substandard job. So, I am rejecting that the department of Public Works be given that job because at Mutituni, we see that they did nothing and that is why the project stalled. Otherwise, Mr. Speaker, I support the report.

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

**Majority Leader (Hon. Mwonga):** Mr. Speaker, thank you for according me a second chance. I want to highlight some observations: Ol- Donyo Sabuk market is not in Matungulu West, this should be in Matungulu North; we don't even have a ward by the name Matungulu, so Kinyui market shed is in Matungulu East and Kaveani market shed is in Upper Kaewa/Iveti ward and not Upper Kaewa. So, this document has a lot of errors but with the leave of the House, we can pass the document and allow the clerks to make those few corrections, Mr. Speaker. Thank you.

**Hon. Speaker:** Thank you. I think that is okay. Amendments will be reflected by the clerks. Hon. Ngunzi.

**Hon. Ngunzi:** Mr. Speaker, I was looking at the report and I was keen on public participation and consultations with other agents of the government. In particular, I was looking at Kaseve market where the market shed, for lack of consultation with the National government, was built on a road reserve and had to be stopped and in Mua ward, that Kathome Market shed, I noted as I was going to Nairobi that the tanks have been vandalized; they are not there and the market has been lying unused for quite some time.

I was also not pleased with what I saw in Masii; the market shed was built in the area where livestock is sold and traders have refused to move in there and the market shed is currently being used as the selling site for goats and I was really dismayed to see goats instead of vegetable sellers taking that place.

So, Mr. Speaker, what we are saying is that in future, we are asking the government to bring in the public to help them to locate where things should be done and we should greatly consider consultations with other agencies to make sure that what we are doing is the right thing, otherwise we will witness a lot of wastage of resources by the county.

Finally, Mr. Speaker, my people should hear the report that Ikalaasa Market, as I go home because they have been bothering me, it is not my failure but the county government. The Ikalaasa market shed never kicked off; it is still in the foundation stage and the contractor withdrew over lack of payment for other works done to the county government. Otherwise, it is a good report and thanks to the committee.

**Hon. Speaker:** Thank you. I proceed to put the question.

*(Question put and agreed to)*

#### PRIVILEGES FOR MEMBERS OF FIRST ASSEMBLY

**Hon. Katela:** Mr. Speaker, Sir,

Aware THAT devolved governments came into being after the promulgation of the Constitution of Kenya, 2010 and was effected after the 2013 General Elections and aware THAT chapter 11 of the Constitution provides for County Government which consists of County Assemblies and County Executives;

Acknowledging THAT the members of the First Assembly of Machakos worked tirelessly to ensure establishment of proper structures for the County Government to function efficiently and that their efforts deserve that they be recognized as heroes and heroines of Machakos County and aware THAT members of the First County Assembly need to be honored for the sacrifices they have made in the county and need to continue enjoying the privileges they have been enjoying after the end of the first assembly;

Mr. Speaker, Sir, I wish to move the motion that the Hon. Members discuss and approve the motion that the members of the first assembly of Machakos, whether re-elected or not, continue enjoying the privileges of parking their vehicles free of charge within the county, across the precincts of the assembly and access the precincts of the assembly and obtain meals at the assembly cafeteria at a subsidized cost.

Thank you, Mr. Speaker. I wish to call upon Hon. Mueni to support the motion.

**Hon. (Ms.) Mueni:** Mr. Speaker, Sir, I support the motion because you know, not everyone will come back in this House. I think three quarters may come and somebody will not be coming from Masinga to come for a meal in the Assembly so don't think that we are asking for the meals in the Assembly; we have better meals in our houses, but when you come with your vehicle, you can be parking and not be asked for Ksh. 50 or Ksh. 100. That is not small money especially when you are coming from home; it is a lot of money.

Mr. Speaker, Sir, we are the first people to make this House and all the Bills of the House. The other people who will be coming will be passing over; even they will not be having a lot of work to do because we have made the work easy for them. So we ask you to pass this and even not asking more people to talk about it. Everybody is supporting it and many other things we are asking you to do for us; we are not going to say everything here. So, you can put the question and understand us about this. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** The motion has been laid; now you can proceed with the debate.

**Hon. (Ms.) Nzioka:** Bw. Spika, nimesimama kuunga mkono huo mswada ambao umeletwa na mheshimiwa Katela. Bw. Spika, kila tarehe moja mwezi wa sita, tunasherehekea Madaraka. Yaliletwa na mashujaa ambao walifanya kazi nzuri, wengine wakapoteza maisha ili kuona kwamba Kenya imekuwa huru. Sisi waheshimiwa katika bunge la Machakos ni mashujaa wa kwanza katika serikali ya ugatuzi. Bw. Spika, tumetengeneza mwongozo maana wale wengine watakuja baadaye wawe na njia nzuri ambayo wanaweza kufuata. Sisi kama wabunge tumepata bidhaa ambazo zilikuwa zinatusaidia ili kuona kazi yetu imekuwa rahisi.

Tumepatiwa vipatakalishi ambazo tumeweka mambo, habari zetu za muhimu na hiyo ni kazi ambayo tulifanya. Tungeuliza sisi kama waheshimiwa, hizo vyombo tulipatiwa tuzieke ziwe kama zetu na pia tukumbuke kwamba habari na miswada mingi ambayo tulifanya hapa kuna jambo la kujivunia. Mimi kama sitafanikiwa kuja, nitakuwa na jambo la kujivunia kusema kwamba hiki chombo nilipatiwa katika bunge. Kuna mambo mengi ambayo nimeyaweza hapo kwa hivyo nitajivunia kuwa mheshimiwa wa kwanza katika bunge la Machakos.

Bw. Spika, jambo lolote la mwanzo huwa sio rahisi. Ili kuzawadiwa, kuonekana tulifanya kazi nzuri, naunga mkono kwamba kama nina gari, nikija, mahali ambapo nitaageza gari langu nisiombwe hela kulipa. Bw. Spika sisi kama wabunge tumefanya kazi nyingi; itawezekana kwamba hatutaonekana muhimu wa kazi ambayo tulifanya lakini kwa kiujitolea, tumefanya mengi, kwa hivyo naunga huo mswada mkono kwamba sisi kama wabunge tuangaliwe.

Wale waliopigana sababu ya vita kuokoa Kenya wametengeneza kitu kama mkutano; wamekuwa pamoja, na juzi serikali ya Uingereza ili watuza kwa sababu ya kazi nzuri ambayo walifanya. Wengi walipoteza maisha na wamelipwa. Sisi tuzawadiwe kwa hayo ambayo yameletwa katika mswada na tutafurahi na Machakos tutaiombea mema ili iendelee. Asante.

*(Applause)*

**Hon. Speaker:** Lakini mheshimiwa, unaelewa kwamba hufai kujitakia manufaa kwa wakati wako wa bunge. Tunaelewa na hayo, na hayo ni ya kikatiba?

**Hon. (Ms.) Nzioka:** Bw. Spika naelewa. Mimi nimesema kama umenielewa vizuri sana, kipatakalishi ambacho nimepewa, nimeweka habari yangu muhimu na kuambiwa niregeshe, hio habari yangu muhimu mimi kama kiongozi kuna mwingine atakuwa na njia ya kuangalia habari yangu muhimu ambayo nimeweka. Kwa hivyo sio kujitakia; ni sababu mimi ni kiongozi na niwe na mahali ambapo naweza kuangalia habari yangu muhimu ambayo nimeweka ili mwingine ambaye atakuja, asiwe anaweza kujua mimi kama kiongozi, maana kiongozi wakati wote kuna sehemu ya kufanya kazi ya siri na unaweza habari yako muhimu katika hicho chombo ambacho unacho. Asante Bw. Spika

**Hon. Nduva:** Mr. Speaker, I want to support the motion and say that this First Assembly of Machakos and all other counties, we have gone a long way together with you to prepare the way forward for the other assemblies that will come after the first assembly. So, Mr. Speaker, anything possible that can make these Hon. Members feel honored is of great essence.

Like the parking stickers that we have, they are very important, not even in Machakos County; we border other counties, and I border Kiambu and Nairobi. Mr. Speaker, I don't pay parking fees there and it is not that I decline to pay; when they see this sticker, they give me that honour that I am a Hon. Member and a state officer in this country.

So, Mr. Speaker, my position would be, I support this motion and anything possible that can be done to reward these Hon. Members for the hard work that they have done. You know what we have gone through, like the motion that was on the floor about the market sheds; if it was not us and you Mr. Speaker, and we have prepared the way for the other assemblies that will come. Thank you, Mr. Speaker.

**Hon. Speaker:** Yes, but Hon. Nduva, the point I was making, I don't know whether you got it right, is that should you honor yourself or should you wait to be honoured by the next assembly?

**Hon. Nduva:** Mr. Speaker, if you got my statement well, I have made it clear 'if possible', because you know the Constitution is the supreme law of this land. Thank you, Mr. Speaker.

**Hon. Speaker:** You have left me more confused.

**Hon. Ngunzi:** Mr. Speaker, I am getting what you are saying that for us to be honoured, it should be by others, but they may not, although we will be against the law, but they may not see us as important as we see ourselves. So we also wonder, if they do not notice the great work that we did, then what happens? That is why Hon. Katela is trying to prepare our exit.

In any case, we were down in Mombasa and we were taught by one of the facilitators that normally, 60 per cent of members of any sitting House go home during re-election. So we are preparing and see whether we can get car passes, see whether we can get meals here when we come, see whether we can get parking, although again, the benefit should go to the next Assembly.

If we pass it today, it will go to the next assembly, so that is where I am seeking your guidance. What happens if they don't notice our efforts and award us what we deserve? Thank you.

**Hon. (Ms.) Mutune:** Mr. Speaker, Sir, I wish to support that we be given the honour that we deserve. As you know, once you attain a title, you die with that title. The same applies here; the privileges that we have been enjoying will---

**Hon. Speaker:** Hon. Christine, we don't have a problem with that, but we are struggling with a legal problem. Help us understand how we can allow this outside the Constitution.

**Hon. (Ms.) Mutune:** Mr. Speaker, Sir, it demoralizes a leader to find they are not enjoying the same privileges they were enjoying while they were in the assembly and they were serving the community with their hearts. It is also a way of motivating them to continue giving their leadership skills to the community even if they are not coming back to the House. It is good to be motivated to continue working for the public. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Yes Hon. Mutuku.

**Hon. M. Mutuku:** Thank you Mr. Speaker, Sir for granting me the opportunity to make some remarks on the same. Mr. Speaker, I would like to echo my Hon. Colleagues in supporting the motion and I would like to say, as you are aware, we are the pioneers. We are the foundation of Machakos first county assembly and Mr. Speaker, Sir, even for those who work even for the government, they are always given a pension.

I would like, if this Hon. House can create the provision of allowing Hon. Members once they exit, the first Hon. Members of the first county assembly of Machakos to be given a provision, actually what they are requesting, as a kind of pension; as a kind of appreciation for the services they have given to the residents of Machakos County, and by doing so, we will be in line with the traditions and customs of other assemblies in the world because at the end of the day, appreciation is always there. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. We can hear the mover of the motion. You had some contribution?

**Majority Leader (Hon. Mwonga):** Mr. Speaker---

**Hon. Speaker:** Hon. Majority Leader, perhaps what I expected members to tell this House is that this is the first house, it is disadvantaged, maybe.....let us hear you.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, allow me to start by saying I am supporting this motion because it is a well-thought motion by the mover and I think this motion touches on the lives of these Hon. Members after the expiry of the First Assembly, Mr. Speaker. Mr. Speaker, I think what this Hon. House is doing right now, we are borrowing from the National Assembly. The National Assembly is on record as having increased their salaries and nobody raised a finger against them by saying the Constitution says this.

Mr. Speaker, we cannot leave this to the next assembly. Some of us will be in this House, others will not be. Just naming a few, the member on my right, Hon. Mutuku, now representing Athi River ward, is seeking to be elected as the Mavoko Member of the National Assembly. We have our Chair of Chairs, who left his seat and wanted to seek the Wiper ticket as a member of

National Assembly for Yatta constituency. We also have the first chairman of Budget of this Assembly. Those ones cannot see the inside of this Assembly come next Assembly. So Mr. Speaker, the only way to honor these Hon. Members for laying foundation of the First Assembly and the county is to approve this motion as it is.

On the other issue which has been raised by Hon. Alice Nzioka about the laptops and the iPads, I thought these are not development assets; they were bought on recurrent monies, Mr. Speaker. You cannot be told to account for the recurrent monies after spending them. So, Mr. Speaker, I want to urge all the members we pass this in unison and say we have taken a lot of time deliberating on issues which are touching on us. Thank you, Mr. Speaker.

**Hon. Speaker:** Let us hear the mover.

**Hon. Katela:** Thank you Mr. Speaker. I thank fellow Hon. Members for supporting the motion simply because it touches on our welfare. Mr. Speaker, you remember some of us are old in this town and we have been in politics for quite some time even if not actively and you remember one time you represented Hon. Kalulu after he left the National Government and was accosted by council askaris for not paying parking fees and he ended up in court and he parted with Ksh. 50,000; he had to sell his only cow to come and pay. Thanks to Hon. Mulu Mutisya who also contributed. Mr. Speaker, I don't want a repeat of that.

When we know Hon. Mwonga was the first majority of this assembly, we start contributing for him after he is arrested by newly-employed council askaris for not paying Ksh. 50, so is Hon. Member for Ndithini. Mr. Speaker, please as you can read the mood of the House, they are just waiting for the question so that they can pass this motion.

Mr. Speaker, it is not that we want to benefit, but it is very sad for somebody like me who has been here passing motions and I find myself sitting at T-Tot hotel without taking tea because sometimes it is not a must that you have money every time, but when I come, even the cateress will sympathize with me and give me a second cup of tea and of course four *mandazis* and then I leave for home. Mr. Speaker, please, I urge and request that you put the question we pass this motion. Thank you.

**Hon. Speaker:** Thank you. Hon Members, I have heard you and I proceed to put the question.

*(Question put and agreed to)*

Hon. Members, we will refer this motion with a rider; we already have the law on privileges, then the motion will operate subject to our own law on privileges which is already passed by the House.

*(Applause)*

While there, there was a matter that was raised on laptops by Hon. Alice. That will be administratively handled but it is a matter that should not give you worries. Let us proceed with the next matter.

## **BILL**

### *First Reading*

#### MACHAKOS COUNTY TAX WAIVERS ADMINISTRATION BILL, 2017

**Hon. Nzeki:** Mr. Speaker, Sir, pursuant to Standing Order 119, I wish to move that the Machakos County Tax Waivers Administration Bill No. 3 of 2017 be read for the first time. Thank you, Mr. Speaker, Sir.

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

## **ADJOURNMENT**

**Hon. Speaker:** The House adjourns until in the afternoon.

The House rose 11.05 a.m.