

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 10th April, 2018

The House met at 2.38 p.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

NOTICE OF MOTION

CONSTRUCTION OF GABIONS IN ALL EXISTING GULLIES

Hon. Deputy Speaker: Under this order number we have one notice of motion which is going to be read by the Hon. Ndambuki Dominic.

Hon. Ndambuki:

Mr. Speaker, aware THAT the Fourth Schedule of the Constitution of Kenya, 2010 bestows the County Government with matters of implementation of specific national resources and environmental conservation including soil and water conservation;

Aware THAT soil erosion is a natural process which has increasingly being exacerbated by human activities such as agriculture and deforestation;

Further aware THAT one of the major environmental effects of soil erosion is formation of gullies;

Aware THAT Kathiani ward and specifically the residents of Mangani and Kyuluni villages have experienced these effects;

Cognizant of the fact that the gullies have rendered the villages inaccessible since the roads network has been cut off;

Aware THAT these gullies pose health hazards to both human beings and animals, Mr. Speaker, acknowledging that no measures have ever been taken by the County Government in rehabilitation of the eroded areas and if no action is taken the gullies will keep on enlarging;

Aware THAT the entire county has these un-rehabilitated gullies with similar effects to the environment, Mr. Speaker, I wish to give a notice of motion that the County Government of Machakos puts measures to construct gabions in all existing gullies in the entire county.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Dominic for that notice of motion. Mr. Clerk proceed.

BILL

First Reading

MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2018

Hon. Deputy Speaker: Hon. Members under this order we have one motion: The Machakos County Supplementary Appropriation Bill, 2018 to be moved by Hon. Dominic.

Hon. Ndambuki: Mr. Speaker, pursuant to Standing Order 119, I would like to present the Machakos County Supplementary Appropriation Bill, 2018 to this Hon. House for the first reading. Thank you Hon. Speaker.

Hon. Deputy Speaker: Thank you. I now call upon the clerk to read the short title Mr. Clerk.

(Order for First Reading read - Read the First Time and ordered to be referred to the Budget and Appropriations Committee)

Hon. Members the First Reading of that Bill has been done and this Bill is now committed to the committee of Budget And Appropriation committee so that they can be able to interrogate the Bill in all its aspects and report back to the House for the Second Reading as per the timeline stipulated in law for debate and discussion otherwise. So the Budget and Appropriations committee will interrogate this Bill. Proceed.

MOTION

CONSTRUCTION OF GABIONS IN ALL EXISTING GULLIES

Hon. Deputy Speaker: Under this order number, we have one motion by the Hon. Dominic Ndambuki, MCA Kathiani Central Ward and Chair Budget. Hon. Dominic.

Hon. Ndambuki:

Mr. Speaker, aware THAT the Fourth Schedule of the Constitution of Kenya, 2010 bestows the County Government with matters of implementation of specific national resources and environmental conservation including soil and water conservation;

Aware THAT soil erosion is a natural process which has increasingly being exacerbated by human activities such as agriculture and deforestation;

Further aware THAT one of the major environmental effects of soil erosion is formation of gullies; aware THAT Kathiani ward and specifically the residents of Mangani and Kyuluni villages have experienced these effects;

Cognizant of the fact that the gullies have rendered the villages inaccessible since the roads network has been cut off;

Aware THAT these gullies pose health hazards to both human beings and animals, Mr. Speaker, acknowledging that no measures have ever been taken by

the County Government in rehabilitation of the eroded areas and if no action is taken the gullies will keep on enlarging;

Aware THAT the entire county has these un-rehabilitated gullies with similar effects to the environment, Mr. Speaker, I wish to give a notice of motion that the County Government of Machakos puts measures to construct gabions in all existing gullies in the entire county.

Thank you, Mr. Speaker. I wish to call upon Hon. Justus Kiteng'u to second this motion thank you.

Hon. Kiteng'u: Mr. Speaker, as you are aware, the whole County has been experiencing a lot of rains of late causing a lot of erosion in our county. I really do strongly second the motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Members I now propose the question.

(Question proposed)

Members, you may debate on this. Hon. Mitaa.

Hon. Mitaa: Mr. Speaker, I wish to support the motion by my colleague Hon. Dominic on the need to come up with the gabions and gullies in the entire County. I think Mr. Speaker, I can categorically say that my area and Hon. Dominic's area, I think, are the same; hilly and we have problems with erosion and we used to see gabions during Moi's time when were young and ever since those things stopped, I can say the status on the ground is not that wanting, it is bad.

So, Mr. Speaker, I pray that as we make the budget, this can be considered through the Environment Department and ensure that areas where we are victims of erosion, it is factored so that we can at least prevent any further destruction. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Cosmus Masesi.

Hon. Masesi: Mr. Speaker, I stand to support the motion by the Hon. Member of Kathiani Central, Hon. Dominic Ndambuki. Mr. Speaker, I would also urge this House, my area to be used as a case study. I have four of the gullies which not only result from soil erosion but also are risks to the environs.

If a member of my Ward happens, by any bad luck, to drift on that gully, that person will be no more. So Mr. Speaker, I strongly support this motion and urge the House to budget fully for the same exercise on our coming budget of June. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Mueni.

Hon. (Ms.) Mueni: Mr. Speaker, I support the Motion very strongly and I ask you, because you are my MCA in my place just steps across the road, you first come there and see the way the soil is being taken to Indian Ocean and even this House can come and walk and see the way it is. You have to be serious, not laughing; it is a serious matter.

Even I have a vehicle and I cannot take it to my home; I am leaving it here and coming with boots like any other person. When I meet those people, they just ask me, what am I doing in

the Assembly and I cannot help them even having stones being put on the road to reach my home.

Mr. Speaker, it is a very shameful thing even I do not know what---

Hon. Deputy Speaker: Let us have the point of information from Hon. Mwikali.

Hon. (Ms.) Mwikali: Mr. Speaker, is the Hon. Member discussing this Motion or is she discussing your association with her or with the ground? Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Mueni, I think stick to the issues as stipulated in the Motion please and do not digress. Thank you.

Hon. (Ms.) Mueni: Thank you Mr. Speaker but you know we have to give examples of our own self---

(Applause)

---which is very important. You count yourself first before you count others even when you are eating. So Mr. Speaker, I think this House has to be very serious about the places; actually the whole of Machakos County. Even the first time we were electing the Governor, he told me that I will not see any water going to Indian Ocean. That is what I keep asking him for. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Mueni. Hon. Kisila.

Hon. Kisila: Mr. Speaker, I stand here to support the Motion on two points. One, if we fail to protect our environment, we are killing our future and one of these days, we will have no land left even for any agricultural use. If you go to Kathiani today and happen to have gone to Kathiani during the days when we were in school with you Bw. Speaker, you realize it is no longer the Kathiani we knew. Even the entire mountain area, look at the entire hill, it has been eroded, there are no forests any more, the roads are being washed, there is going to be a very serious landslide very soon if we do not protect the environment.

In fact Mr. Speaker, I think we should even go further and ensure that we put a lot of money in next year's budget on environment. We should put a lot of money including a lot of money for afforestation. A lot of our forests have been cut off; a lot of our people have even settled in those forests.

I think Mr. Speaker, this Assembly should pass a Motion even of removing people who have gone to settle in this forest areas and we should even gazette our forest areas which include some of these areas Mheshimiwa Dominic Ndambuki is talking about. So Mr. Speaker, I stand here to fully support this Motion and I want us to put more emphasize on our environmental protection in next year's budget. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Johanna.

Hon. Munyao: Thank you, Mr. Speaker. I stand to support the Motion. In fact, I am also a victim. In my area I have a major road linking institutions and also a coffee factory; a road

which is just about to be washed away. The gully is just about two meters from the road. So, the issue of gullies is really causing a great threat to the area.

I am imagining even if we do not control the gullies at the very early stages, it is very likely that we are going to fill the gullies with stones eventually and therefore turning useful land to waste land because when you replace organic matter with stones, we are saying we are replacing what otherwise would have been very useful land to a waste land.

On the same note, I would like also to point out that, the threat the gullies are causing also to human life, chances of people falling into such gullies and even pollution to the ecosystem, coupled by even the activity we have been condemning here of sand harvesting, I want to say that, the gullies are really a menace and I support that we channel good amounts of money during our next financial year to make sure that we really save the current situation, unless we want to shift most of our people to other places, possibly out of the county. So Mr. Speaker, I stand to support the Motion. Thank you.

Hon. Deputy Speaker: Hon. Mwikali.

Hon. (Ms.) Mwikali: Mr. Speaker, Sir, I wish to stand here and support this Motion with the strongest terms possible. I just want to say that it is very important that the Hon. Member did not express any aspects of being selfish. The Hon. Member has actually determined that the County Government, the whole County, should erect those gabions. When we erect the gabions, we are going to save a lot of sand from going to the Indian Ocean and we are going to save our children and our mothers from scarcity of resources of water.

Mr. Speaker, Sir, I wish to support it and say that we should pass this motion very, very fast and ensure that our county government erects these gabions as soon as possible so that when the rains come again, because God has started blessing Machakos County so much with a lot of rain, then we are going to save ourselves and have resources that are going to help us and our children in future. Mr. Speaker, I support. Thank you.

Hon. Deputy Speaker: Hon. Peter Mutiso.

Hon. P.J. Mutiso: Mr. Speaker, I stand to support this motion fully and I have reasons to support it. Now, if you just go down here at KAFOCA, we have deep gullies down there and if you go to Mung'ala Primary School, it is divided into two. There are classes on this side and others on the other side and that school is in a pathetic situation. We went there sometime back and they even have their own bridge but they are foot logs in order to pass there.

A Hon. Member whom we went there with was also not able to go through that bridge and she can bear me witness: even if you go to Baptist Primary School, we have the same problem and Mr. Speaker, I also caution Members of this House and even the officers in the National Government and even the Executive, because if you go on your way to Kangundo and even all areas, you can see youth scooping sand along the roads.

I think that is a problem that must be addressed and even Members, I myself being witness and being one of them, when we pass in those areas, we see those things happening but we don't take any caution on that. So, Mr. Speaker, we need to take measures on this in order to prevent more gullies in future. I think we also need to plant trees because if we do that, we will prevent more gullies coming up. We also went to the same place, Mung'ala.

There was a guy who was drunk and I don't know what happened but he fell down somewhere there. Mr. Speaker is a witness; the guy has broken three ribs this time, so you see

that is a problem; our people are suffering. So, I congratulate Hon. Dominic for coming up with this motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Kisini.

Hon. Kisini: Mr. Speaker, I also want to say, yes, it is a threat to those people who are staying at hilly places and it is very important the County Government sees to it that they are repaired and they are taken into consideration. I also want to say even those who are living in low lands, there was a threat because of the floods and those floods created gabions by washing off the bridges which were there. As we also look at the gullies, it is also good to look at the lowlands; the places which were washed and bridges which were washed.

So, it is my question, in the morning we had this motion about the revolving fund and then today we have this one of gullies; the question is, when are we going to have these motions and Bills in action? Because we pass them and we are not seeing any action, so that question was posed in the morning and I also pose it for this Motion. Are we really going to reach a certain point whereby we will see effectiveness of whatever we pass? Thank you, Mr. Speaker. That is my question.

Hon. Deputy Speaker: Thank you, Hon. Kisini. Hon. Kamitu will speak last. Let me first of all give Hon. Constance.

Hon. (Ms.) C. Nzioki: Thank you Mr. Speaker. I am nominated by Maendeleo Chap Chap. Rather, nominated by Mutua. Now, I want to thank the Member who brought this motion. It is quite overdue. I remember during Moi's time when some of us were in secondary schools, we used to see Moi himself do it; he used to go to the rivers and do it. Now---

Hon. Maitha: Mr. Speaker, we know that Members are appointed by parties.

(Applause)

---Is it in order for the Member to say she was nominated by a person but not a party? Is she in order?

Hon. Deputy Speaker: Thank you Hon. Moffat. I think Hon. Constance, stand guided accordingly. Members, I believe, are in this House on party lines and not on individual lines. Stand guided.

Hon. (Ms.) C. Nzioki: Thank you, I stand corrected, and the parties also have their chairpersons. Mr. Speaker I was at the point of saying these gabions were put long time ago and some of them are still surviving because those materials were in order that time. However, as you drive, you find bridges have collapsed, people cannot pass, everything has gone into a mess and it is just in order that we rehabilitate them, we construct them and we let our people get proper bridges and that way we will also have jobs for our youth.

Our youth will also benefit because I believe if anything is done in Machakos County, we need to consider our youths first, whatever the case. So Mr. Speaker, I stand to support the motion. Thank you.

Hon. Deputy Speaker: Hon. Judas.

Hon. Ndawa: Mr. Speaker, before I give my reasons for supporting, Mr. Speaker, I would also request the Speaker, as we said in the morning, this is a House of procedure---

Hon. Deputy Speaker: Hon. Ndawa, once I make a ruling, please let us not go back there. I have allowed him to speak. Proceed with your contribution please.

Hon. Ndawa: Thank you. It was just a reminder. I just want to support the motion and say it is timely. It has come during the time of rains where every morning we wake up and we find the size of the existing gullies has increased. During the Moi era, we used to hear about *mmomonyoko wa udongo*. Since Moi left, I have never heard of that word so I would request this Hon. House to ensure that we revert to what the Former President used to do and see that our soil is not going to Indian Ocean.

If we let the soil to be washed away, we will have nowhere to cultivate and we will endanger our lives because some of the gullies are just beside the roads and once your vehicle has a tyre burst you just find yourself in another constituency that is the other side of the gully, so it is going to endanger our lives.

The other issue Mr. Speaker, I think we should follow what we call environmental motto which says 'learn to conserve for a better tomorrow' so that at least our environment is well maintained. I support the motion and I congratulate the Hon. Member who has brought this noble motion. Thank you.

Hon. Deputy Speaker: Thank you Hon. Judas. Hon. Kamitu.

Hon. Kamitu: Mr. Speaker, Sir, as you said, I am only standing here to emphasize the importance of that exercise of stopping gullies and planting trees. As you are aware Mr. Speaker, there is also a letter that we got from our Deputy Governor in regard to building weirs within our areas. Geographically, weirs are a preventive measure whereby water will be arrested, will be harvested and by so doing, we shall also be preventing soil erosion.

Mr. Speaker, you are aware in Machakos County we have hilly areas like Kanzalu, Kiima Kimwe, Ngelani Hills and as the Mheshimiwa of Kathiani puts it, it is true, areas of Kathiani when it rains, there is a lot of soil erosion; soil being washed away and taken by those streams up to River Athi or River Katine then to Indian Ocean. So, the committee should be running around, getting the audit, seeing areas that are very much eroded so that we may budget for that because practically, if we are not going to do something Mr. Speaker, Sir, eventually our area will be eroded and we shall be losing the most fertile soil from the hilly areas.

Again you have also heard Members saying that there are those gullies alongside our roads and sincerely if we are not going to take measures, some of the roads that have been built are also going to be affected by the gullies that are running across or alongside the roads. So it is important for this House to budget and then we move out, because as we say, actions speak louder than words. We really need to move out and prevent this wanting situation. Thank you, Mr. Speaker, Sir.

(Question put and agreed to)

Hon. Deputy Speaker: This Motion which has now been adopted by the House unanimously is being committed to the committee on Environment, Land, Energy and Natural Resources and to report back to this House on or before the 20th day of June, 2018. If I may make one comment on this motion before we adjourn, I think most of the Members, there are items which you have highlighted which are key and one of the things which has come out clearly is that we need structures. Without structures, we are going nowhere.

You have all heard Members talking about the Moi era; he started good things, the gabion constructions, soil conservation, soil erosion eradication and they were all working, but because they were political moves without subsequent structures being put in place, that faded away. That is the reason why most Members are saying we cannot see this or that.

So, this committee needs to ensure that they come out with a substantive way of not only building gabions but a robust way of ensuring we have structures in place for the prevention of the formation of the gulleys.

One of the main things I have noted as a member of Mumbuni North is that the construction of roads has led to the increase of these gullies because construction of new roads channels water to one specific area and if it is not properly channeled, water which was going through various areas now gets accumulated into one area and if it is going downhill, it causes very huge gullies. It is important even for the people who are doing the road constructions, as part of your recommendations, I would expect possibly to find that they need to consider how they are going to be doing proper channeling of water to avoid creation of gullies.

Motions need to be implemented as one Member has said. There will be no need for us to create motions here and they are not being implemented on the other side. I know we have a motion tracker with the secretariat which tracks which motion has been passed over to the Executive and we do have our Implementation Committee; we will make sure that those two are working properly to ensure that all the motions which are passed here end up being implemented and give mwananchi the desired effects.

ADJOURNMENT

Hon. Deputy Speaker: This House now stands adjourned until Wednesday 11th April, 2018 at 10.00 a.m.

The House rose at 3.16 p.m.