

**MURANGA COUNTY ASSEMBLY
THE HANSARD**

Wednesday 21st September 2016

The House met at 2.48 p.m.

(Temporary Speaker Hon. Beth Ngugi in the Chair)

PRAYERS

PAPERS

REPORT OF FINANCE AND ECONOMIC PLANNING ON THE MURANG'A
COUNTY DEBT MANAGEMENT STRATEGY PAPER

Hon. Jane Ndegwa: Mr. Speaker I beg to table the following paper;-

The report of the sectoral committee on Finance and Economic Planning on the Murang'a County Debt Management Strategy Paper today, Wednesday 21st September 2016. Thank you.

BILL

MURANG'A COUNTY PERSONS LIVING WITH DISABILITY BILL NUMBER 4,
OF 2016

(The Speaker left the chair)

(Mace was lowered)

(Second Chairperson Hon. Bernard Kariuki in the Chair)

(COMMITTEE OF THE WHOLE HOUSE)

Second Chairperson (Hon. Bernard Kariuki): Welcome to the Committee of the Whole House for the consideration of Murang'a County Persons Living with Disability Bill 2016.

(Hon. Esther Ngugi rose)

Second Chairperson (Hon. Bernard Kariuki): Just resume your seat---

(Hon. Esther Ngugi resumed her seat)

Second Chairperson (Hon. Bernard Kariuki): We will consider the Bill clause by clause in that order.

CLAUSE 3

(Question that clause 3 be part of the Bill proposed)

(Question put and agreed to)

(CLAUSE 4)

(Question clause 4 be part of the Bill proposed)

(Question put and agreed to)

CLAUSE 5

(Question proposed clause 5 be part of the Bill)

Hon. Esther Ngugi: I propose that clause five be deleted and substituted thereof as follows;

Membership of the Board;

1. The Board shall consist of the following members appointed by the County Executive Committee Member—
 - a. four persons nominated by through the majority consensus of the registered organizations representing persons with various categories of disabilities within the County;
 - b. three members representing the Chief Officers for Departments responsible for the following—
 - (i) culture and social services;
 - (ii) education;
 - (iii) health; and
 - c. such other members as may be co-opted by the Board with the approval of the County Executive Committee Member.

Provided that the membership of the Board shall not exceed nine persons, out of whom at least five of the members shall be persons with disabilities.
2. A person shall be qualified for appointment as a member of the board if the person holds a minimum of a diploma or a higher qualification from a tertiary education institution or university recognized in Kenya.
3. The County Executive Committee Member shall appoint one of the members appointed under subsection (1) (a) as the chairperson.
4. The County Executive Committee Member shall appoint one of the members appointed under subsection (1) (b) as the vice-chairperson.
5. A person shall be qualified for appointment as the chairperson if the person-
 - (a) holds a minimum of a degree from a university recognized in Kenya, and
 - (b) has managerial or administrative experience of at least five years in public or private institutions dealing in matters relating to persons living with disabilities.
6. A person shall be qualified for appointment as the vice chairperson if the person-
 - (a) holds a minimum of a diploma or a higher qualification from a tertiary education institution or university recognized in Kenya, and
 - (b) has managerial or administrative experience in a recognized non- profit organization dealing in matters concerning persons living with disabilities
7. The chairperson and the vice-chairperson shall be of the opposite gender.
8. In nominating or appointing persons as chairperson and members of the Board, the County Executive Committee Member shall ensure that the process is carried out in an open and transparent manner and that—
 - a. the membership of the Board shall equitably represent the types of disabilities occurring in the county;
 - b. not more than two-thirds of the members are of the same gender; and
 - c. the composition of the Board shall reflect the regional and ethnic diversity of the people of Kenya.
9. The Director of the department responsible for social services shall be the Secretary to the Board.

10. Subject to subsection(6), the Director of the department responsible for social services may by writing under his hand delegate responsibilities as Secretary of the Board to an officer under his department.

(Question that clause 5 as amended be part of the Bill proposed)
(Question put and agreed to)

(CLAUSE 6)
(Question that clause 6 be part of the Bill proposed)
(Question put and agreed to)

(CLAUSE 7)
(Question that clause 7 be part of the Bill proposed)
(Question put and agreed to)

(CLAUSE 8)
(Question that clause 8 be part of the Bill proposed)

Hon. Esther Ngugi: I propose that clause eight be deleted and substituted thereof as follows;

Functions of the Board

- (1) The functions of the Board shall be—
- (a) to issue adjustment orders under the provisions of this Act;
 - (b) to formulate and develop measures and policies designed to—
 - (i) achieve equal opportunities for persons with disabilities by ensuring to the maximum extent possible that they obtain education and employment, and participate fully in sporting, recreational and cultural activities and are afforded full access to community and social services;
 - (ii) co-operate with the National Government during the national census to ensure that accurate figures of persons with disabilities are obtained in the country, for purposes of planning;
 - (iii) advise the County Executive Committee Member on the provisions of any National Legislation or agreement relating to the welfare or rehabilitation of persons with disabilities;
 - (iv) recommend measures to prevent discrimination against persons with disabilities;
 - (v) put into operation schemes and projects for self-employment or regular or sheltered employment for the generation of income by persons with disabilities;
 - (vi) encourage and secure the rehabilitation of persons with disabilities within their own communities and social environment;
 - (vii) courage and secure the establishment of vocational rehabilitation centers and other institutions and other services for the welfare, rehabilitation and employment of persons with disabilities;
 - (viii) co-ordinate services provided in County for the welfare and rehabilitation of persons with disabilities and to implement programs for vocational guidance and counseling and

- (ix) to establish a workshop for the manufacture and repair of kits and devices designed for persons with disabilities and to provide training for the manufacture and repair of such implements
- (c) to register—
 - (i) persons with disabilities;
 - (ii) institutions, associations and organizations, including those controlled and managed by the County Government that provide services for the rehabilitation and welfare of persons with disabilities;
 - (iii) places at which services for the rehabilitation of persons with disabilities are provided; and
 - (iv) persons with disabilities whose condition requires constant medical attention for the purposes of availing subsidized medical services.
- (d) to ensure that all persons living with disabilities have access to disability assessment exercises and related medical procedures at all sub-county health centers.
- (e) to provide, to the maximum extent possible—
 - (i) assistive devices, appliances and other equipment to persons with disabilities; and
 - (ii) access to available information and technical assistance to all institutions, associations and organizations concerned with the welfare and rehabilitation of persons with disabilities, including those controlled and managed by the County Government;
- (f) to consult with the County Government in the formulation of suitable curricula for county educational facilities, vocational rehabilitation centres and other training facilities for persons with disabilities;
- (g) to make provision for assistance to students with disabilities in the form of bursaries, scholarships, loan programs, fee subsidies and other similar forms of assistance in public institutions;
- (h) to assess and report to the County Executive Committee Member on the welfare and rehabilitation of persons with disabilities and to advise on the relative priorities to be given to the implementation of those measures;
- (i) to consult with the County Government in the provision of suitable and affordable housing for persons with disabilities;
- (j) generally to carry out measures for public information on the rights of persons with disabilities and the provisions of this Act;
- (k) to perform such other functions in relation to the welfare and rehabilitation of persons with disabilities as the Board may deem necessary; and
- (l) to perform such other functions as may be assigned to the Board under this or any other Act

(2) Without prejudice to the provisions of subsection (1), the Board shall have power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and in particular—

- (a) to conduct inquiries into any matter relating to the welfare and rehabilitation of persons with disabilities;
- (b) to constitute committees consisting of its members, and where necessary to co-opt experts to serve on such committees with the approval of the County Executive Committee Member;

- (c) to vest in or delegate to any committee constituted under paragraph (b) such of the functions of the Board as the Board may with the approval of the County Executive Committee Member determine; and
- (d) with the approval of the County Executive Committee Member, to engage or make other arrangements with any other person to carry out research on, or supply information on, any matter relating to the welfare and rehabilitation of persons with disabilities.

(Question that clause 8 as amended be part of the Bill proposed)

(Question put and agreed to)

(NEW CLAUSE)

Hon. Esther Ngugi: I propose that a new clause be inserted to read as follows;

Donation of funds

The Board may receive funds as a result of public and private appeal from local and international donors or agencies for the purposes of carrying out its functions.

(Question that new clause be read a second time as part of the Bill proposed)

(Question that new clause be read a second time put and agreed to)

(Question that new clause be part of the Bill proposed)

(Question that new clause be part of the Bill put and agreed to)

(CLAUSE 9)

(Question that clause 9 be part of the Bill proposed)

(Question put and agreed to)

CLAUSES 10, 11 and 12

(Question that clauses 10, 11 and 12 be part of the Bill proposed)

(Hon. Samuel Wandia rose on a point of order)

Hon. Samuel Wandia: Mr. Chairman my file does not have clause 10 and 11 not unless other members have, then we are not reading from the same script.

Second Chairperson (Hon. Bernard Kariuki): I think you may read from the amendments.

Hon. Samuel Wandia: I think I am saying nay for something I do not have which is improper.

Second Chairperson (Hon. Bernard Kariuki): It is in the order paper, what I am reading is in today's order paper.

Hon. Samuel Wandia: We do not have it Mr. Speaker and I think we are following the proceedings without anything in the file

Second Chairperson (Hon. Bernard Kariuki): What are in the order paper are the proposed amendments and what we are going through as clause by clause is the Bill itself; the yellow Bill. If you can be able to locate it is in the file; what is on the order paper is actually the proposed amendments and that's why I sometimes pause if there is a debate people can contribute.

Hon. Samuel Wandia: Now I have understood and I am going to refer to the Bill.

Second Chairperson (Hon. Bernard Kariuki): We have proposed clause 10 to 12 be part of the Bill.

Hon. Esther Ngugi: I propose that a new clause 12 (1) (b) of the Bill be amended by deleting the word 'retarded' appearing between the word 'mentally' and the word 'shall' and substituting thereof with the word 'challenged'

(Question that clause 12 as amended be part of the Bill proposed)
(Question put and agreed to)

(CLAUSE 13)

(Question that clause 13 be part of the Bill proposed)
(Question put and agreed to)

(CLAUSE 14)

(Question that clause 14 be part of the Bill proposed)

Hon. Esther Ngugi: I propose that clause 14 be amended by inserting the following sub-clause;

- (a) advocating for optimal uptake of vaccination services in all sub-counties so as to prevent children from developing disabilities such as blindness, lameness and paralysis from preventable diseases such as measles and polio respectively;

(Question proposed that clause 14 as amended be part of the Bill)
(Question put and agreed to)

(CLAUSE 15)

(Question that clause 15 be part of the Bill proposed)

Hon. Esther Ngugi: I propose that clause 15 be amended by inserting the following sub-clause;

(2) Subject to subsection (1), all planning and development projects within the county shall have provisions that facilitate access for persons living with disabilities.'

(Question proposed that clause 15 as amended be part of the Bill)
(Question put and agreed to)

(NEW CLAUSE)

(Question that new clause be part of the Bill proposed)

Hon. Esther Ngugi: I propose that clause be inserted to read as follows;

Exemptions and relief

(1) All persons with disabilities in the county who are liable to pay such fees and duties levied by the County Government may apply to the Chief Executive Committee member for a waiver to reduce the cost to the disadvantage of persons with disabilities.

(2) The County Executive Committee member responsible for finance may by notice in the County Gazette, prescribe the procedure for application for and grant of such waiver under this section

(Question proposed that new clause be read a second time)
(Question put that new clause be read a second time and agreed to)
(Question proposed that new clause be part of the Bill)
(Question put new clause be part of the Bill and agreed to)

(CLAUSES 16, 17, 18, 19, 20, 21, 22, 23 AND 24)
(Question proposed clauses 16, 17, 18, 19, 20, 21, 22, 23 and 24 be part of the Bill)
(Question put and agreed to)

(SCHEDULE)
(Question proposed that schedule be part of the Bill)

Hon. Esther Ngugi: I propose that the schedule be deleted and substituted thereof as follows;

1. A member of the County Board may—

- (a) resign his office by notice in writing to the County Executive Committee Member; or
- (b) be removed by the County Executive Committee Member by notice in writing if he—
 - (i) is subject to a vote calling for his removal by a two thirds majority of all members of the County Board;
 - (ii) has been absent from five consecutive meetings of the County Board without permission of the chairperson;
 - (iii) is so incapacitated by prolonged physical or mental illness as to be unable to attend to and perform his duties;
 - (iv) is an un-discharged bankrupt;
 - (v) is convicted by a Court of an offence punishable by a term of imprisonment; or,
 - (vi) is otherwise unable or unfit to discharge his functions.

2. Where the office of a member becomes vacant the vacancy may with the approval of the County Executive Committee Member be filled through the majority vote of the members for the remainder of the term.

3. The County Board shall pay to its members such remuneration as the County Executive Committee Member may approve.

4. The meetings of the County board shall be convened once every three months of the year.

5. A meeting of the County Board shall be held on such date and at such time as the County Board shall decide, or in the absence of such a decision if the chairperson decides that a meeting is necessary, on a date and at a time determined by the chairperson.

6. Unless otherwise decided by a two-thirds majority of the members of the County Board, at least fourteen days' written notice of every meeting of the County Board shall be given to every member of the County Board.

7. The quorum of a meeting of the County Board shall be two thirds of the membership of the Board.

8.(1)The chairperson, or in his absence, the vice-chairperson, shall preside at every meeting of the County Board.

(2)In the absence of both the chairperson and vice-chairperson, the members present may choose one of their number to preside at the meeting.

9. A decision of the majority of members of the County Board present at any meeting of the County Board shall be deemed to be the decision of the County

Board and if upon any question the voting shall be equal, the chairperson, vice-chairperson or other person presiding shall have a second and casting vote.

10. No act, decision or proceedings of the County Board shall be invalid on account of a vacancy in the membership thereof or on account of the appointment of a member of the County Board being defective

(Question that Schedule as amended be part of the Bill proposed)
(Question put and agreed to)

(CLAUSE 2)
(Question that clause 2 be part of the Bill proposed)
(Question put and agreed to)

(SHORT TITLE)
(Question that short title be part of the Bill proposed)
(Question put and agreed to)

(LONG TITLE)
(Question that long title be part of the Bill proposed)
(Question put and agreed to)

Hon. Esther Ngugi: Hon. chairperson, I beg to move that the committee reports to the Assembly its consideration of the Murang'a County Persons Living with Disability Bill no. 4 of 2016 and its approval thereof with amendments.

(Question put and agreed to)
(Mace was raised)
(The Assembly Resumed)
(Temporary Speaker Hon. Beth Ngugi in the Chair)

Hon. Bernard Kariuki: Honourable Speaker, I beg to report that the whole Assembly has considered The Murang'a County Persons Living with Disabilities Bill number four of 2016 and its approval thereof with amendments.

The committee has been able to look thoroughly at the Bill and I thank the members for burning the midnight oil for this House to be able to consider this very important Bill.

One of the key amendments that was proposed by the mover to this Bill was amendment to clause eight which had raised substantive concerns at the second reading and I thank the mover for being able to observe sentiments of the members. Clause eight was amended to look at the functions of the proposed establishment of board to look into the issues of PWDs in the county and that was unanimously approved.

Also, the mover introduced two new clauses all geared towards making the Bill be smoothly implemented if it is going to pass the third reading.

I thank the whole Assembly for agreeing to sit here and look at this Bill thoroughly and ventilating all the issues the whole assembly felt needed to be addressed. Madam Speaker that is the report, I beg to table. I thank you.

Hon. Esther Ngugi: Hon. Speaker I beg to move that the Assembly do agree with the committee in the said report. I call Hon. Kirigwi to second the motion.

Hon. Charles Kirigwi: Madam Speaker I second.

(Question proposed)
(Question put and agreed to)

SUPPLEMENTARY ORDER PAPER

NOTICE OF MOTION

ADOPTION OF REPORT OF DELEGATED COUNTY LEGISLATION COMMITTEE ON THE PUBLIC FINANCE MANAGEMENT MURANG'A COUNTY ASSEMBLY MORTGAGE STAFF SCHEME FUND REGULATION 2016

Hon. Bernard Kariuki: Honourable Speaker I wish to give a notice of the following motion;-

That this Assembly adopts the report of select committee on delegated county legislation on the Public Finance Management Murang'a County Assembly Mortgage Staff Scheme Fund Regulation 2016 laid on the table of the Assembly on Tuesday, September 20th 2016.

Thank you Madam Speaker.

MOTION

ADOPTION OF REPORT OF LAND, HOUSING PHYSICAL PLANNING AND SETTLEMENT COMMITTEE ON NATIONAL LAND COMMISSION MONITORING AND OVERSIGHT GUIDELINES FOR COUNTY SPATIAL PLANNING

Hon. Catherine Mugo: Madam Speaker I beg to move the following motion;-

That this Assembly adopts the report of Land, Housing Physical Planning and Settlement committee on National Land Commission monitoring and oversight guidelines for county spatial planning laid on the table of the Assembly on Tuesday, September 20, 2016.

The committee on land came up with a report on the county spatial monitoring and oversight guideline which were to guide the minister and the County Executive Committee Member (CEC) for land on how they should come up with a spatial plan for different regions.

The report is guided by the principles laid out in the introduction and background of the guidelines that guide the planning process. We looked at different things which included the pre-planning as a guideline, the activities to be undertaken by the County Executive Committee Member, which include scoping, assessment of needs surveying, budget and resource mobilization, consultative meetings are also to be held for the people to agree on what they want to be included in the spatial planning. We also came up with visioning and setting of objectives to help the CEC contact all the stakeholders and have a glimpse of the desired future of the county.

The CEC should research and map because spatial planning is a method used by private and public sectors to influence the distribution of activities in a county and ensure developments are not sprouting from any corner and ensure that proper buildings come up in a county.

Among the further guidelines, we looked at the situation analysis; the person coming up with the spatial analysis should critically examine the current situation and condition of the county which entail data processing, analysis and interpretation. This will enable them find out the kind of housing that is supposed to come up, if it is a slum, an upmarket area and whether such buildings should be controlled or not. These are just guidelines to enable the CEC come up with the spatial plan for the people of Murang'a to have a beautiful town and other market areas in the county. I urge members to support this committee and these

guidelines so that our CEC for land will be able to come up with a spatial plan. I ask Hon. Lucy who is a member of this committee to second this motion.

Hon. Lucy Njoroge: Thank you Madam Speaker, I second.

(Question proposed)

Hon. Bernard Kariuki: Thank you Hon. Speaker for the opportunity to support this motion. I wish to thank the committee for that noble idea for us as a county government to embark on county spatial planning because that is what spurs development in our county; we cannot develop without first of all planning.

Madam Speaker, I pray that we do not spend so much time on planning and lose time for the actual implementation. Planning is very critical, especially when you look at towns like Kenol which are growing very fast. We need a spatial plan for the town. We know that it is supposed to be our commercial hub for us as a county, given that the county headquarter has become retarded in terms of growing. We, therefore, can only go to Kenol and towns like Kangari and others that are growing; including Karugia which has a very high potential of becoming a metropolitan of Kenol.

(Laughter)

Madam Speaker, I thank those members who can see that I am saying. It is a town on the highway; thus when Kenol is full, people will have to spill this way. Before those people reach Saba Saba, they will have to invest in Karugia. We therefore need a serious County Executive Member (CEC) in this docket to ensure that we have a county spatial plan before we leave this Assembly so that we can lay the foundation for the future development of our county.

One of the biggest headaches for people investing in Kenol is lack of a spatial plan; we do not know where the factories should be or where the residential areas should be, it is haphazard. We can save the future generation by having a county spatial plan, not just for the towns but even for the rural areas. I am hopeful that even Muthithi will one day produce a town. For it to grow that way, we need a spatial plan or a sketch of how it should grow.

I therefore thank this committee for coming up with that idea which is long overdue; it should have been done yesterday. We are however not late; ten months is quite good time for us to do this. I support. Thank you Madam Speaker.

Temporary Speaker (Hon. Beth Ngugi): I now call the mover to respond.

Hon. Catherine Mugo: Thank you Madam Speaker, I am sure that silence means that all are in agreement that we need to have the spatial planning for our county. I thank the members for their silence which means consent and I ask them to support the motion.

Thank you.

(Question put and agreed to)

ADJOURNMENT

Temporary Speaker (Hon. Beth Ngugi): Hon. Members, this House stands adjourned until tomorrow 2:30 p.m.

The House rose at 3:21 p.m.