

MURANGA COUNTY ASSEMBLY THE HANSARD

Thursday, June 4, 2015

The House met at 2:40 p.m.

(Deputy Speaker Hon. Gachui Mungai in the Chair)

PRAYERS

STATEMENTS

KARII WASTE DISPOSAL SITE

Hon. Martin Mwangi: Mr. Speaker, I stand on Hon. Joseph Njoroge's behalf, he has told me that he is tied up in a meeting, with your permission, can I continue?

Hon. Deputy Speaker: Hon. Members it is good to note that according to our standing orders, a member delegating responsibility should do so in writing, but with the leave of the Chair, you may proceed but it is good for us to be observing the standing orders.

Hon. Martin Mwangi: Thank you Mr. Speaker, pursuant to standing order number 45 (2) (c), I hereby request for a statement on behalf of Hon. Joseph Njoroge, from the Chairperson Health Services committee on the following;

- i. Is the Chairperson aware of the existence of Karii waste disposal site in Mbiri ward?
- ii. If yes, is he aware that the facility fails to comply with Environmental Management and Coordination (Waste Management) Regulations Legal Notice No. 121 of 2006?
- iii. Is the Chairperson aware that the road to the dumpsite namely Muthigiriri is in deplorable condition thus contributing to littering of the road by the trucks transporting the waste to the facility?
- iv. Can the Chairperson Health Services committee table a report on compliance of the waste disposal site with the said legal Notice No. 121 of 2006?

Hon Boniface Njihia: This statement from Hon member for Mbiri is a matter to do with environment not health, and he should thus direct it to the committee of natural resources and environment

Hon. Deputy Speaker: It is true Hon. Member, that question should be directed to the committee in charge of water and environment and since the statement cannot be amended on the floor of the House, we refer that statement back to the member who requested it to redraft it and request the statement from the concerned department.

MOTIONS

FACILITIES TO EASE ACCESS TO ALL PUBLIC PLACES BY PERSONS WITH DISABILITY

Hon. Esther Ngugi: I beg to move the following motion;-

Aware, that all persons with disabilities are entitled to reasonable access to all places, public transport and information, pursuant to Article 27 and 54 of the Constitution of Kenya 2010, further aware that persons with disabilities face challenges in accessing public buildings, public transport and information in Murang'a County, this House urges the County Executive Committee Member for Transport and Infrastructure Development to;

- a. Construct ramps, lifts and other facilities necessary to facilitate access to all public offices and public places by persons with disabilities.
- b. To take measures to guarantee persons with disabilities reasonable access to all places, public transport and information including development of ramps, parking spaces, toilets, pedestrians path ways among others.

Mr. Speaker, to give references, I beg you allow me to quote some articles of the law. According to the Universal Declaration of Human Rights passed by the UN General Assembly 1948, article 21(2) stipulates that everyone else has a right to equal access to public services in his country, Section 21 of the Disability Act 2003, persons with disability are entitled to a barrier free and disability friendly environment.

Section 125 of the Disability Act 2003, stipulates that no persons shall deny a person with disability admission to premises where other members of the public are ordinarily admitted, they should not be denied any services because of any physical, structural, administrative or any other predicaments to such access.

Mr. Speaker, before this Act was enacted, our country did not consider issues to do with disability and when this Disability Act 2003, established the adjustment order Section 21, which deals with disability that affects the disabled in our environment. I want to argue my case based on what should be done according to adjustment order on public toilets, towns, markets, public transport and public buildings,

Mr. Speaker, on public toilets, people with disability require special toilets in all facilities, these toilets should be wider than the normal size where wheelchairs, the person with disability and the aides can fit. These special toilets should have doors opening outside to enable the aide of the disabled person to close the door for him. Inside the toilets, there should be supporting rails where, persons with disability should be able to transfer themselves from the wheelchair to the toilet basin.

On issues of towns and market centres, we should have smooth pedestrian pathways which are wide enough for a wheelchair to move, and avoid collision with other pedestrians.

(Hon. Joseph Njoroge crossed the floor without bowing)

As this person with disability is moving with his aide on the pedestrian pathway

(Hon. Joseph Kimani rose on a point of order)

Hon. Deputy Speaker: Point of order and you prepare to quote the violated order because you are interrupting the mover

(Laughter)

Hon. Joseph Kimani: Mr. Speaker, according to our standing orders, is it in order for Hon. Njoroge to cross the floor without bowing?

Hon. Deputy Speaker: Correct, the Hon. Member for Mbiri has violated our standing orders and traditions. Hon. Member for Mbiri, go back there and bow to the mace the symbol of authority

(Hon Joseph Njoroge Mwangi bowed at the Bar)

Hon. Deputy Speaker: Yes correct, Hon. member you may continue

Hon. Esther Ngugi: Mr. Speaker, I was coming to my second point which is about towns and markets, there should be smooth pedestrian pathways wide enough for a wheelchair and to avoid collision with other pedestrians as they move. Mr Speaker these pedestrian pathways should not be slippery. We have people wearing callipers while others are using crutches and wheelchairs and when the pedestrian pathways are very smooth they can fall. We also require zebra crossings with signage indicating that persons with disabilities are passing by.

On transport, dropping and picking zones should be disability friendly, we should have ramps to access the sheds in our stages for public transport, we should also have reserved parking spaces wide enough for opening of car doors and wheelchairs and a space for the aide to stand as he helps a person with disability on a wheelchair to get out of the car and onto the wheelchair. We should have these reserved parking spaces in all town centres, markets, major shopping centres and malls and clear sign posts indicating that the parking is reserved for them, and no other motorists should use them. Mr. Speaker , according to the Adjustment Order, PSV vehicles should reserve a seat to person with disability adjusted to suit his/her needs.

All public buildings should have lifts, ramps or both and ensure that all floors are accessible by persons with disability. All doors and corridors should be wide enough so that those who are using wheelchairs and other assistive devices can move conveniently.

Mr. Speaker, I would urge members of this House to help me talk to the CEC Transport and Infrastructure to ensure that no approval of new building plans that do not provide access to persons with disabilities, and no approval for alterations of existing buildings without providing for access by persons with disabilities.

Sports fields and other recreational facilities should be disability friendly to attract and accommodate PWDs who want to be spectators or participants in an event, there should be seats reserved for them and the environment in the field should be PWDs friendly.

There should be special toilets which have special adjustments. The VIP dais and public gallery should also be disability friendly, Mr. Speaker, if we do this we will have PWDs participating in all events, and they will also be attracted to take part in all spheres of life in business and sports. Thank you I call upon Hon. Bernard to second the motion.

Hon. Bernard Kariuki: I rise to second the motion by my good friend and sister Hon. Esther, and urge the members of this Assembly to approve this motion so that we can be seen to practice what is provided for under Article 27 and 54 of the Constitution, because we gave ourselves a Constitution that is alive to the fact that people living with disabilities are part of our society and as a government we need to live by that promise that we are going to protect them and ensure that public service delivery to this segment of the society is not hindered in any way.

Mr. Speaker, as I urge members of this Assembly to support this motion, I will also urge the CEC member for transport because the buck stops with him in terms of accessibility to these people, to make sure that all the infrastructural development that is going to take place from now henceforth in the county is PWD friendly. In places like hospitals, especially public hospitals, we need to see that the PWDs are able to access the hospitals, institutions

like schools and other government offices so that we do not deny them an opportunity to be served by the government

(Hon. Duncan Njuguna rose on a point of order)

Hon. Deputy Speaker: Point of order

Hon. Duncan Njuguna: Mr Speaker, is it in order for the Hon. Member for Kimorori/ Wempa to read newspapers in this Assembly and yet the people of Kimorori/ Wempa are expecting to be well represented in this Assembly?

Hon. Deputy Speaker: Hon. member if you have been reading a newspaper in the chambers it is clearly indicated in our standing orders that it is prohibited. However the chair cannot see him reading a paper at this time.

Hon. Duncan Njuguna: He is reading a free copy of the People

Hon. Deputy Speaker: You should know that you are violating our standing orders because nothing else is supposed to be read not unless you are consulting a newspaper to get material e to support what you are to contribute in the floor of the House. You may continue.

Hon. Bernard Kariuki: Thank you Mr. Speaker, the hon. member for Gitugi is very much concerned with the decorum and that is very important.

Mr. Speaker I was saying that it is very important for the CEC for infrastructure to make sure that there is a policy framework within his docket to ensure that affirmative action as enshrined in the Constitution as far as PWD's is concerned is implemented, and making sure that our institutions that is hospitals, schools and government offices and also social places like hotels where the plans have to be approved by the county government. All these institutions require and must obey the Constitution because that is the Constitution that we passed.

We must appreciate that the people living with disability have special needs that as a government we need to meet. Therefore, going forward I think the CEC needs to have that policy framework that also is going to make sure there is a provisional funds to make sure that these needs are catered for in terms of budgeting process so that our people living with disability whom we all represent as they are all Kenyans can enjoy the services from government.

We must stop treating people living with disability as a special category away from the normal people, they are normal people it is only that they have abilities in other ways.

I second this motion and urge all members to support this motion not viewing it as a motion for a minority segment of the society but seeing it as a way of appreciating the affirmative action in our Constitution so that our people living with disabilities for once can say that they have a government that is considerate of them and of their needs.

I second and ask members to overwhelmingly support this motion because it is a special kind of motion. It is like the proposals before the National Assembly about affirmative action and it is a motion that we need to approve. It is not a very costly motion to implement; it just requires the county government to be aware of the provisions of the Constitution in as far as the affirmative action is concerned. So Mr. Speaker I second, thank you.

(Question Proposed)

Hon. Deputy Speaker: The debate is open, hon. Member for Gitugi

Hon. Duncan Njuguna: I stand to support the motion because the Constitution as it has been said by the mover and the seconder has put a lot of emphasis on people living with disability. Since we represent the same people we should be mindful of their welfare especially their movement and also the facilities they use.

But I am very much concerned on their access to all places, public transport and others because if we are to conform with whatever the mover has said may be she could have started with few places but not all the places because in some places where we have public institutions like the administration blocks in our areas may be we do not have good access roads where wheelchairs can move.

So she could have stated that we start with public places especially in the developed towns like Murang'a, Kenol or Kiria-ini or any other because that way we can be able to implement the policy. But all the same the motion is very good because as I have stated it is mindful of the welfare of the people with disability. Therefore Mr. Speaker, I support the motion.

Hon. Deputy Speaker: Hon. Member for Makuyu

Hon. Danson Mburu: I thank you Mr. Speaker sir, I stand to support the motion and urge the members to see these people as less fortunate in life, they were born that way they are our relatives they are people that we know.

At times I wonder when I go to towns like Thika and see these people crawling on the ground and then you wonder what happens when they need to go for a call of nature. They go to public toilets and we all know how dirty those toilets are and this person would go to that toilet because there is no any other way to attend to the call of nature.

And when the mover of the motion urging that special toilets be built for such people, it is quite in order and especially so in Murang'a county where we have a say.

I urge the CEC in charge of health to think about this one and see what can be done and go by the points raised by the mover of the motion so that we can assist these people.

I see these people stranded at the stages as at times matatu personnel refuse to pick them because they see them as a burden. When they have crutches or their wheel chairs touts thinks that these people will waste their time while boarding and alighting the vehicle.

When you go to hospitals these people suffer a lot and the other patients on the queues will not allow a person with disability to be attended first .I am asking that the public should change their attitude and see the disabled as human beings just like themselves, it is only that they are less fortunate having been born that way. So I urge the members to support the motion and I urge the CEC to implement the motion so that we may improve the living conditions of these people.

Hon. Florence Nyambura: I thank you Mr. Speaker sir, I stand to support the motion and there is a proverb that says charity begins at home. I would like to congratulate the defunct municipal council for how they built this institution because everybody with disability is able to access all the offices.

But Mr. Speaker sir, the floor in our institution is very slippery and not good for the people on crutches. It is very unfortunate that we have one of our staff who struggles to go down stairs and upstairs. It is my plea that when considering the other institutions, we also

consider the Assembly because of our staff and ourselves because one can slip and fall and because we are renovating the Assembly it is also a kind request that we consider that.

It is very sad for our people when they go to Governor's office, a place which houses all the departments, the offices are not accessible to people on wheelchairs. I recognise it was designed some years ago and we might not be able to do anything I think that we should at least in the budget we are making allocate money for lifts in that particular building. If you go to county commissioner's office, which is a public office, it is equally not accessible to people with disabilities.

I would like to say that may be it is expensive to factor it in the budget to implement the motion at once but we can be able to start with one town, one public office and with time we move to the other places within the county.

I would like to thank the churches leaders as I have visited various churches and they have tried to make the church facilities accessible to persons with disabilities.

We should remember that everybody is a candidate of disability so I wish the county factors this in the budget if it is not there. Also on the issue of parking you see people with disabilities comes to the meeting in town and when they plead with matatu not to take them to the stage because of having to come all the way back, the matatu crew refuses as they are fearing to be harassed by the town management authorities. So I also plead that the stages be designated within the town to ease movements of people with disabilities.

The burden of our people is on our shoulders, we have been doing things thinking about them and considering them and I know that God will bless this first assembly for doing all that.

We annually have an annual disability event on 3rd December and the year before last, many people came to Ihura stadium for the event. What we saw made us cry when we saw a woman crawling to the toilets inside the stadium which even you who is okay cannot use.

Therefore, the health sector also needs to inspect our toilets. Our people with disabilities cannot manage to make use of the toilets we have in the towns. We also had a challenge with one of us when we came here. Hon. Kariuki challenged the former Clerk about the toilets because he could not access them. I stand to support and say that our County should change the negative attitude of our people and have a positive attitude. It is especially important to consider the infrastructure as we make the budget. Thank you Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Charles Karina.

Hon. Charles Karina: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii nichangie mjadala huu. Namshukuru sana Mheshimiwa ambaye ameuleta mjadala huu katika Bunge hili. Huu ni mjadala mzuri sana kwa sababu sisi kama viongozi tuliapa ya kwamba tutailinda na kuitetea Katiba yetu ya Kenya.

Ombi hili la mheshimiwa halitasababisha serikali yetu kutumia pesa nyingi. Kwa hivyo, ni vizuri waziri anayehusika ayatekeleze yale yote ambayo yameombwa na Mheshimiwa huyu.

Pia, kama Mwenyekiti wa utekelezaji, hivi karibuni nitauleta mjadala wa kuwazungumzia mawaziri wetu maanake ni vibaya sana tunaongea hapa na kupitisha sheria nyingi lakini mawaziri wanakosa kutekeleza sheria hizo. Kama Mwenyekiti wa utekelezaji wa yale yote yamepitishwa kwa nyumba hii, ningetaka mzungumzie mjadala nitakaouleta kwani mawaziri wamekuwa hawatii yale tunayopitisha kama Bunge.

Nasimama kuunga mkono na nimalizie kwa kusema kuwa ni lazima tuwajali ndugu zetu ambao hawajiwezi. Kwa kusema kweli, yale yote yameombwa na mheshimiwa huyu yaonyesha kuwa yeye anawajali mandugu zetu. Kwa hayo machache, naunga mkono.

(Laughter)

Hon. Deputy Speaker: Hon. Cecilia.

Hon. Cecilia Gitu: Thank you Mr. Speaker sir, for allowing me to air my views. I stand to congratulate the mover of the motion and to support any action that can support the people living with disability. Why? We had a similar motion yesterday on the people living with disability and the mood of the House was very clear that this August House knows its duty. We know that the disabled people are part of our society; they are an integral part of this society and they therefore cannot be wished away. Any affirmative action to support them is very welcome.

I am saying that we do not have to start destroying our houses, I think what we can do is that the CEC in charge can make a policy where people are guided as to how they are going to make their buildings friendly to the people living with disability (PWDs). We cannot leave it to individuals to do what they want. There is a standard way of doing the ramps; there is a standard way of even building the toilets for the people with disability. We need a policy in place so that the planners can follow that even when they are planning the buildings in towns and elsewhere. I support.

Hon. Deputy Speaker: Hon. Rebecca.

Hon. Rebecca Mwicigi: Thank you Mr. Speaker sir, I stand to support the motion and congratulate the mover for being so mindful of the other colleagues. As I stated yesterday, it is the right of the disabled people to live a comfortable life in this country. That right is guaranteed in our Constitution, which I thank the community for passing it.

If the houses and buildings are not friendly to the PWDs, they suffer a lot. It is very expensive to keep an assistant for a disabled person. They keep on complaining how difficult it is to push them upstairs. A disabled person has to have two assistants if he wants to visit any building that does not have those ramps or a lift to take them up.

Just to add to what Florence has said, if a disabled person wants to visit the CEC for Health in this County, they cannot reach there and I don't think that if the CEC is called down to be told what that person wants would come down. I support the motion and emphasise that we should start with our own buildings which should be friendly so that we are seen to be kind to these people. That will ensure that they are happy and they will enjoy life. Thank you Mr. Speaker.

Hon. Deputy Speaker: I now call the Hon. Member for Mbiri.

Hon. Joseph Njoroge: Mr. Speaker, I stand to support the motion and congratulate the mover because she has shown why she is in this Assembly because she is taking care of the people she represents. It is also good to note that in the building code, it is factored that each and every public building should have a ramp because of the people with disability.

I do not know whether it is ignorance in our County because most of the buildings in our County do not have ramps, including the County headquarters where the Governor's office is located. They should think that it is time when charity begins at home; it is now time to show the national government that there is somewhere where the people with disability can be placed in the County. It is also time for this Assembly to pass this and tell the CEC for Infrastructure to construct a ramp in our County headquarter, the

Commissioner's office and the Lands office for the disabled people. These are offices that are just next to us. We should be saying something as we lead by example. We cannot lead if we are not showing that we are taking care of these people. I therefore support the motion.

Hon. Deputy Speaker: Hon. Kariuki Njogu.

Hon. Peter Kariuki: Ahsante sana Bwana Spika, ningependa kuzungumzia na kuchangia mjadala huu unaohusu sisi ambao tumeumbwa kwa njia ya thamana. Yesu Kristu aliulizwa swali siku moja, "Je, huyu mtu ambaye amezaliwa kiziwi, ni mzazi wake ametenda dhambi ama ni yeye?" Sio kuhubiri nahubiri

(Laughter)

Lakini ningependa niwakumbushe waheshimiwa kwamba Yesu Kristu alijibu kwamba alimuumba hivyo ili watu wote waweze kuiona kazi yake Mwenyezi Mungu.

Jambo ambalo ningependa kuzungumzia zaidi ni kwamba sisi tuliombwa kwa njia hii, wakati mwingine pia sisi tungependa kuchangia kwenye ujenzi wa nchi hii yetu ya Kenya, lakini kwa sababu ya vizuizi vingine, tunazuiwa kuijenga nchi hii yetu ya Kenya kama inavyostahili.

Kwa mfano, mtu pengine amesomea uhandisi ama kazi nyingine yoyote ile, lakini ofisi ile anafaa kaujiriwa iko katika gorofa ya kumi ilhali hawezi kufika huko. Kwa hivyo anayemuajiri ashindwa atamuajiri kivipi. Anasema heri amuajiri mtu hata kama hajafika kiwango hicho cha masomo lakini ataweza kufika kwenye gorofa ya kumi. Hiyo inafanya mtu huyu asiweze kujenga nchi yetu ya Kenya.

Mfano mwingine ni wa choo ambapo magonjwa mengine hutokea ambayo yaweza kumdhuru mtu, hata saa zingine kusababisha kifo chake. Kwa sababu gani? Kwa choo kuna chemikali ambayo inaitwa 'ammonia'. Wakati ambapo chemikali hii inaingia kwa mwili kwa wingi, inaanza kudhuru afya ya mwanadamu. Kwa hivyo, nachangia kwamba waziri anayehusika atekeleze jambo ambalo ameombwa na Mheshimwa Esther ili watu ambao wana ulemavu waweze kuishi maisha mema na waweze kuifurahia nchi hii ambayo tumepewa naye Mwenyezi Mungu. Mungu awabariki.

(Applause)

Hon. Deputy Speaker: I now call the mover to respond.

Hon. Esther Ngugi: Thank you Mr. Speaker sir. I thank the members for supporting this motion. I am also happy because I am enlightened that the law is already in place, so the County Government has no reason to tell us that they cannot do this because there is no law in place. I suggest that they start immediately. Thank you Mr. Speaker sir.

(Question put and agreed to)

(Applause)

Next Order

BILLS**THE MURANG'A COUNTY REVENUE ADMINISTRATION BILL, 2015- FIRST READING**

*(Bill Read for the first time)
(Bill referred to the relevant sectoral committee)*

Hon. Deputy Speaker: Next Order

ADJOURNMENT

Hon. Deputy Speaker: The House now stands adjourned until Tuesday next week at 9:30 a.m.

The House rose at 3:26 p.m.