

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Tuesday, 19th September, 2023

The House met at 10.49 a.m.

[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR
WELCOME REMARKS AFTER SHORT RECESS

Hon. Speaker: Good morning, Hon. Members. I have a communication to make. I take this opportunity. I take this opportunity to welcome you back for plenary sittings after recess. The short recess gave you an opportunity to interact with your electorates. It is through these interactions that you are able to generate business for the House through petitions, statements, motions and bills. I have the following communication to make

DEMISE OF HON. GIDEON SAUL
KAVUU, MCA, MUMBUNI NORTH WARD

Hon. Members, It is procedural and best practice that once a sitting member of a legislative Assembly passes on, a Communication from the Chair is made in the floor of the House and members given an opportunity to eulogize their colleague.

Hon. Members, you do recall that during the just concluded short recess, the Assembly lost Hon. Gideon Saul Kavuu, Member for Mumbuni North Ward which occurred on 19th September, 2023. The late Hon. Kavuu was born in 1958 in Kisooni village, Mumbuni Location, Machakos Town Sub-County.

Hon. Kavuu in his work life served as a teacher for 30 years with dedication and commitment. He joined politics in September 2012 as councilor through a by election and was later elected in 2013 as the first Member of County Assembly for Mumbuni North Ward. During the First Assembly of this house he was the Deputy Majority Whip. He served in Ward Development Fund, Education and Vocational Training, Justice and Legal Affairs and Trade and Planning Committees.

Hon. Kavuu was re- elected to the Third Assembly and held the esteemed position of Deputy Minority Whip which he served with a lot of integrity. During the Third Assembly he was a member of the Labour, Public Service and ICT, Culture and Tourism and Implementation Committees.

Hon. Kavuu was a forthright person who was very committed to serve and was brave in defending the rights for his people. He was very generous person who never spared any of his

resources to help colleagues and his electorate. He had high respect for others and his wise counsel as a leader and elder of this House will be missed.

I want to take this opportunity to appreciate the support offered by Hon. Members of this House and the Office during the burial preparation and send off of Hon. Gideon Saul Kavuu.

Hon. Members, I have notified the Independent Electoral and Boundaries Commission of the vacancy in the Position of Member of County Assembly for Mumbuni North Ward pursuant to Section 19(3) of the Elections Act 2011 which provides that whenever a vacancy occurs in a county assembly, the Speaker of the county assembly shall within twenty one days after the occurrence of the vacancy issue a notice to the Commission in the prescribed form.

Hon. Members, at this point I will request that we observe a moment of silence in Hon.or of our departed colleague for one minute. I request that you stand up. Thank you, Hon. Members. I will continue with the communication.

(Hon. Members stood in their places)

(Hon. Members observed a minute of silence in respect of the late Hon. Kavuu)

Thank you, Hon. Members.

UPGRADING OF THE ASSEMBLY BROADCASTING STUDIO

Hon. Members, Article 196(1)(a) of the Constitution of Kenya provides that, a County Assembly shall conduct its business in an open manner, and hold its sittings and those of its committees, in public.

In compliance with these provisions, the County Assembly has been streaming live broadcast of the proceedings of the House to the public through our YouTube channel. However, the Assembly Broadcasting studio is being upgraded for effective and efficient service delivery.

This means that the broadcast of today will not be streamed live. Nevertheless, the proceedings of the Assembly are being recorded by our officers and will be uploaded in the channel later. It should be noted that the HANSARD recordings of the House proceedings are not affected by this upgrade.

COMMUNICATON FROM THE CHAIR EULOGIZING HON. GIDEON SAUL KAVUU, MCA, MUMBUNI NORTH WARD

I now want to give you an oppotunity to eulogize the Late Hon. Gideon Saul Kavuu. Thank you, Hon. Members. I can have a few Members just make a comment to eulogize our departed colleague. Hon. Minority Leader.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. Hon. Speaker, it is unfortunate that we left this House 60 of us and we have come back today minus one of us. Since God is the one who gave us Mheshimiwa and he is the one who took him and we have nothing to say. We just say let the will of God be done. Hon. Speaker, on behalf of the residents that I represent in Matuu and on behalf of the Minority side I want to take this opportunity to register

our condolences to the family, friends and electorates of Mumbuni North for losing their leader Gideon Saul Kavuu. May his soul rest in eternal peace. Amen.

Hon. Speaker: Thank you, Hon. Minority Leader. Hon. Evelyn.

Hon. Everlyn Nzeki (Kangundo East, MCCC): Thank you, Madam Speaker. I stand here to eulogize the late Hon. Gideon Kavuu. He was not only a colleague but also a friend. He was my Deputy Minority Whip and we also shared two different committees. He was very cooperative. All the time he was real and he could put things right and on the table. I cannot forget to say what Mheshimiwa used to tell me. What rarely men can advise a woman.

All the time Mheshimiwa could remind me that I came into this Assembly with dignity as a married woman and I should uphold it and never allow politics to come between and make me destroy my reputation. So all the time I remember Mheshimiwa for that advice and to the family and the entire people of Mumbuni North we register our condolences and May his soul continue resting in eternal peace. Thank you.

Hon. Speaker: Thank you, Hon. Member. Do we have more eulogizing.....proceed Hon. Majority Leader?

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I stand here Madam Speaker, not only to eulogize the late Mheshimiwa Kavuu but also to posthumously thank him for all the effort and representation he did for the people of Mumbuni North. I have come a long way with him. When he was first elected to serve as a counselor in Municipal council of Machakos, I used to work there and when he came in he was elected as the Deputy Chairman of the public health and environment committee and since then until his demise we worked closely.

I want to pass my condolences to his family, friends and people of Mumbuni North and also ask our colleague for the reminder of our time that we keep his spirit alive. So may his soul rest6 in peace. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Majority Leader. Hon. Wanjiru.

Hon. Ruth Kamau (Nominated, CCU): Thank you, Madam Speaker. I do not talk a lot in this House but today I have to say something concerning the late Hon. Gideon Saul Kavuu. As it has been said he was a man of wisdom. We have interacted ion the Agriculture Committee mostly when we went for site visits, we found ourselves to be three in number. Sometimes he would drive us because I would tell him....we had created a rapport that we could talk freely so I would tell him I am not yet confident to drive down and uphill so he would say I am going to drive you and we are not going to leave you. So most of the times...our agriculture chairperson would bear me witness he would drive us to the site visits and back and not ask for a single coin.

Also as Mheshimiwa Everlyn has said, the late Hon. Gideon would advise us especially the young women in the Assembly that we need to uphold the dignity that we came with and not to play around too much. The first day I spoke to Hon. Gideon he did not know me. He knew my name but he had not put a face to the name so he told me, the first day we spoke, that when you stood to talk, I was giving a report of the Public Accounts Committee and he said; when you stood to speak, I asked Mheshimiwa Dickson who is that lady? Who is that Hon. Member?

Then he know he put a face to the name and I can say we were good friends. I will truly miss him. I am one person who does not just say things because they are being said I am going to miss his presence and I pray that God will give His grace to the family. It is not easy to lose a loved one and I pray that His soul will continue to rest in eternal peace. Thank you.

Hon. Speaker: Thank you, Hon. Member. Hon. Catherine.

Hon. Catherine Mutio (Nominated, WDM-K): I stand here to eulogize our late brother. Mheshimiwa Kavuu used to call me sister because in our Kamba community our clan Ethanga and when he came to know my clan in 2013 when he vied with our party WDM-K I am the one who issued the certificate in 2013 when he was vying and he remembered me. Even when he was away he used to call me. When he came to meet me here because he knows have been with the party for long he was very happy about it and he told me; my sister welcome to the Assembly, God's timing is the best.

I know I am going to miss Hon. Kavuu because I remember, Mheshimiwa Evelyn bear me witness when we were going to Mombasa for retreats, he used to tell us that we have to use the same SGR. *Tafathali mundivie*, he used to use that word and we would sit in the same seat and he could go telling us that we are here as brothers and sisters. He could tell us to call that person and get some tea we kept on sharing with Mheshimiwa Kavuu. When I heard about Mheshimiwa had passed on, I was attending the wedding of my neighbor's daughter and I am the one who drove the maids to the wedding and I was at the reception.

Mheshimiwa Ndawa, you will bear me witness that I did not know only to tell me....I was calling you because of a patient who had been taken to Matuu Level IV just to understand more because they had been struggling, there were no drugs then Mheshimiwa Ndawa told me; Mheshimiwa have you seen the message? What? We have lost Mheshimiwa Kavuu. I just took my seat back at the reception and sat down. My friends came to ask me what has happened. I just told them that we have lost a colleague and I need about an hour to get strength so that I can drive myself home.

I sit here to pray for the soul of Mheshimiwa Kavuu. I am a Catholic and I bear witness that the life God is going to give me in this world ...on 2nd of November, we call it All Saints day and Mheshimiwa Kavuu will be in my list as we pray for the souls of the departed who have left us. I have lost a friend and a brother and I know that the God who is in heaven is going to do us good.

I pray for the family and people of Mumbuni North have lost a leader and we know that God is faithful and he knows the leader will come up. That is my prayer and may the soul of the departed brother rest in peace. Thank you.

Hon. Speaker: Thank you, Hon. Member. Hon. Mbula then Hon. Munywoki in that order.

Hon. Constance Mbula (Nominated, MCCC): Thank you, Hon. Speaker. I wish to say I knew Mheshimiwa Kavuu a long time ago. I think before 2013 and we met in a petrol station and I saw him in a hurry and he was saying *kazana mimi naenda* Mombasa. Then I told him; Mheshimiwa go slowly and I wondered are you driving alone? He said 'yes Chairlady because that time I was a chairlady of Maendeleo ya Wanawake Organization. He said; yes chairlady you want to come with me we go. I said I have no reason to go to Mombasa but please drive slowly.

He drove slowly and reached Mombasa and after he came back from Mombasa we met again and it is when he was telling me, you know when you are a Mheshimiwa you have to go relax this and that and by the way I had no idea when people become Mheshimiwa they go for trainings and so I thought that this short man is so lucky he drives himself to Mombasa, he is so good, he is so nice and so it ended there.

In the next campaigns there were two people campaigning for Mumbuni North and they shared a name. There was Hon. Kavuu and another Hon. Kavuu who was a lady. I think people of Mumbuni North know that and so we met and he told me I know you know a lot of women can you talk to them to give me votes and I was thinking here there is a woman and I stand for women how will I do it knowing for Kavuu.

So we went on and before we finished I saw this lady was not going anywhere because her story told it all. Her future and however she lived her life told it all so I turned and started campaigning for Kavuu and luckily Kavuu got the seat and from there we moved on. Hon. Kavuu was my neighbor here he used to seat here and every time he was coming he would start with Hon. Rose and he would not great us with hands; he would pass his leg to Rose then he comes passes a leg to Hon. Penninah and he passes two legs to me then he comes to sit.

That way we made friends and he used to tell the three of us that we are in the same age group so we should not fear him. I used to make the biggest joke of all I used to tell him we do not fear you but can you try one so that we know---

Hon. Speaker: That kind of communication was going on while we in the House?

Hon. Constance Mbula (Nominated, MCCP): When we were just sitting there, Madam Speaker, and then we would talk like that whenever we would go out every time he had one of us around him; he was so comfortable and so happy. I say Mheshimiwa Kavuu wherever you are kindly please rest in peace and know the three of us are still here and we keep praying for your soul.

(Laughter)

I hear as people speak they say those who died can see those who are alive, they talk but we cannot communicate. In that sense I believe Mheshimiwa Kavuu is watching us he is seeing us. So please my dear rest in peace. In case we meet we are still the three of us here the legs could pass. Thank you and may his soul rest in peace.

Hon. Speaker: Thank you, Hon. Mbula. Thank you very much for that humor. Hon. Munywoki.

Hon. Julius Munywoki (Matungulu East, UDA): Thank you, Madam Speaker. I stand to eulogize my brother who has passed on and I can say that I came to know Hon. Kavuu because we were travelling on the same train of diabetes. We used to share common things because I have been diabetic for the last 28 years so I used to tell him what to do to manage it and other things. I could not make it just to go to the funeral even to console the family because I was also unwell. I was advised by my doctor not to make some movements like travel because of fluctuation of my blood sugar.

Despite what happened in my ward I forgave them; when I was sick I did a letter to the Speaker, that I was not feeling well and even some Hon. Members would say they normally see darkness where I sit and I wonder whom do you report to? is it your fellow teacher or the principal of the school? If my HOD knew where I was, I was unwell, and it was unfair for somebody to stand and insinuate about my absence. I do not have much to say; thank you, Madam Speaker, may the soul of our departed brother rest in peace. Thank you.

Hon. Speaker: Thank you, Hon. Munywoki. Hon. Paul then Hon. Muoki.

Hon. Paul Wambua (Kibauni, PTP): Thank you, Madam Speaker.

Hon. Speaker: This is the only opportunity you can interact on Mheshimiwa Kavuu.

Hon. Paul Wambua (Kibauni, PTP): Hon. Kasanga, will be the last because he is just coming. Thank you, Madam Speaker. I stand here to eulogize our departed brother, our senior Mheshimiwa Kavuu whom I knew just before the elections. When we met first we were at Hon. Ngunga's place and someone ordered chicken and I did not know Hon. Kavuu had an underlying condition but he said my chicken *weka kitunguu peke yake* and there is no tomatoes, so that is when I began knowing that he had an underlying condition.

Hon. Kavuu was a man who had a lot of wisdom; I remember the last time when we were in Eldoret for the Devolution Conference we walked with Mheshimiwa Ndawa, Hon. Kasanga to see him in his car because he was not feeling well and he would not attend the conference although he was in Eldoret and that evening we also met at the Governor's dinner and we sat together with Mheshimiwa Mbuva, Mheshimiwa Kasanga and I think Mheshimiwa Kavuu gave us very good advice that time. One thing that he said is that a politician does not leave politics.

He gave us his history of how he joined politics through KNUT and later became councilor and he told us; you guys we are in parliament, our work is in parliament and at any given time you are your brother's keeper. I wish we would live by the words of Mheshimiwa Kavuu. He used to tell Maeke and I; *tumwana tuu mumbuia ngui muno*.

There is a time we were in Mombasa at the swimming pool with some other people who are not Members and Mheshimiwa Maeke made fun of Hon. Kavuu. He was telling the white guys that; this is my grandfather but we work together. That is a joke that I will never forget and whenever I remember I laugh a lot. So may the soul of Mheshimiwa Kavuu rest in peace and may his family find solace in Christ. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Paul. Hon. Muoki and then Hon. Anastacia after.

Hon. Muoki Musila (Ndithini, WDM-K): RIEP Man Giddy, that is what I used to call him. One thing I liked is how he pronounced my name the way I like Muoki wa Musila. He would call me that when we are out there, I loved it and I feel having lost one of my agemates. Remember we used to sit a long this area, no wonder that lady commented that way. That one I did not know but it is a nice one. It is the back bench of the elderly and I pray that the cruel hand of death does not come through this door again during our time. Can it delay a bit up to forever; no, you must go at one point in time that is the truth but then not this time. We pray the soul of Hon. Giddy rest in peace.

Remembering the last time, we were together, we were the three of us; Hon. Kavuu, Hon. Rose and I, I think in the cafeteria and he made a certain joke and it was nice, I had to walk away. That man, Hon. Gideon Saul Kavuu as I knew him, he was such a good man to be with. One time we met with him at Voi then we had some lunch somewhere before we proceeded on to Mombasa. We talked a lot, that he we had a problem with his foot then I was asking him; do you mean you are driving to Mombasa in such a foot. But then he told me he had a driver and we joked a lot before we could proceed on.

So, I want to say is, I have lost one of my best friends just like the 59 others who are here and the rest of the Clerk Assistants and the Speaker. I cannot talk even more; I think that is good enough for me and Mr. Kavuu, may his soul rest in peace. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Anastacia.

Hon. Anastacia Nundu (Nominated, WDM-K): Thank you, Madam Speaker for catching my eye. I stand to eulogize a colleague. I did not share a lot with Hon. Kavuu like Mheshimiwa Constance Mbula has explained it but we shared Labour Committee and he always used to tell us to keep the focus. Those who we together in the dance team, we can attest us we lost a lot because Mheshimiwa had promised us a lot but we cannot judge God. May the soul of Mheshimiwa rest in peace and may his family get favour from the Lord. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much. Hon. Dee then Hon. Rosina, Hon. Rose, Hon. Katiti in that order.

Hon. Mutisya Kivuva (Nominated, WDM-K): Thank you, Madam Speaker. Mheshimiwa Gideon Kavuu was the first elected Member of Wiper Democratic Movement in the whole country in the year 2012. If some of you can recall, we were with ODM-Kenya but we transformed in to WIPER late in 2012 and he was the first elected Member, not councillor nor MP but he was the first Wiper Democratic Movement elected member in the whole country. That is how deep he was with my party. We must draw some lessons; personally I have that we are all on borrowed time.

Today, as the Minority Leader said, we adjourned with him, we have resumed without him and we will never see him again. May be those who will go to heaven like me, we might meet him there but here on earth, he has gone. The lessons I am saying; let us love another, let us care for one another. You do not know tomorrow. You might harbour those killer instincts or hate instincts against your colleague and tomorrow we adjourn with you and we resume without you.

We are born of mothers, we might have our differences but let us always find a way to resolve as quickly as possible and move on and as we pray that remain alive all of us, it is not good for all of us to remain alive and we are wrangling. As we pray to remain alive, let us also strive to forgive each other and love one another. I want to quote my good friend Mother Teresa who said this and if you allow Madam Speaker, I will do a Kikamba stanza song as I finish in honour of my late brother, we have come from far.

Mother Teresa says this, "people are often unreasonable and self-centred forgive them anyway. If you are kind, people may accuse you of ulterior motives be kind anyway. If you are honest, people may cheat you be honest anyway. If you find happiness as I have always done,

people may be jealous, be happy anyway. The good you do today may be forgotten tomorrow, do good anyway. Give the world the best you have and it may never be enough, give your best anyway. For you see, in the end, it is between you and your God. It has never been between you and them anyway.”

The gist of this is, let us be genuine and let us love one another and if Madam Speaker, you have allowed me.

Hon. Speaker: May be because of---

Hon. Mutisya Kivuva (Nominated, WDM-K): It is just one minute---

Hon. Speaker: So that everybody can also get an opportunity to say something I suggest that you do not---

Hon. Mutisya Kivuva (Nominated, WDM-K): I sing outside!

(Laughter)

Thank you, Madam Speaker, and if you remember, both of us we are sick and I am just recovering so you would have allowed me because we almost went together!

(Laughter)

Hon. Speaker: Is it okay Members? You can proceed.

Hon. Mutisya Kivuva (Nominated, WDM-K): Thank you, Madam Speaker.

(Hon. Kivuva chanted a hymn song in local lingua)

Thank you, Madam Speaker. *Koma nesa* Gideon Kavuu.

Hon. Speaker: Thank you very much, Hon. Dee. Hon. Rosina then Hon. Rose then Hon. Katiti, Hon. Kasanga and finally Hon.DS and Mheshimiwa Dickson as well.

Hon. Rosina Wambua (Nominated, WDM-K): Thank you Madam Speaker. Much of my sentiments have been exhausted by Hon. Members who have already spoken ahead of me, but I am going to zero-in on one point; one time I shared about my investment with Hon. Kavuu. I am doing some investment in Lower Kiandani and that place is in his ward. He had humbly approached me and told me, though he is not sure he will belong into WIPER party, he had requested me to give him his vote because I will be his voter in Mumbuni North.

So, Madam Speaker, I am so sad that he did not live to see me give him his vote come 2027. So, I pray that God grants him eternal peace. Rest well Mheshimiwa Kavuu. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Rose.

Hon. Rose Wavinya (Nomitaded, UDA): Asante Bi. Spika. Naona kila mtu anahuzunika hapa lakini mimi, Mbula na Penina tuko zaidi. Kwa hakika sisi *tumemiss*. Mzee alikuwa anatumfurahisha sana. Sijui ni nani anaweza kuwa kama yeye hapa; hata DS nilikuambia tukiwa Kabarak hakuna mtu ako na roho safi kama Kavuu hapa.

(Laughter)

Na si eti alikuwa anataka nini ama nini lakini alikuwa anatumfurahisha sana. Na nitoe shukrani kwa yeye tena, alikuwa anatambua familia ya Mulu Mutisya.

Alikuwa kila wakati akiniona; *mukaa mwana wa Mulu wa Mutisya, suvia isyitwa ya ithe waku*. Alikuwa anaambia Irene, *mwiitu wa Mulu Wa Mutisya, suvia isyitwa ya ithe waku*. Kwa hivyo mimi nimemkosa sana, nimemmiss sana lakini sisis watatu tunajua Mungu atatupea mtu na ni nani hapa?

(Laughter)

Inaonekana hawa wengine ni vigeugeu hawajazeeka.

(Laughter)

Mungu amweke mahali pema mahali alipomchagulia. Mbarikiwe wajumbe.

(Applause)

Hon. Speaker: Asante sana Mheshimiwa Rose. Hon. Katiti.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Madam Speaker. One thing that excites me is the attachment that the late Hon. Kavuu had for men the heroes of this House and still the same attachment was also echoed back to the heroines of the Assembly from the confirmation and the words we have heard from the Members behind me. I want to say, Hon. Kavuu was a good man, a mentor, a role model to us especially those who are young because he used to tell us he has been in this Assembly for a while and he has seen much and he expected to see more.

He was always truthful to us and I can say he was a man who could not canonize the demons and demonize the sins. He always stood for what was right, was truthful and he lived to what he believed in. May his soul rest in eternal peace. Thank you.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Kasanga.

Hon. Justus Mutuku (Wamunyu, PTP): Thank you, Madam Speaker, for giving me this opportunity. I want to join my colleagues in eulogizing this very senior Member. I have few comments to make; when I was elected for Wamunyu ward and joined this Assembly, I met this gentleman. He told me you are young man and humble yourself and that is what I am doing even now. Madam Speaker, Mheshimiwa Kavuu is late but to me he was my father. All the trips to Weston, to Panari, I used his car.

I remember when we had Devolution Summit in Eldoret; I travelled all the way with Mheshimiwa Kavuu together with Mheshimiwa for Kivaa, Hon. Aliphonce. We assembled in the Assembly at around 3 o'clock and we started the journey the four of us; myself, Hon. Aliphonce, Hon. Kavuu and his son who was our driver and we went to Eldoret.

When we were travelling, Mheshimiwa Kavuu was not feeling so well but he was strong enough that he could communicate and he could even share with us. I want to thank the Minority Leader of this Assembly, Mheshimiwa Judas. When we arrived in Eldoret, we left Mheshimiwa Kavuu in his car. He slept there and when I met with the Minority Leader, he told me he wanted to see Mheshimiwa Kavuu and indeed, he joined us with Mheshimiwa Don and we went to see him.

One thing I want thank that team led by Minority Leader is that when we saw Kavuu, he told us we must take Kavuu somewhere to take lunch. Thank you, Minority Leader; you did good and Mheshimiwa Kavuu was strong. We took lunch together, we were called for dinner by Her Excellency the Governor we joined and the rest Hon. Kyee, Hon. Annastacia, Mheshimiwa Don and others and I remember Madam Speaker, Mheshimiwa Kavuu called me and told me; plead with Her Excellency the Governor so that we might leave because it is like the houses in Eldoret were not available for him to sleep there. Her Excellency the Governor permitted us to leave.

Again, we left Eldoret around 6 o'clock, it was raining heavily and we came to Nakuru and that is where we slept. We took late supper together and the houses that we slept we were the three of us Mheshimiwa Aliphonce went somewhere else but I and the son of late, Mumo and Mheshimiwa Kavuu we took rooms on the same floor. We had a good night and in the morning he decided he does not want to take breakfast in Nakuru so we left to Naivasha.

On arrival to Naivasha we took breakfast but he jokingly told Aliphonce; I just need a cup of tea from you and he pointed at me and said; Mheshimiwa Kasanga you will buy the accompaniments. I bought *samosa* and Mheshimiwa Aliphonce bought tea and he took tea only and in completion of our breakfast he told me, Mheshimiwa Kasanga now water for me, one litre and I did so.

Then we left to Nairobi and all the way he was jovial, very strong until when we arrived in Machakos. It is at that moment when I realized a state officer has history behind because after his demise, I was called by several leaders including DCI and the County Commissioner because the last people he interacted with I was one of them. To me, I lost a father and a colleague who was advising me accordingly.

I join this House and plea with this House as a remembrance of Mheshimiwa Kavuu, let us unite, let us love each other and let us have a turning point and join the family to wish them well and strength. From me, I want to say Mheshimiwa Kavuu continue resting in peace. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Deputy Speaker then Hon. Dickson and we will have Mheshimiwa Peninah also eulogize the late. Proceed, Deputy Speaker.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I would say it is a sad state for this Assembly of Machakos---

Hon. Speaker: And as you continue Hon. Deputy Speaker, I want Members to note that Hon. Kavuu died on 19th of August, 2023 and today is 19th September, 2023; it is exactly a

month. Just for your information; the mother of the House has reminded me. Thank you, Hon. Phoebe.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I was saying, it is a sad state for this County Assembly, the family, friends and the residents of Mumbuni North after losing one of our own. Madam Speaker, as the other Members have said, we left here 60 of us, today we are less one and that is how life is. Hon. Gideon we worked together in the leadership. He was a man of few words and he meant what he said.

Madam Speaker, if I may remember, at Eldoret when he was requesting for permission to leave Eldoret citing the issue of his health, I remember he talked to the Governor and requested for permission. He still came to you and requested you for permission and he again came to me and I told him Mheshimiwa you have been permitted by the Speaker, there is no need of again telling me. But he told me, no DS it is good that I also tell you. Little did I know that that those were his last words with me.

To me it was not easy and it calls for all of us to be prepared. We were 60 and now we are planning for a replacement of our own brother. We need to think and work together because this life is always funny; you cannot tell who is next and when. So, by those remarks I would say let the soul of our departed brother Hon. Saul rest in peace. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Deputy Speaker. Hon. Dickson then Hon. Peninnah.

Hon. Dickson Maundu (Kangundo Central, MCCP): Thank you, Madam Speaker. I stand this morning to eulogize the departed colleague one Gideon Kavuu. I came to know him just before I was elected because one of the sisters to his wife is married in Kangundo Central and he used to visit them. They are my good friends and we met when he had visited them in their church. We talked a lot concerning politics and I was introduced to him and we talked and shared a lot just before the elections. When we came to this House, again we met the same Kavuu, a joyful man, very friendly, very understanding, very cooperative and we have shared with him in two committees and that is Agriculture and Social Welfare services.

The late Kavuu has not only left the people of Mumbuni nor his family, he has also left this Assembly and I take this opportunity to say *kwaheri* to Hon. Kavuu. I always remember times when we were in Mombasa, we used to share supper with Kavuu and there is a place I cannot remember where he used to take us for supper; Kawawa and I will miss that company. The last time I spoke with the late Mheshimiwa was on his way back from Eldoret. He called me from Nairobi and told me that he was in Nairobi on his way back from Eldoret.

Although I was in Eldoret we did not meet because I think there were too many people so he called me and told me that he has already booked a house for the coming sports which were to be held in Nakuru so those were the last times that I spoke with Hon. Kavuu. To the three ladies I want to say pole for losing your friend and the only person age mate to Kavuu is Kavaa so you are in good hands.

(Laughter)

Thank you, Madam Speaker.

Hon. Speaker: That is a good offer Mheshimiwa Dickson. Thank you very much. Mheshimiwa Penninah.

Hon. Penninah Kanini (Nominated, PTP): Thank you, Madam Speaker. I do not want to repeat what my colleagues here have said about Mheshimiwa Kavuu. Kavuu was just a friend to us and I will miss him personally; what everyone here has said about Kavuu is the mere truth. We will miss him so let his soul rest in eternal peace.

Hon. Speaker: Thank you very much. I think maybe we can conclude eulogizing our friend, our colleague at this juncture but that will not go without me eulogizing my Member of the County Assembly. Personally, I think I have lost a very committed Member and I shall miss him a lot. What has come out of the eulogies all of you have made is that this Member of County Assembly of Mumbuni North was a gentleman. He was a very generous person, a man full of honesty, he was a person of integrity, committed, a friend to everyone no one has said that he was not a friend to me and no one has really said anything negative about Mheshimiwa Kavuu.

I want to join you as your Speaker to also feel the loss and ask you that you pick something from what you have just said about our departed friend. You pick something because from what you have said he has left a legacy that somebody should look at and say really this was a good person and we can pick something even from the political journey that we have all mentioned here. His service to the people as a teacher, as a councilor, his service to the people as a Member of the County Assembly for two terms and this was his second term having not made it in Second Assembly.

It is something as a County Assembly we can really think about seriously and think about what we will leave as a legacy behind. What will people say when I am gone because everybody will go anyway whether we like it or not we are all on transit? The best thing is to leave a mark, a legacy behind and that legacy should be a positive legacy, a positive mark making a difference in another person's life, making a positive impact to the community and to the society.

So as we forge on and as we move without him, we should always remember the lessons we learned from his journey with us. Thank you, Members and let us proceed with the proceedings for today. Thank you. Can we go to the next order clerk?

PAPERS LAID

Hon. Speaker: May I call upon Hon. Nicholas Nzioka, Hon. Philip Ndolo in that order to lay down their Papers.

VARIOUS PEPERS

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you Hon. Speaker. Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today Tuesday, 19th September, 2023:

Guidelines for the preparation of Financial Year 2024/2025 and Medium Term Budget.

Departmental Progress report for the year ended 30th June, 2023 for the Department of Youth and Sports.

Departmental Progress report for the year ended 30th June, 2023 for the Department of Gender and Social Welfare.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. The first Paper is committed to Budget and Appropriations Committee. Paper No. 2 is committed to Youth, Gender, Sports and Social Welfare Committee and Paper No. 3 is committed to Youth, Gender, Sports and Social Welfare Committee. May I call upon Hon. Philip Ndolo to proceed to lay the other Paper?

AUDITOR-GENERAL REPORT ON THE MACHAKOS WATER
AND SEWERAGE COMPANY FOR THE YEAR ENDED 30TH JUNE, 2020

Hon. Philip Ndolo (Mitaboni, UDA): Thank you, Hon. Speaker. I wish to lay the following Paper on the floor of the House today Tuesday, 19th September 2023, the Report of the Auditor-General on the Machakos Water and Sewerage Company for the year ended 30th June 2020. Thank you, Madam Speaker.

(The Papers were laid on the Table)

Hon. Speaker: Thank you, Hon. Member. Next Order.

NOTICES OF MOTION
AUDIT REPORT ON THE MACHAKOS WATER AND
SEWERAGE COMPANY FOR THE YEAR ENDED 30TH JUNE, 2020

Hon. Speaker: May I call upon Hon. Philip Ndolo Chairperson, Public Accounts and Investments Committee to come forward and give the notice of Motion.

Hon. Philip Ndolo (Mitaboni, UDA): Thank you, Hon. Speaker.

That aware that Article 229(5) of the Constitution provides that “the Auditor-General may audit and report on the accounts of any entity that is funded from public funds;

Further aware that, Article 229(7) of the Constitution that states that Audit Reports shall be submitted to Parliament or the relevant County Assembly;

Cognizant that the audit report on the Machakos Water and Sewerage Company for the year ended 30th June, 2020 was received in the Assembly pursuant to Article 229(7) of the Constitution;

Further aware that the report was committed to the committee of Public Accounts and Investments pursuant to Standing Order 185(2)(b) and (c) that states that “Public Accounts and Investments Committee shall be responsible for examination of reports, accounts and working of the County Public Investments and whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices.”

Aware that the Committee after receipt of the report conducted several meetings with the Accounting Officer of the Company together with officers from the office of the Auditor General and consequently compiled a report;

Hon. Speaker, I wish to give Notice of Motion that this House discusses and approves the audit report on the Machakos Water and Sewerage Company for the year ended 30th June, 2020.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Next Order.

STATEMENT

BUSINESS FOR THE HOUSE FOR 19TH TO 20TH SEPTEMBER, 2023

Hon. Speaker: May I call upon Hon. Nicholas Nzioka, Majority Leader, Member of the County Assembly Machakos Central Ward to proceed and make those Statements.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met on Monday 18th September, 2023 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted business as follows:

Tuesday, 19th September, 2023

Morning at 10.00 a.m.

- a. Statement on harassment of hawkers within Machakos town central business district by Hon. Nicholas Nzioka.
- b. The Machakos County Health Services (Amendment) Bill, 2023- First reading
Report of the Auditor-General on the County Executive of Machakos for the year ended 30th June, 2019 by Hon. Philip Ndolo.

Afternoon at 2.30 p.m.

Report of the Auditor-General on the County Executive of Machakos for the year ended 30th June, 2019. Continuation of debate by Hon. Philip Ndolo.

Wednesday, 20th September, 2023

Morning at 10.00 a.m.

- a. Statement on El Nino Preparedness by Hon. Dominic Maitha.
- b. Report of the Auditor-General on the Machakos Water and Sewerage Company for the year ended 30th June 2020.

Afternoon at 2.30 p.m.

Motion on Prenatal Care by Hon. Ruth Wanjiru.

STATEMENT SOUGHT

HARASSMENT OF HAWKERS WITHIN
MACHAKOS TOWN CENTRAL BUSINESS DISTRICT

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Madam Speaker, I will continue with the next Statement and this is a statement on harassment of hawkers within Machakos town Central Business District. I want to be on record that I am seeking the statement as the elected Member for the Machakos Central Ward.

Hon. Speaker, aware that in recent years, Machakos County has witnessed a marked increase in the number of hawkers in the Central Business District (CBD) and its environs;

Further aware that there has been a problem between hawkers and licensed rent-paying business entities who compete for the limited space available within the CBD and its environs; deeply concerned that the way hawkers are treated by the County inspectorate and enforcement is wanting;

Noting that these hawkers are residents of Machakos comprising of youths and women who try to earn a living by hawking due to unemployment which is a nightmare for both the National and County Governments;

Hon. Speaker, pursuant to Standing Order 41(1), I wish to seek a Statement on what the County Government of Machakos is doing through the Department of Trade to ensure that the hawkers carry out their businesses within the CBD and its environs without being involved in a running battles with the County Inspectorate Department.

Madam Speaker if you allow me expound on what I seek to get or to know. First of all---

Hon. Speaker: Proceed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. First, allow me to describe the nature of my Ward. Machakos Central Ward is deeply a cosmopolitan and urban set up where 90 per cent or let us say eighty percent of the Ward is urban set up. Whereby in urban set up the main economic activity is business or enterprise from the smallest enterprise to the largest enterprise, you can imagine. What I say in this Ward our main economic activity is business and then we have all sorts of businesses going around but I want to say that we have had small micro enterprises (SMES) the smallest level of business as the main activity.

If you walk around Machakos town you will find a person whose stock or what he has put in to the business could be Ksh. 200 so that he makes an extra Ksh. 50 to earn a living or could be a Ksh. 1 million so that he makes his profits and these people have nowhere to do their business.

I want to say also that land as one of factors of production does not expand. So the area that is Machakos CBD will never expand even if we are going to stay here for 100 years. What happens is we will have more people coming into that area to try and eke a living. So what am I trying to say? It is within this area that we must look at how we take care of everyone so that at the end of the day we go home and feed their family, pay school fees, take care of medical bills, pay rent and so many others.

So what I am saying or asking is within this limited space, how we can allow each other to make a living. You will all agree with me that the rate of unemployment in this country is almost 70 per cent so so many people leaving formal education are coming to the same market. Yesterday I saw in the electronic media that 7,000 turned up for 300 vacancies at Embakasi so that they can be taken into the military.

It is happening everywhere; when we had the same exercise at Kenyatta Stadium here in Machakos more than 2,000 young people turned up against less than 50 slots. That shows you the rate of unemployment and while these young people try to eke a living they are met with a

systemic force that is telling them they cannot continue to trade. The question is where do we take these young people?

That is why I am seeking or asking what would be the alternative if we do not allow them hawking what are we telling them. Are we telling them to leave Machakos town? Are we telling them to go die? What are we telling them? I want to create a scenario of a life of a hawker in Machakos town. Currently, and I will start with the positive side; a hawker will wake up in the morning and go to his source where he picks his goods. He is not going to give money; he is going to get the goods on credit. Many of them take on credit.

After they take the goods on credit, they agree with the person giving them the goods that once you finish selling you bring back my money and go home with your small profit to feed your family. That is very positive because at the end of the day the person or the wholesaler goes home happy and the hawker goes home happy.

Madam Speaker, the negative side of the life of a hawker in this town. The same hawker, I want to take an example of people who sell smokies and boiled eggs. I almost partake of those eggs every day. The same egg once boiled at home is not as delicious as the egg that is on the street, I do not know what the arithmetic is. I do not know what the mathematics is; I leave boiled eggs at home and I come and eat the hawkers boiled eggs.

(Laughter)

Imagine that person, Madam Speaker, goes to the person with eggs, the wholesaler, he picks three crates of eggs and one crate of egg is Ksh. 450 so that computes to Ksh. 1,35 so he goes on and buys tomatoes, onions and pepper. Let us give the whole of that Ksh. 200 adding up to Ksh. 1,550 then he has an extra cost of boiling the eggs put it at Ksh. 200 and that is Ksh. 1,750. Then he has to cost his energy so before he comes to the market let us put the energy at Ksh. 250 so before he sells a single egg he is negative Ksh. 2,000.

Now this hawker, before he sells a single egg is arrested, taken to court, the court imposes a fine of Ksh. 1,000 so the same hawker is negative Ksh. 3,000. Then after she has looked for the Ksh. 1,000 and paid so that he is released or he is released, he comes and finds that the eggs were thrown away because it is said it is against public health.

So that day that lady or man goes home minus Ksh. 3,000; what are we doing to these people? We cannot employ them all, we cannot absorb them to formal employment so what are we doing to these people? Are we not killing them literally? We do not have to take a gun to shoot them but you are literally killing them. I want to challenge and say these are the same people we were asking for votes. When we went out asking for votes they were our cheerleaders and they came out and voted for us.

So are we saying that since now we are not in that mood of asking for votes *tukutane* 2027. Are we saying that? My take is that we need everybody here; we need to find solution and more importantly a solution that will be a win-win solution for the trader who is protected by the government and for the small trader who feels not protected by the government.

Lastly, Her Excellency the Governor while she was campaigning her clarion call was *chakula mezani pesa mfukoni*. What we are doing to hawkers in Machakos town is neither *chakula mezani* or *pesa mfukoni*. When you go home at minus Ksh. 3,000 neither you have the money, neither do you have the food. So, Madam Speaker, this is a very emotive issue and I pray that this House comes in aid of these small traders and that we seek a very comprehensive

Statement detailed on how we are going to treat this group of traders going forward. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Maybe I want to give a few Members to ventilate briefly because you know Members first we need to commit this Statement to a committee so that they can give us a report but I do not want to lock people out just to say something because there must be structures anyway there must be a solution for this and while you are contributing suggest some solutions. I will commit it to the Committee. Mheshimiwa Minority Leader then Hon. Paul after Minority Leader.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker, for allowing us to ventilate on this Statement which has been sought by our most able Majority Leader and good friend of ours. Hon. Speaker, whatever is being sought here may not be affecting only Machakos town; it can also be affecting other towns within the County. Hon. Speaker, I will start by saying and I want Majority Leader to be very keen on what I am saying hawking is not illegal. There is nowhere in our Constitution whereby hawking is taken as illegal.

Secondly, Hon. Speaker, the businesses which are done by these hawkers are also not illegal. If the hawker is selling eggs, smokies, those are not illegal business and I wonder why a County employee who is paid by the County and the County gets money from the businesses that are undertaken in our County.

Hon. Speaker, I want to be very clear here all the prominent businesses within Machakos County and within the country started as hawkers. That is the beginning point then they go progressing then they become prominent businessmen. Hon. Speaker if you get the youth of this County who make that very big population of this County and if we do not---

[Hon. Speaker left the Chair]

[Hon. Deputy Speaker (Hon. Mwanthi) took the Chair]

Thank you, Madam Speaker now is my time to change to Mr. Speaker. I was saying if we do not take care of our youth it means that the County will not have what we call future because these men and young ladies will be doing nothing. Hon. Speaker, this morning I witnessed two young men been arrested at T-Tot. I parked my vehicle and went there outside T-Tot entrance to have my shoes polished.

So the gentleman was polishing my shoes those county Askaris came and in most cases when you park a vehicle there, there are men who usually request to wipe the parked cars and in most cases, we say yes. So as you take tea, at T-Tot or as you have shoes polished there, those guys work on your car and you will find it very clean and you only give them Ksh. 50 or Ksh. 100. Today those men and I can name them because I took their names. One is Alex Kakungu and the other one is Kyalo Makau. These two young men were taken away by our council officers whom we pay.

Hon. Speaker, the recently concluded public participation that we all traversed the County accompanied Her Excellency the Governor before the members who are given over to you to say whatever they want to say, the Chief Officer, Revenue used to be called first and it is on record that Her Excellency has already pronounced herself that traders should not be harassed by anybody. Those are the reports that we are getting from the Chief Officer of revenue and

every member who is seated here can confirm that Her Excellency has given instructions that traders should not be harassed. See what is now before the House. The issue of harassment.

Her Excellency the Governor is the one who is in charge of this county, and she has not sent anyone to go and harass her people. So, Hon. Speaker, I want you to give instructions to the Table Office to go to our registry and see whether we have any Bill that allows our Inspectorate officers to arrest. As far as I am concerned we don't have a law that allows these people to make arrests.

Let the Table Office advise, if we have one, and if we have one what constitutes or what allows for people to be arrested. If these young men and young ladies are selling eggs, in fact, that is the safest business because if the eggs are boiled, it is a consumer who will break the egg. So to me, the issue of hygiene is taken care of because we just go boil the eggs that come with them and the consumer will take it, break it, and consume it so it is very clean.

My concern Hon. Speaker, do these askaris and these public health officers go to other towns in the country because you go to Kiambu is my neighbor because I am from Matuu, Kiambu is just, it is a shorter distance than Machakos. You will find that in a Kiambu, hawking is done throughout and you will never hear that people are being harassed by this askaris. Why are we making people to remain poor while other countries are supporting their people to become rich? Hon. Speaker, this is a criminal now is not a criminal element for whoever did that.

If there is an issue that needs to be addressed, the inspectorate officers will request enforcement from the police because the police are the ones who have the legal capacity to make arrests. Suppose now the young men and young women who are doing that business gang up and say they are not going to allow this. Is that not opening war in our county? It is. So we need to advise accordingly and I would suggest because Hon. Speaker was there before you has requested that we also give suggestions on how to address this.

The first suggestion is that there is the issue of vicarious liability; now that is the law of the agency. If a principal sent an agent to go to perform a certain task, and during the execution of those duties, the officer executing does a mistake, the person who appointed or the person who sent that agent is liable to what we call vicarious liability. So, Hon. Speaker, I will request that you order whoever is in charge of these Inspectorate officers to appear before this House and tell us where he is getting powers to go and harass our young mothers, young brothers and young sisters.

(Applause)

Let also the Chief Officer of public health because the harassment is done by the county askaris and officers from the public health office; let him also come before this House. Let him tell us why our people can't do business freely in our County. Hon. Speaker, the Majority Leader said there are what we call factors of production. First is what he said land, second is capital and thirdly is the entrepreneur; that particular person who offers labor and it is provided by the entrepreneur so those are the key factors of production. A trader has got no space, the capital the Majority Leader has put it very clearly that, that particular person has no coin has to get goods on credit then offer himself to work.

Now the gentleman who has gone to obtain credit somewhere, he has gotten what it required and by the time he is starting the business, you pick the eggs. Sometimes they even pick you and leave the eggs in that trolley. As you are released from wherever you are taken, you don't find given a single egg.

Hon. Speaker, this is the highest decision-making organ of this County and we need to take care of our residents; the electorates are watching us. Remember Mheshimiwa Majority Leader went to the electorate and those who remember the Governor went to the electorate. So when these askaris are making this blunder the electorate will not see the Inspectorate officers, they will see the elected leader and that is the Majority Leader under the Governor. Hon. Speaker, let us not allow anybody, anyone to antagonize our elected leaders. We are not going to allow that.

So, Hon. Speaker, to conclude because other members want to conclude, I have suggested that we summon the officers in charge of those two departments that is the Inspectorate Department and also the Public Health Department and trade also.

Secondly, the officers need to be trained on what they are supposed to be doing. They are just employed today, they are given a uniform, I don't know whether that color is red or which color is that then they are ready to go and work. If you give somebody a new task, there is need for training. When we were appointed to come to this House, we were all taken for training. So let us also make sure we train them so that they can do what is required.

Lastly, I will request that you order because this is the highest decision-making organ. If there is any operation going on within Machakos town or any other town within Machakos County, let us stop it as we wait for those three officers to come and give us their side of the story. I am very sure the House has the capacity to order those operations first to be stopped, we discuss then we chat the way forward. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Minority Leader, Hon. Paul Wambua.

Hon. Paul Wambua (Kibauni, PTP): Thank you, Mr. Speaker. Mr. Speaker, our Minority Leader can speak until cows come home. It is always good to control him; he gets very emotional and it is good for debate. Mr. Speaker, this is an important matter that has been brought into this House but it needs to be debated and actions taken after very good thoughtful thinking. Our people need money and that is the truth that is basic. We have a very high rate of unemployment not only in our County, though our county is more affected because we have taken children to school and there are no jobs. We need to allow our people to make money.

Mr. Speaker, on the issue of the county askaris, we are breeding an elephant in the form of our county askaris and we might get to a level where they are more feared than the real askaris to the level of where Nairobi County is today. In Nairobi, you would rather be taken in by a police officer than county askari. The other day, Mr. Speaker, a very good citizen of this County, who had paid their business permits and everything, had their employed employee arrested on flimsy reasons and taken into custody for two days. They went even further, they have gone they have become so arrogant that such that they record at the police station's OB they record themselves and the OCS here in Machakos was very mad at that and he promised to reprimand those guys. His people and the ones who recorded because they are police OB is not for everyone.

Mr. Speaker, I would like to say that in as much as our people are doing this business of being hawkers, we also need to be cognizant of the fact that they are in competition for space with people who have paid rent and people who have paid business permits and all other rates that are that are demanded by this County. Mr. Speaker, my approach to this would require a very sober way of doing things so that we take care of our business people who operate from the shops and also give space to the hawkers.

I propose that we need to have a regulation on hawking and probably we could set aside some streets where the hawkers can operate from and the timing also because from morning to 5 o'clock people who have paid the parking fees and work in offices are always here so they can probably, that is my I am not proposing anything, it is an example, probably, we can start our hawking by---

(Hon. Deputy Speaker left the Chair)

(Hon. Speaker took the Chair)

I know officially switch to, Madam Speaker. We can propose probably the timings for the hawkers so that we also give the people who are tenants in these premises to also do their business because the other day I was here, I wanted to have fish in some hotel, but there is a guy selling fish outside there. How will this guy in the hotel make money? We need to balance so that everyone doesn't get hurt?

Madam Speaker, the other proposal, and this I made clear in during this the Governor's tour in the wards; we need to empower our youth with technical skills. Today, when I talk to parents, I advise them instead of taking someone to take a BA in we used to call it *baba alinituma* in something you can take this person to do a course in plumbing for instance. This person is able to self-employ, someone who has done electrical is able to self-employ rather than taking people to school just for the sake of it and then after their four-degree course or five-degree course they start tarmacking.

So, Hon. Speaker, I would urge this county to take the issue of TIVETS very seriously to invest in TIVETS so that we even we, we give our people the skills they need the life skills, the technical skills they need to survive in this in county and the country. Thank you, Madam Speaker, and as I sit down, I would urge that we deal with the issue of county askaris becoming a monster in this county. Secondly, we need to have a regulation probably to see how we can deal with the hawking so that the people who hawk have their space and the people who are doing business of their space. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. I intended to close this debate at this point but I don't want to close the Deputy Minority Leader only kindly members to make comments then we close this debate, will have another opportunity when we have committed this matter to the concerned committee when they come to respond to the Statement, we will have another opportunity also to discuss this matter. Thank you very much. Proceed. Mheshimiwa Kavyu very briefly kindly

Hon. Francis Kavyu (Kinanie, M CCP): Thank you, Madam Speaker. And also, I would like to appreciate the majority leader for raising such a pertinent issue in the floor of this House. I think we also need to expand this not only to look at the issue of hawkers but there is also a criminal enterprise that is being run in collaboration by our revenue officers, some Inspectorate members and the ward Admin where they are collaborating to go and harass our mothers and the older people at the village level demanding for building levy and some inspection yet some of the areas where they are harassing people do not fall under the township area where approvals are required.

For instance, you will find somebody doing a very simple toilet at their home then you will find these people coming into their places and asking for them to pay and in most cases, any

payment that is collected in that process is not helping our County at all. For instance, that could be what is happening to the hawkers in Machakos town; just because somebody is not in a position to pay what is being demanded, they are being labeled as criminals.

Also, as we support the agenda of Her Excellency the Governor, to make sure that we have a conducive business environment, we also need to ensure we have a town of order and decency and for instance outside Naivas supermarket. You will the supermarket pays a lot of money in terms of licenses, they are also employing a lot of people, but you will find at the entrance or the exit, you will find a lot of people there selling similar products, especially vegetables and some other items that also Naivas is selling inside there.

So at any particular point, there is a likelihood that we are going to have a confrontation because Naivas expects the county to make sure that they are protected from such and on the other hand, the hawkers who are our brothers and sisters also feel that the County Government has a responsibility of making sure that they have---

Hon. Mbili Ndawa (Matuu, MCCC): Point of order.

Hon. Speaker: Okay, point of order granted.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. I request for your indulgence. Our Standing Order 27 says that the morning sitting should last up to 12.30 p.m. unless a motion has been moved for extension of time. So it is now past 12.30 p.m. should we proceed and mutilate our Standing Orders or what do we do.

(Hon. Speaker consulted with the Clerk at the Table)

Hon. Speaker: Okay. I am guided that we can actually allow Mheshimiwa to proceed. Finalize then we adjourn and come in the afternoon and proceed.

Hon. Mbili Ndawa (Matuu, MCCC): Maybe Hon. Speaker, I request because the business before the House is pertinent and serious request that once we come in the afternoon, you also allow any member who wants to contribute to do so.

Hon. Speaker: Yes, then that is okay. I think that is in order.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker.

Hon. Speaker: Yes. So, Hon. Kavyu you can kindly finish then we adjourn.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. So as I had said to ensure that these two parties are protected and have a conducive and it is not only in Machakos, but even in Mavoko, where I come from, we are prone to such challenges. So we need to look for a way even as we summon the relevant parties who are concerned to create a specific timing and I think also, as a County, we can have specific streets probably from around 4.30 p.m. or 5 p.m. where those areas will be purely designated for hawking and anybody who wants to sell. We can also have because we have different categories of hawkers, we can have them clustered.

For instance, somebody who is hawking eggs, you cannot constrain them and say that they must operate from somewhere because they rely on looking for customers and that is the

particular group that we need to protect from the harassment and ensure that as long as you are not interfering with activities of other people, these people even at the Bus Park, they can be allowed to walk their eggs without being harassed because at the end of the day, these people are looking for means to put bread or food on their table which is far much better than those who hope to engage in crime.

So as a House and also as a County Government, we must look for a way of ensuring those small-scale hawkers because already they have been exempted from paying taxes, which is a good thing from the administration of Her Excellency but we also need to guarantee them their safety to ensure that nobody harasses them and in most instances, when their stock is taken, even after they have been acquitted, they never get an opportunity to recover them. So sometimes you wander who feeds on the eggs when they are arrested because when you are arrested, and you are acquitted, you are supposed to be given back your stock, you are trolley and when you go to the DU, you will find so many of trolleys being clamped there, rusting there and not helping anybody.

So we must have some order and there is enough space within the town where we can set apart. For instance, in Mombasa, they normally have something they call happy hour. During that time, you will find some particular streets are normally blocked and anybody who wants to sell can come there and no vehicles are supposed to enter that region. So such a kind of arrangement will ensure that our people are safe and also they are able to make money to sustain themselves and also protect the other big business entities because even if I were the proprietor of Naivas, I would also not be happy because I am selling tomatoes, then right at the entrance of my supermarket somebody also is and sometimes we will find the hawkers have fresh ones.

So sometimes when we will go in only by flour, then *ukitoka hapo* you just pass there and get the tomatoes, the onions because they normally have fresh so we can look for somewhere, then we will be more than willing to support them. I appreciate my brother for raising that issue because it is a problem that is also affecting my people in Kyumbi area. So our hawkers need protection, and the other businesses need protection. So we must look for a consensus to solve that impasse. Thank you, Madam Speaker.

Hon. Speaker: Thank you, very much Hon. Member. That is very important. The balance of the business will be conducted in the afternoon. I request the Secretariat to reorganize our afternoon session.

ADJOURNMENT

Hon. Speaker: At this point, the House is adjourned to Tuesday, 19th September, 2023 at 2.30 p.m. Thank you, Members.

The House rose at 12.39 p.m.