

# UASIN GISHU COUNTY ASSEMBLY

## HANSARD

Tuesday, 31<sup>st</sup> May, 2016

The House Met at 3:48 PM

*[Deputy Speaker (Hon. Hosea Korir) in the Chair]*

## PRAYERS

### COMMUNICATION FROM THE CHAIR

#### INVITATION TO MADARAKA DAY FETE

**Deputy Speaker (Hon. Hosea Korir):** Honourable Members, we have an invitation to the Madaraka Day Celebration breakfast. As we are aware, Honourable Members, that the National celebration will take place on first June 2016 across the country and, in light of the above, Honourable Members, the County of Uasin Gishu will hold her celebration at 64 Stadium beginning 10:00 am when his Excellency The Governor will give his keynote address to the guests and the people of Uasin Gishu. As our tradition, Honourable Members, His Excellency the Governor has organised a Madaraka Day celebration breakfast at Queens Garden, Eldoret at 9:00 am after the climax of the celebration at 64 Stadium. The purpose of this communication is to invite and to request us to convey the same to the entire House for the breakfast celebration and also the attendance of the Madaraka Day at 64 Stadium. Thank you.

## NOTICES OF MOTION

#### RESOLUTION TO BAR VEHICLE OPERATORS USING PAVEMENT AND PAVEMENTS

**Deputy Speaker:** Honourable Pauline, on behalf of Honourable Rebecca Sugut.

**MCA Tuwei:** Thank you, Mr. Speaker Sir. Allow me to give notice of Motion:

**Aware that** currently the County Government of Uasin Gishu is undertaking the expansion of its road networks including the construction of pavements and footpaths mainly in Central Business District (CBD) and its environs some of which are now complete while others are in progress; **Further Aware** that the major aim of the construction works is to ease traffic congestion so as to ensure free flow of all traffic for faster, efficient and smooth transport and communication within the (CBD) and its environs; **Concerned** that in spite of the fact that most of the roads, pavements and footpaths are now complete and operational, some careless and reckless drivers, lorry operators and even *boda boda* and bicycle riders have resorted to driving, riding and even vehicles on the road pavements and footpaths which are exclusively meant for pedestrian use; **Noting that** if this trend is not addressed and stopped the soonest the said vehicles will damage the pavements and footpaths, cause inconvenience and even be a threat to the lives of the pedestrians using such pavements and generally create confusion and anarchy in the management of traffic in the town and its environs; **This County Assembly** urges the County Government of Uasin Gishu in collaboration with the Traffic Police Department to take appropriate actions including arrest and prosecution of all vehicle operators and drivers found parking or driving along the pavement or footpaths in Eldoret town and its suburbs.

**Deputy Speaker:** Next!

## STATEMENT

### DELAY IN BURSARY DISBURSEMENT

**Deputy Speaker:** Honourable Ramadhan Ali.

**MCA Werambo:** Thank you, Mr. Speaker Sir:

**Aware that** this county Assembly passed the Uasin Gishu Bursary and Skill Development Support Fund Disbursement Act in March 2014 and an amendment in the Act in November 2014. Mr. Speaker sir, also aware that the purpose of this Act is to provide procedure and guideline for the efficient disbursement of fees, bursaries, skill development Fund and such other related matters, this fund has not been released since it was budgeted for. The Chair Committee on Early Childhood Education and Vocational Training was in Nairobi last week and had a meeting with the controller of Budget who promised to release the funds once she has received the previous year's returns. The returns have been availed to the office of the Controller of Budget but until now no bursary funds have been received. Students who depend on this bursary funds are languishing at home. These Honourable Members have made pledges to schools so that they will pay fees once bursary funds are received; now they are starting to appear dishonest. These Honourable members no longer enjoy peace in their homes as the bursary beneficiaries are at their door steps every early morning wanting to know their fate. I ask the Chairperson on the Committee of Early Childhood Development Education and vocational Training to furnish us with reasons as to why these funds are still unavailable and when to expect them as this is a sensitive and time-conscious matter. Thank you.

**Deputy Speaker:** Thank You, Chair, Education.

**MCA Sanga:** Thank you, Mr. Speaker. In response to this statement, first may I say that we are sorry because the delay of these bursaries that is really reflecting negatively on the nature of the discharge of our responsibilities. This portrays a picture of complacency and non-committal tendencies towards the delivery of satisfactory services to the public finally. It also gives some kind of notion that result in some erosion of credibility of the leadership of this county. In view of the time of the disbursement, the time of vetting of beneficiaries to date, is really raising eyebrows and questioning the leadership of this county of Uasin Gishu. As the chair of the committee concerned, may I reiterate the fact that this is a sectorial committee under the standing orders of this county Assembly number 191 section 5(a) and allow me to just quote 5(a).

**Deputy Speaker:** Yes proceed.

**MCA Sanga:** Mr. Speaker, the functions of a sectorial committee shall be;

- a) Investigate, inquire into and report all matters relating to the mandate, Management activities, administration, operations and estimates of the assigned departments.

As a sectorial committee, we are charged with the responsibility of looking into the activities of the department of education, Early Childhood Development Education and Vocational Training which indeed as a committee, we are competently doing so and we have competently been doing so. As far as we are concerned as a committee, our department of Education has done its part. It has done all the reception of the list of beneficiaries from all

the 30 wards, it has assessed everything, it has gone to an extent of at least tabulating even the payment vouchers of every individual beneficiary from all the 30 wards. Now the biggest problem lies on the department of finance and, as a committee, initially the hiccups that were there hitherto were dealt with earlier enough. One was a petition which through the office of the controller of budget in the county was dispensed as a committee satisfactorily. Then came the amendment of the bill touching the area where the member of the county assembly was not meant to be the patron, which we obliged and did the necessary and it was agreed in a report that was passed and approved in this House. That one has been agreed so and the funds will be dispensed in the next financial year, which went through. To date the hiccup delaying the disbursement of funds, we are now sure whether it is within the County Treasury or the Exchequer release from the National Treasury.

I would like to say as the chairman of this committee, as far as our mandate is concerned we have exhausted and made sure that all the purchase related to the systems within our department is fully done and made to be within the system awaiting the release of the said funds. Now, the delay prompted our visits, together with the chair Finance and the Chair Budget and Appropriation together with the Deputy speaker of this County Assembly on Behalf of the Leadership of this Assembly, to find out why the delay was there. The report which we got from the Controller of Budgets office was that one of the issues that delayed the release of the funds was one and a major one was the last year's reports which were delayed from the County Executive that had not reached the controller of Budgets office. We expedited that immediately by inquiring with the Department through the Controller of Budgets office in the county and that one was done. Another issue was within the vote heads or say the issue as to whether the bursary was to be within the recurrent vote or the development bit. We talked at length and we agreed that as for now within this year let it be dispensed under development, but in the subsequent years it should be recurrent, which I think was agreed and everything went on that way.

Now to date, we are also surprised as a Committee that we are all guessing and waiting, staring at the air as to what is happening in the systems as for now. However, I would want to say that as far as we are concerned as a committee we have washed our hands. The ball stops at the Finance Department Court. It is the Finance Department to tell us why this fund to date is yet to come. On that note I would want to request that if need be, because of the urgency of the matter, - remember it is six months since the vetting of the beneficiaries in February and we are almost half this term before the beneficiaries benefit from the said funds. Sincerely it is so absurd, shameful and terrible. I would like to request through the Chair of this County Assembly that, if need be, the three - same team that went to Nairobi- either should still go back after the reports from the executive as to what happened. This is because most of these Honourable Members at the moment are having sleepless nights. Most of them in the mornings have had parents reporting into their houses to inquire as to why this bursary is not coming; most of the children have been sent home as a result of that because the remaining bit of most of what they have paid is what was slotted in their bursaries. The form four students, for instance, a number of them only still have Ksh10, 000 or Ksh5, 000 still left which of course the parents had budgeted for and they are waiting within the bursary kitty. So it is really biting hard. I understand - and I would like to say at this juncture, the much I can and really note in this statement as part of the answer is you are yet to get it first from the Technical team within the finance Department as to what really happened because we exhausted with the Controller of Budget's office the last time we were there, that those were some of the hitches. So we are really wondering what else has cropped up with the regard of what is happening. Now, one more thing that came within the vicinity in the course of our

talks was a memorandum of understanding between the county Assembly and the Ministry of Education with regard to these Bursaries. As the chair of the committee and as a bona fide elected member of this House with regards to issues to do with MOUs, I would want to say before we go further that an MOU is irrelevant in this perspective because we are dealing with a benevolent issue of assisting needy students within the department of education of schools and we are not seeing a reason as to why an MOU is necessary. So that one should not be an issue. So to date all we are requesting is the CEC Finance and the entire department give us a comprehensive reason as to what is delaying the bursaries to date. Mr. Speaker, I rest my case.

**Deputy Speaker:** Thank you. I think Honourable Members, it was a statement time and in view of the urgency of this matter I will still allow the leader of minority maybe to put some input over the same statement then we can proceed.

**MCA Werambo:** Thank you, Mr. Speaker. Because of the urgency of the matter I would wish to request the Chair through you maybe by tomorrow to give us a statement on what is the position either from the Finance or from the CEC in charge of Education. What is the position and how long are we going to take to get the response on when and how this money is going to go to school for bursary? Thank you.

**Deputy Speaker:** I think the Chair had already given us that but I want to give direction from the Chair that I know tomorrow is a holiday. We are expecting your committee to be at the CEC's office, Finance and Economic Planning with your team as early as 9:00 am, So that on Thursday, Honourable Chair so that in the afternoon before plenary, we will have a Speaker's *Kamkunji* so that you can brief the members on how far the issue of the bursary has gone and from there in our *Kamukunji* we can chart the way forward.

## MOTION

### RESOLUTION TO BAR VEHICLE OPERATORS USING PAVEMENT AND PAVEMENTS ILLEGALLY

**Deputy Speaker:** Honourable Rebecca. You can proceed now.

**MCA Rebecca:** Thank you, Mr. Speaker Sir:

**Aware that** currently the County Government of Uasin Gishu is undertaking the expansion of its road networks including the construction of pavements and footpaths mainly in Central Business District ( CBD )and its environs some of which are now complete while others are in progress; **Further Aware** that the major aim of the construction works is to ease traffic congestion so as to ensure free flow of all traffic for faster, efficient and smooth transport and communication within the(CBD) and its environs; **Concerned that** in spite of the fact that most of the roads , pavements and footpaths are now complete and operational, some careless and reckless drivers, lorry operators and even *boda boda* and bicycle riders have resorted to driving, riding and even vehicles on the road pavements and footpaths which are exclusively meant for pedestrian use; **Noting that** if this trend is not addressed and stopped the soonest the said vehicles will damage the pavements and footpaths, cause inconvenience and even be a threat to the lives of the pedestrians using such pavements and generally create confusion and anarchy in the management of traffic in the town and its environs; **This** County Assembly urges the County Government of Uasin Gishu, in collaboration with the Traffic Police Department, to take appropriate actions including arrest and prosecution of all

vehicle operators and drivers found parking or driving along the pavement or footpaths in Eldoret town and its suburbs.

The beautification of our town and footpath that we are enjoying today in this town--- if we will not take care and stop the drivers from breaking them soon we will not have footpaths again. There are some round poles that they had put along the footpaths, most of them as we are talking now have been knocked down by the same vehicles. The pedestrians have been proud that we have our own road now to use, the tarmac road for walking. Currently they are not enjoying what was meant for them in this Uasin Gishu County. Instead the same vehicles are using the same footpath and hence we may lose lives in Uasin Gishu County if we do not take care. My concern is if you see the new road that we did the other day, the 64 Street, just outside this County Assembly, all the pavements have been broken by the big Lorries and matatu drivers. They do not even give other people to use the same road. It was meant to ease the Traffic jam in town but unfortunately as we are even speaking now they have locked horns on the same roads and footpaths; people cannot enjoy the fruits and the labour of Uasin Gishu County that we have delivered since we came to this House and I think Transport Department had a policy in this House on parking; anyone found should be prosecuted because we want to have a town and we want our resources to be protected. My concern is that, if we will not take care, it means in the next financial year, we will put more funds on the same footpaths instead of now creating other roads or tarmacking other roads within the CBD and going further getting the tarmac roads.

So I urge this House to humbly support this motion so that the executive can put measures to curb the menace. We have enough enforcement officers. In the last two or three months we had few enforcement officers in Uasin Gishu County who could not manage to enforce laws within the County. Now that we have our new officers they can work with the traffic and assist the pedestrians to enjoy the privilege they have been given by this House because the footpaths that they are using is public funds and we do not want those footpaths to be destroyed again.

For this County to grow, we are supposed to protect what we have at hand as we are growing. My humble request again is, the County Government of Uasin Gishu should organise and give a parking around Railway because we have enough Government land around Railways; they can get a good parking area or a bus park for the Matatus which are along the road. If you go to Maili Nne, the same lorries are pausing danger; they are parked along the road. In case of anything, everyone is in danger. If you go to Rupa Road, you just get a very big truck parked along the pavement and at the end of the day the weight of that lorry cannot be held by the same small footpath that is meant for human beings to use, Mr. Speaker Sir.

*(Point of order)*

**Deputy Speaker:** Point of order. What is out of order, Honourable Member?

**MCA Sang:** Thank you, Mr. Speaker Sir. I think it is not in order and standing orders are clear on the seat of the Leader of Majority and Minority. Unless there is a coup that has taken place, no one should occupy the seat of the Leader of Majority and Leader of Minority. Mr. Speaker, We need your direction on this.

**Deputy Speaker:** Who is out of order, Honourable Member?

**MCA Sang:** Mr. Speaker, the Honourable Member from Langas.

**Deputy Speaker:** Honourable Member for Langas, you know the procedure of this House and where Members are supposed to sit and the Leadership of this Honourable House. Kindly you may give a space from where you are and that is the direction from the Chair.

Proceed, Honourable Member.

**MCA Rebecca:** Thank You. May I request Honourable Pauline to second this motion.

**Deputy Speaker:** Honourable Pauline.

**MCA Tuwei:** Thank you so much, Mr. Speaker. I stand in support of this motion of urging the County Government of Uasin Gishu together with Traffic Police Department to arrest and prosecute all the vehicle operators, *boda boda* riders, bicycle cyclists and those drivers who are parking their vehicles along the pavement and the footpaths. I would like to thank the County Government in partnership with the World Bank.

*(Point of order)*

**Deputy Speaker:** Point of order! What is out of order?

**MCA Sang:** Mr Speaker, the standing orders are clear, the rules of this House are clear. Mr. Speaker, let us respect the Chair of Leader of Majority. The space given to should be a distant to that. Let us respect that.

**Deputy Speaker:** Thank you. I think you have heard, Honourable Members, who are seated particularly those who are seated near the seat of Leader of Government Business.

Proceed Honourable Pauline

**MCA Tuwei:** Thank you, Mr. Speaker Sir. I want to thank the County Government of Uasin Gishu in partnership with the World Bank for the programme that was brought to the people of Uasin Gishu. The pavements together with the footpaths were meant to be used by the pedestrians so as to ease congestion and restore some sanity within the County.

As a government we must take care of every resource including the property that is meant for the people of Uasin Gishu by ensuring that it is protected. The *boda boda* riders, bicycle cyclist and the lorries are using these footpaths causing some breakages posing danger to the pedestrians who are using the footpaths because they are not supposed to be cycling along the footpath. They also cause a lot of inconvenience; this creates some confusion on the management of traffic in our town.

**Deputy Speaker:** Point of information to whom, Honourable Member for Race Course?

**MCA Kiptanui:** To Honourable Pauline.

**Deputy Speaker:** Do you require that information, Honourable Pauline?

**MCA Tuwei:** Yes, I think I need.

**MCA Kiptanui:** Thank you, Honourable Speaker. I wish to inform Honourable Member who is contributing that I represent an area which has benefited from this programme of footpath and as of now, they have put in place clear signs showing that they are not meant for any motor usage. Anything that is using an engine is not supposed to use. So I find this motion to be time-barred.

**Deputy Speaker:** Honourable Member, that is not the provision of requesting for point of Information. Proceed, Honourable Member.

**MCA Tuwei:** We have some footpaths and pavements which are ongoing and some have been completed so we need to check this. Pedestrians should also be heard so that they may make use of these footpaths because we have seen that most people have lost lives along these roads. We need to ensure that the perpetrators are arrested and prosecuted. Thank you, Mr. Speaker Sir.

*(Question Proposed)*

**Deputy Speaker:** Ensuing debate. Honourable Amos.

**MCA Kiptanui:** Thank you, Mr. Speaker Sir. First, I would like to thank the Honourable Member who moved the motion. However, I want to move a motion that this motion be referred to the committee of Roads and Transport so that they can consider the important issues which are underlying these programs, Mr. Speaker. The reason is this; I am not undermining the mover of the motion; that has to be very clear. I just want to bring to the attention that already where they have completed this programme of Non Motorised Transport, they have put in place clear road signs indicating that it is not meant for use by any traffic that uses motor engine, that is, like motorcycles, and vehicles. It is only meant for those who are walking on their feet. They are meant for bicycles because they do not use engine and for the wheel Chairs only, that one is very clear. So, I wish this motion could have come at a time when this project has been handed over to the County Government of Uasin Gishu, as at now it is still under the management and control of the contractor.

**Deputy Speaker:** Point of order! Honourable Rebecca.

**MCA Rebecca:** I thank you, Honourable Speaker. I think Honourable Amos from Racecourse has just come in and he has not even understood what the motion is all about. Because we are not only talking about the footpaths but also the pavement and I gave an example of 64 Street just outside our Assembly here. It was only done last year and, as we are talking, the pavements have been broken by the lorries. The sign posts are there but the law is not observed. That is why I was saying we want the enforcement officers to enforce the law because our people are not honouring those laws. We want to protect the said roads. Thank you, Mr. Speaker sir.

**Deputy Speaker:** Proceed, Honourable Member for Race Course.

**MCA Kiptanui:** Thank you, Mr Speaker. I think the time of entering the House and Contributing to the motion have no relationship. What matters is the listening skills. Mine is very excellent. I want to say I have understood this motion very well and I was really listening. So I want to ---

*(Point of order)*

**Deputy Speaker:** Point of order! What is out of order, Honourable Member for Kapseret?

**MCA Tuwei:** Mr. Speaker Sir, it is out of order for the Honourable Member to assume that the public really understands these signs. That is why we need reinforcement team to act on it so that it may still be a learning process.

**Deputy Speaker:** Proceed Honourable Amos

**MCA Kiptanui:** Thank you, Mr. Speaker. I want to make the Member understand that the enforcement officers who were recruited the other time are not meant to be abused anyhow because of some things that we can just correct. By approving this motion, it means all the road signs that are there are not supposed to serve any purpose at all. This is because any driver, which I believe they are professionally trained on road signs, unless some of us did not attend driving schools so that we learn some basics of road signs. That is why we believe those people who are just parking their vehicles have not seen the signs. They have seen the signs but they have just chosen to ignore. What is very important is to enlighten members of the public. By saying let us now enforce, we have the traffic police men, they are there day in day out. Even in the evening, they are doing their work very well. The only thing is that it should be raised as a concern that they should also extend their duties to those parking lots and for those who are using the wrong places to do their parking and to drive their vehicles. So I want to believe should this motion be referred to the committee they will be able to do a thorough research so that they can come up with proper measures in place. I know we have the policemen, we have a number of enforcement officers in the county but should they reign in the way we want, it will have some implications which may not be good. Even on pavements as it has been said by Honourable Rebecca, pavements are not supposed to be the parking place, it is ignorance which is prevailing. So maybe we need to do some awareness and sensitization in a better way. Let us not resort to using force because we want to be seen to be working. We are not doing well to the people of Uasin Gishu. Let us be humane enough and for the purpose of harmony, image and for the sake of the people of Uasin Gishu. Let us not tarnish the image of this county that we are using excess force. So let us do some sensitization and I want to believe this will be properly dealt with at a committee level. So I want to request Honourable Pius Kigen to second me in this motion. Thank you very much.

**Deputy Speaker:** Honourable Amos-sorry Hon Pius.

**MCA Kigen:** Thank you, Honourable speaker. I stand to second this motion. I want also to appreciate the mover of this motion. In fact had it not been for the mover I think we would not really go into the right direction. Indeed it is true and all of us have seen that people also misuse these pavements and the footpaths. Honourable Speaker, as Honourable Amos has rightly said, indeed information is power and also information empowers and that is important. We know even in law, it says it is wrong to kill but you realize people still kill, so the law alone is not enough and people need to understand this is a very important and I want to thank the mover, but let us go further and involve other stakeholders. Why do people park on the pavement? There would be underlying reasons that if this motion is referred to the committee they will address such issues, Honourable Speaker, because there is somebody should use his motorbike on a pavement or on footpath. So I wish to support that really we need this motion to go to the committee, let the committee interrogate, meet the stakeholders, let them meet these people who use pavements, why are they using it, why do people run and yet they have wives in the house. So we need to go further. Maybe people are sick, maybe there is an underlying issue which has not been brought to light, Honourable



Speaker. So this is an opportunity. We are not saying pavements or this motion should take time; the committee should come back immediately and let us see why people use motorbikes on pavements. This will give an opportunity the committee to interrogate all stakeholders and really come up with a solution that will address the traffic issue in this Town, Honourable Speaker. There is a big mess as far as jam is concerned. We would need the committee and even that let them interrogate this staff maybe the reason why people use pavements is because there is a lot of traffic jams. Why the traffic jam? Do we need to change some routes? Do we need to do something? Honourable Speaker, this will be an opportunity for all stakeholders to come on board. Let us interrogate this. Why are you using the pavement with your motorcycle? There could be a reason also. Mr. Speaker, let us get this reason and then we come up we have the reinforcement officers; otherwise if we say let us use enforcement officers even in the market today having the enforcement officers we don't collect a lot of revenue. Why do we have policemen and there are thieves? So this is an opportunity to answer what if and that will give us an opportunity to widen the gap and really identify these gaps. Mr. Speaker, with that I support strongly. I second the motion.

*(Point of order)*

**Deputy Speaker:** Honourable Members, a motion has been moved by Honorable Amos and seconded by Honorable member for Tembelio that this substantive motion to be diverted to the relevant Committee, that is, the Committee on transport and infrastructure.

*(Question proposed)*

Ensuing debate. Honourable Muya.

**MCA Muya:** Thank you very much, Mr. Speaker Sir. I strongly stand to support the motion that has been brought forward by Honourable Member representing Racecourse that this substantive motion be referred back. Sometimes I wonder really if, as leaders, we can take issues are we are taking, what about the common Mwananchi. These things are obvious and during his submissions he clearly stated it is purely ignorance. Mr. Speaker, even in the court of law ignorance does not have a defence and, before I even contribute, I kindly request the honourable Member from Racecourse whom I respect and Honourable Member for Tembelio that they think twice and withdraw this motion. Why, Mr. Speaker? I was in Rwanda, Mr. Speaker ---

*(Point of order)*

**Deputy Speaker:** What is out of order, Honourable Member for Tembelio?

**MCA Kigen:** It is not right for the honourable member whom you have given opportunity to make a debate to make comparison? It is not in order, Mr Speaker. It is either you oppose or you support the debate. That is the custom of this House, but coming to compare and say--- you cannot give judgement to an Honourable Member. Thank you.

**Deputy Speaker:** Just contribute, Honourable Member for Langas, why you are opposing this motion.

**MCA Muya:** Thank you very, Mr. Speaker. One time I was told that it is always proper once you have agreed to come and live in town, you stop what it appertains to living in the rural area. For example, you do not expect to come in town and start bringing up cows in town; in town we expect people from rural areas to rear their cows and bring us fresh milk. What I am saying is I have been to Rwanda twice and, Mr Speaker, Rwanda is a very young country

considering when they went to Genocide but, Mr Speaker, it is so clear that once a contractor is moves from site after putting pavement the colour black and white that was painted remains because the pavement and the pedestrian section is clearly known, and the mover of this motion clearly stated the road signs have been installed but they are never followed. There is total ignorance for our people. That is clear evidence, Mr Speaker, that what is remaining --- Yes. People you don't want to tell me that they don't know.

*(Point of order)*

**Deputy Speaker:** What is out of order, Honourable Member for Kipkenyo?

**MCA Rono:** The Honourable Member is not in order, Mr Speaker, to prove to us that there are some existing laws which are governing the pavements and the rest and yet they are telling us right now to bring another law. Is he in order? I am seeing the honourable member is very much confused, Mr Speaker; he does not support that, he does not know how to say rightly, Mr Speaker. So I beg the Honourable member to come in line and think what he is telling us, Mr Speaker. Thank you very much.

**Deputy Speaker:** Proceed, honourable member for Langas.

**MCA Muya:** Thank you very much. I respect my Honourable Member for Kipkenyo but despite respecting him I only knew that he knew the Town the other day and I can attest to that, Mr Speaker.

*(Point of order)*

**MCA Sugut:** Is it right for the Honourable Member to belittle members who are coming from rural areas just because he is coming from an urban area? Is it right is it in order to belittle us?

**Deputy Speaker:** Honourable Member for Langas, honourable members who are representing this county assembly are the same regardless of the background because we get almost the same allocation. Withdraw that and proceed and make your point, give your submission.

**MCA Muya:** Mr Speaker, I never belittled anybody but you know when you are guilty you have to say it, but I withdraw if I am offending somebody. Mr Speaker, I want to be got right here that for sure it will be of no use if we are going to stay as honourable member looking his investment being damaged, awaiting the contractor to hand over site and I remember, when we were having intention to employ enforcement officers, we did advise that some of the said enforcement officers to be trained to be traffic marshals to try and help policemen in enforcing these noble laws. It is so disheartening to see the pavement, the walk ways that have been built; in fact there has not been enough tarmac put on the them and here we are saying we want to have time or forum so that we can sensitize people. Let us be sincere to ourselves; we are not saying that we are enforcing to make sure that we are apprehending people to jail. Even putting some enforcement officers telling people 'you are not supposed to park here, you are not supposed to park here' and tomorrow if you don't hear you know what follows. It is so shameful that, instead of preventing and taking care of this investment, we are using the same Askaris to fight the street boys even killing them. Please for God's sake and kindly my honourable colleagues, all that the honourable member is asking can we safeguard what we already have and if we don't safeguard death is waiting.

*(Point of order)*

**Deputy Speaker:** Point of order! What is out of order, honourable member for Racecourse?

**MCA Kiptanui:** It is out of order, Mr Speaker, for the Member to mislead this House that these pavements and footpaths will be damaged whereas footpath is meant for bicycle riding? When you look at this motion they want now to create another law of stopping bicycles from riding on the footpath while it is meant for that? So is he in order to mislead the House, Mr Speaker?

**Deputy Speaker:** Honourable Member for Langas, you know the procedure. You are on the Floor, you will proceed from there.

**MCA Muya:** Mr Speaker, we were the inventors of this idea and I want to state categorically that this project is not a county government project. It is a project that was initiated by the former Eldoret Municipal Council for the pedestrians, for the non-motorised traffic, the traffic that are using foot not motorbikes not vehicles, not lorries. Mr Speaker, a member standing here and saying that it is meant for bicycle riders is misleading the House. For God's sake if they don't have the concept ---

*(Point of order)*

**Deputy Speaker:** Point of order, honourable member for Tembelio.

**MCA Kigen:** It is not in order for the member to say 'not powered'. The member should understand that we even have today wheelchairs which are powered and they are supposed to pass there.

**Deputy Speaker:** Proceed, honourable member.

**MCA Muya:** Thank you very much, Mr Speaker, and may the Holy Spirit come down and speak to my honourable colleagues. Let us listen to ourselves that it will be of no use if we are using--- we came up with non-motorised routes and we go ahead and allow the motorbikes, the vehicles. I have seen myself where the honourable colleague is saying from Hill School a vehicle went to that route and the driver drove in it. What am I saying? It is so shameful. I know my honourable colleague just started driving the other day and therefore he might not be well conversant with the traffic rules but he is becoming sharper day by day.

*(Point of order)*

**Deputy Speaker:** What is out of order, honourable member for Megun?

**MCA Sugut:** Mr Speaker Sir, I think it is not right for the Honourable Member to say that we started driving the other day. I started driving in 1976, so why can you say the other day? It is not right.

**MCA Muya:** Mr Speaker, I did not mention a senior colleague by the name Sugut. I know he has been a civil servant in this country and he is so blessed but I am talking about the honourable member for Racecourse.

*(Point of order)*

**Deputy Speaker:** What is out of order, honourable member for Racecourse?

**MCA Kiptanui:** Is it in order for the member to try to justify my financial ability maybe to acquire a car, whereby I know God's time is the best, Mr Speaker, and I am now the best driver, Mr Speaker?

**Deputy Speaker:** Honourable Muya.

**MCA Muya:** Yes, Mr Speaker, I totally agree with him he is one of the best drivers now but you will all agree with me he started driving the other day; in fact when he bought the first vehicle the clutch had to go off because he did not know to use it.

**Deputy Speaker:** Honourable member for Langas, the direction from the chair is that you contribute over the motion.

**MCA Muya:** Thank you, Mr. Speaker. I withdraw.

**Deputy Speaker:** Conclude now

*(Point of order)*

**Deputy Speaker:** What is out of order?

**MCA Sanga:** Mr Speaker, the member contributing on the Floor should not dwell on the idea of engaging in the privacy of financial ability of the fellow member instead of contributing. Of course we are endowed at different times and there are priorities in terms of even what you are able to acquire. So essentially we need to really know what should be done within the system of the traffic movement and not the idea of dwelling on an individual who is feeling otherwise on the issue. So I tend to think with decorum it is always imperative that we respect and cover fellow members in terms of looking into their private financial capabilities and priorities.

**Deputy Speaker:** Thank you. You should be concluding now, Honourable member for Langas.

**MCA Muya:** Thank you very much, Mr Speaker. I am well informed and I know the Honourable Member has two vehicles and he intended to add others.

*(Point of order)*

**Deputy Speaker:** What is out of order, Honourable Member for Kiplombe?

**MCA Werambo:** Thank you, Mr Speaker Sir. I think the Member is out of order because we are told to stick to the business of the day and, if the member has a personal difference, he should bring a motion to discuss the same. So let us stick to the motion that is on the Floor, leave alone personality. Thank you, Mr Speaker.

**Deputy Speaker:** Honourable member for Langas, stick to the motion and I will give you a minute to conclude.

**MCA Muya:** Thank you very much. Were it not that I am being interrupted anyhow I could not go out of order. I am very articulate to what I want to say. I want to say that let us be very genuine here. all I want to say is that we are really damaging this good facility, the idea that Kenya Municipal Programme brought to this Town and, Mr Speaker, as a leader an elected leader, I would not wish to sit back wait for the facility be damaged for us to call a forum to sensitize people who are doing things intentionally. It is only the other day in the

Floor of this House an Honourable Member brought an issue of demolishing or coming up with laws of building houses and I listened to myself that I was against this motion but I withdrew. All I am asking the substantive motion was meant for the good of this House and therefore I am opposing that this motion be referred back to the committee because today--- in fact I was asking myself if the mover of this motion ---

*(Point of order)*

**Deputy Speaker:** What is out of order, honourable member for Kipkenyo?

**MCA Rono:** Mr Speaker, is the member in order to contribute while behaving as if he is addressing us on this side and yet he is supposed to address you.

**Deputy Speaker:** I find you out of order, honourable member for Langas. you should you should address the Chair.

**MCA Muya:** Thank you. I am obliged, Mr Speaker. You know I occupied different positions because of late the owners of the seats are never there. What I am saying is ---

**Deputy Speaker:** Who are the owners, honourable member for Langas?

*(Point of order)*

**Deputy Speaker:** Order, Honourable Members! That is so from the Chair.

**MCA Muya:** Mr Speaker, it was only the other day we were seen on newspapers an Honourable Member saying that members are not, never in this House and yet himself Josphat Lodeya Lowoi, the leader of majority is never in this House and I can substantiate that. I would like even the books to interrogate whether he signs or not, Mr Speaker. If they want us to contribute to that I am very good in that and I do not fear anybody.

*(Point of order)*

**Deputy Speaker:** Order! Honourable Member, then you should be concluding your address.

**MCA Muya:** Thank you for your protection, Mr Speaker. Whether this motion is going to be ---

*(Point of order)*

**Deputy Speaker:** What is out of order, honourable member for Kamagut?

**MCA Sang:** Thank you. Speaker, standing orders are very clear that when you want to discuss a member there are procedures. No wonder I was saying protect the seat of the honourable majority leader. Unless there is a coup, Mr Speaker, we want directions that the honourable member contributing should move some distance, Mr Speaker, from the seat of majority because the insinuations given to this House is that maybe we have another leader of Majority. Mr Speaker, we need a direction.

**Deputy Speaker:** Honourable Member for Langas, we don't want to dwell much on the issue of the leader of Majority who moved the substantive motion. Then kindly, you know the provisions of the standing orders in terms of reservations of the seat of the leader of Government business; we don't want to emphasize on that. Conclude your submission.

**MCA Muya:** Mr Speaker, you know what I am saying is with all due respect. I am kindly requesting my honourable colleagues that even this motion was late. My point was I was passing through 64 Road, I also saw the same thing the Honourable Member who brought the substantive motion is trying to say, who happen to be the area representative . Mr Speaker, for God's sake, in this County, it is not paining us the kind of investment we are putting. I am kindly requesting, despite all what might have been said that has pained anybody, let us recollect ourselves. This motion is timely and therefore to take it back to the committee, to the relevant committee, we are going to give time for the law breakers to continue damaging what has been installed for us. If we really love this county kindly let us allow the substantive motion to proceed so that ---

*(Point of order)*

**Deputy Speaker:** Point of order! What is out of order, Honourable Member for Kipkenyo? Order, Honourable Member for Langas?

**MCA Muya:** Thank you for giving me more time ---

**MCA Rono:** Mheshimiwa Spika, napata mambo hayapo sahihi, kwa sababu Mheshimiwa aliye kwenye jukwaa amekuwa pale kwa zaidi ya dakika 16, Mheshimiwa Spika. Hili Jumba ni Jumba la kufuata Sheria na saa, Bwana Spika. Je, yeye yuko sahihi kuongea kupita muda ambao hili Jumba limekubali? Anastahili kuwa amemaliza kitambo sana. Asante sana.

**Deputy Speaker:** Honourable Member, kindly conclude so that so that we can allow other members also to contribute.

**MCA Muya:** Thank you very much, Mr Speaker Sir. When I was giving my submission around five members have taken the 10 minutes he is saying I have taken. Therefore, I concur with them, let them be good listeners, they will have their own time. What I am saying is they might not see but all I am requesting, if indeed they accepted to come to town, let them be Town dwellers and let us protect what is ours and may God help them to be like town dwellers. Thank you very much.

**Deputy Speaker:** Honourable member for Kiplombe.

**MCA Werambo:** Thank you very much, Mr Speaker Sir. I stand to oppose that motion. I oppose with a reason. All the roads that are made were made for a purpose. For one to be a driver you go to a driving School and you are taught about the road signs. When you get a yellow mark you know what it means, you know what it meant by a Parking Bay - all this is known. We cannot start today saying that we take this substantive motion back to the committee! For what? The committee cannot change the traffic rules that are laid down. Mr Speaker, we have a rule that is prohibiting those Lorries not to park on the pavement.

*(Point of order)*

**Deputy Speaker:** What is out of order, honourable member for Racecourse?

**MCA Kiptanui:** Is it in order for the Honourable Member for Langas to continue repeating the mistake he has been making by sitting on position of Majority Leader, Mr Speaker? I want to say that you take a very punitive action against him.

**Deputy Speaker:** Thank you. He has already moved to a very proper seat for now. Proceed.

**MCA Werambo:** Thank you, Mr Speaker. The reason I disagree this motion to be taken to the committee level is that there are some innocent people who pass on the Pavements and they are knocked down by especially by the arrogant drivers of the Matatu. What we are lacking is enforcement and it doesn't mean that when we put or we add our enforcement or request reinforcement to work with the traffic we are doing anything wrong. Mr Speaker, this is a direct Motion that we wanted just to direct to the CEC in charge of Roads to go liaise with the traffic to make sure that the roads we have made in this Town and the beautification we have put on roads, are not damaged.

Mr Speaker, I request the members --- this motion, as I have seen and I have gone through it, has no malice. Let us take it direct, and what we mean right now, Mr Speaker, when you go somewhere like Kapsabet, people are telling you, your town is so beautiful. The Governor has done a good work. Those are the comments that are coming but we cannot just sit as the House and part of this County Government seeing these things being damaged. I believe what the mover of the motion meant is just to remind the enforcement team that what we have is precious to us, let order and law be enforced to actually reduce the damage that is being caused. So, Mr Speaker, with due respect the laws that are guarding traffic are already there. We cannot say when it is taken back to the committee we are going to sit back and change the Traffic laws. Parking unlawfully is a crime; you can only park where you are supposed to park. Trucks as big as they are, are forced to jump on the pavement, which I have seen, they break that pavement and maybe this truck does not belong to this County; it is just passing going to Malaba or Mombasa. So if there is enforcement, Mr Speaker, we are going to safeguard the pavement. The beautiful structures that we have here in Eldoret belong to us the People of Uasin Gishu. So I totally oppose and I would request that we just deliberate as it has come and actually let it be made with maximum speed that we put enforcement. Actually punitive measure should be taken against those ones who are breaking these laws. The road that they gave as an example is behind here, Mr. Speaker, and even after this session, you can pass there and see. It is not the newly constructed Road that was done the other day. It is just a matter of bringing order to our County and safeguarding our beautification.

Mr Speaker, I stand to oppose and request my colleagues sincerely let this motion go and let it be worked upon. Let the enforcement team be put there and for the first one week we shall uproot those things. We shall not be seeing these people unlawfully parking lorries everywhere where they want within the CBD. That is actually against the law. I oppose and request we just deliberate on the motion as the mover brought it. Thank you.

**Deputy Speaker:** Honourable Jeremiah.

**MCA Sang:** Thank you, Mr Speaker Sir. I stand to support the motion that the substantive motion, Mr Speaker, be referred to the relevant committee. The point of contention here is about parking places/spaces. I want to say that before a contractor starts constructing a Road, first they must provide alternative road. Secondly, provide alternative Parking. If we will use the Police or the *askaris* from the county we will be harassing our people without giving them an alternative. When we are doing the expansion we do provide a Parking space for those Vehicles, Motorbikes. All those who are operating Matatus will suffer for no reason. It is only for a moment that we are doing the expansion and after the expansion when the Roads have been handed to the county government of Uasin Gishu the laws will be followed. Otherwise, Mr Speaker, they will harass the Matatu Drivers, the Motorcyclists and for this reason, by saying the police should arrest and prosecute, currently, Mr Speaker, over 300 policemen who are traffic officers are under investigation. People are suffering because of

these people, Mr Speaker. Let us not expose our Matatu People, let us not expose our motorbikes again to this suffering that is going on. After these routes are completed law and order will prevail, but we want to urge the Government of Uasin Gishu, before we undertake any construction, let us provide an alternative for this people, otherwise our people are suffering for no reason. They will be charged in court, they pay penalties and, Mr Speaker, this Assembly should protect the drivers, and this assembly should protect the people of Uasin Gishu. Otherwise people should not be suffering for no reason. Let us take this motion back to the relevant committee. They will come up with relevant solutions for the time being the constructions are going on; otherwise the people of Uasin Gishu are ready to abide by the laws. Thank you.

**Deputy Speaker:** Honourable Pauline.

**MCA Tuwei:** Mr Speaker Sir, I also stand to support the motion moved by Honourable Amos. You find that this motion awaiting.

*(Point of order)*

**MCA Rono:** Bwana Spika, mimi napigwa na butwaa, kwa Mheshimiwa kutoka Langas kuonyesha mikono na mambo ambayo si mazuri kwa mheshimiwa ambaye ametoka nje kwamba akili yake haipo tena. Je, mambo kama hayo yanakubalika kwa hili jumba, Mheshimiwa Spika, na kuongea kwa sauti ya juu? Hii ni kuharibu Jumba hili na tunakemea katika jina la Yesu, Amen

**Deputy Speaker:** Honourable Members, order! Honourable Members, the deliberations of this House is not to compete. As Honourable members, we need to debate in a very fair way, we respect each other. This is not a Church where you would always say Amen. You know how to do it, Honourable Member for Kipkenyo. The decorum of this House we don't shout at each other and I think before the end of this session or another session, I would still kindly request we might again offer some refresher course to Honourable Members on the decorum of this House. Let us respect each other and let us avoid points of order because you would be interrupting the Honourable Member on the Floor. Honourable Member for Kapseret, you can proceed.

**MCA Tuwei:** Mr Speaker Sir, I am saying that the motion is a weighty matter that actually needs to be looked into urgently. The concern of the mover was the rate at which this pavement is being destroyed. Our concern was inconveniences that have been cause by riders.

*(Point of order)*

**Deputy Speaker:** Point of order? Honourable Member for Racecourse, what is out of order?

## QUORUM

**MCA Kiptanui:** Is it in order, Honourable Speaker, for this House to conduct its business when the House is not in quorum?

**Deputy Speaker:** Clerk, confirm the quorum.

*(The following 13 Members were in the Chamber)*



Hon Amos Kiptanui, Hon Francis Muya, Hon Naum Tirop, Hon Pauline Tuwei, Hon Caroline Birgen, Hon Rebecca Sugut, Hon Daniel Sanga, Hon Jeremiah Sang, Hon Hillary Rono, Hon Flora Bartera, Hon Ramadhan Ali, Hon Pius Kigen and Hon Rosebellah Sing'oei

**Deputy Speaker:** Then, honourable Members, due to lack of quorum we can as well draw the bars and have the quorum bell rung. Deputy Whip, you can whip other Honourable Members so that we can conclude the Business of the day. Clerk, confirm the quorum.

*(12 Members were present in the Chambers)*

Honourable Patrick Bundotich, Honourable Pius Kigen, Rosebellah Sing'oei, Honourable Hillary Rono, Honourable Jeremiah Sang, Honourable Ramadhan Ali, Honourable Flora Bartera, Honourable Daniel Sanga, Honourable Pauline Tuwei, Honourable Naum Tirop, Honourable Rebecca Sugut and Caroline Birgen.

**Deputy Speaker:** Order! Clerk, physically count the Honourable Members, Physically count them.

**Clerk:** Physically we have 12 members.

## **ADJOURNMENT**

**Deputy Speaker:** Honourable Members, before I give directions I would like to invoke Standing Orders number 34. Decorum when the quorum is not present and it says when the quorum bell is ringing members shall maintain Order in the County Assembly. Over and again I have been invoking this Standing Order; we don't have to shout when the quorum bell is being rung. Unnecessary movement within the chambers or shouting using your first language is not acceptable in this Honourable House. When Quorum Bell is being rung let us maintain that decorum. In view of the Quorum, Honourable Members, the House stands adjourned until Thursday at 2:30 PM.

The House rose at 5:20 PM

