

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**  
**OFFICIAL REPORT**

**Tuesday, 19th December, 2017**

The House met at 10.16 a.m.

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

**PRAYERS**

**Hon. Speaker:** Get seated, Hon. Members. Good morning, Hon. Members. I am getting a bit concerned; why do we have so many empty seats? The Christmas bug has started biting some of us. Right, let us...it is a little too early I agree. Let us see what we can do today. Mr. Clerk.

**PAPER LAID**

**MOVEMENT OF MANAGEMENT OF KIBAUNI WATER PROJECT FROM MWALA WATER COMPANY TO THE COUNTY GOVERNMENT OF MACHAKOS**

**Hon. Speaker:** Hon. Members, under this Order, the business is as listed in the appendix and we have one paper by the Hon. Robert Kisini. Hon. Robert Kisini?

**Hon. Kisini:** Madam Speaker, pursuant to Standing Order 44(1), I wish to lay the following Paper on Table of the Assembly today the 19th December, 2017; the report of joint commission of environment, Land, Energy and Natural Resources and Justice and Legal Affairs to move to the management of Kibauni water project from Mwala water company to the County Government of Machakos.

**Hon. Speaker:** Thank you, Hon. Member. Mr. Clerk, proceed.

**NOTICES OF MOTIONS**

**MOVEMENT OF MANAGEMENT OF KIBAUNI WATER PROJECT FROM MWALA WATER COMPANY TO THE COUNTY GOVERNMENT OF MACHAKOS**

**Hon. Speaker:** Hon. Members, under this Order, we have a notice of motion as listed in the appendix by the Hon. Robert Kisini.

**Hon. Kisini:** Madam Speaker, I would like to table a notice of motion pursuant to Standing Order 44(1) I wish to give a notice of the following motion; that this Hon. House discusses and approves the report of the Joint committees of Environment land, energy and natural resources and justice and legal affairs to move the management of Kibauni water project from Mwala water company to the county government of Machakos.

**Hon. Speaker:** Thank you, Hon. Kisini. Mr. Clerk, proceed. Sorry, Hon. Members, we have another notice of motion by the Hon. Paul Museku. Thank you.

### THREE YEAR SUSPENSION OF SAND HARVESTING IN MUMBUNI NORTH WARD

**Hon. Museku:** Madam Speaker, pursuant to Standing Order 44(1), I wish to give notice of the following motion; that this Hon. House discusses and approves the motion that sand harvesting activities in Mumbuni North Ward be suspended for a period of three years as it is endangering human life and detrimental to public health. Hon. Madam Speaker, I stand under Standing Order 41(2)(a) where during the statement hour---

*(Loud consultations)*

Madam Speaker, let me repeat this.

Pursuant to Standing Order 44(1), I wish to give notice of the following motion;  
Aware that sand harvesting, if not controlled and well managed can lead to environmental degradation;

Aware that sand harvesting in Mumbuni North has led to degradation of Rivers and deep gullies which have become a security threat to the local community  
Noting that several lives have been lost through accidents into the deep rivers and gullies;

Aware that roads and farm areas have also been affected by the harvesting of sand; Acknowledging that the County Assembly enacted the Machakos County Sand Harvesting Act in 2014;

Aware that this act provides for regulated sand harvesting activities and aware that section 28(1) of the act provides that sand harvesting activities in a given site can be stopped if it appears that the site is in a condition dangerous to human life or detrimental to public health or safety;

Madam Speaker, I wish to give notice of the motion that this House resolves that;

1. Sand harvesting activities in Mumbuni North Ward be suspended for a period of three years as they are endangering human life and detrimental to public health.
2. The county enforcement department, in collaboration with National laws enforcement agencies, ensures that the suspension is implemented.
3. That the department of environment allocates a budget to rehabilitate the rivers and sand harvesting sites during the period of closure and undertake the rehabilitation of rivers and sites in partnership with youth groups and associations in the ward.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku, Mr. Clerk, proceed.

### STATEMENT

BUSINESS FOR THE HOUSE FROM 19TH TO 20TH DECEMBER, 2017

**Hon. Speaker:** Hon. Members, under this Order, we have business as listed in the appendix and I call upon the Hon. Francis Ngunga.

**Hon. Ngunga:** Thank you, Madam Speaker, and members. Hon. Speaker, I stand under Standing Order 41(2)(a) where during the statement hour, a member of the House Business Committee designated by the committee for that purpose shall, every Thursday or on the last sitting day for not more than 10 minutes present and lay on the Table, a statement informing the House of the business coming before the House in the following week.

Hon. Speaker, the House Business Committee met on Thursday, 14th December, 2017 and pursuant to the provisions of the Standing Order 151 balloted business for this week as follows;

Tuesday, 19th December, 2017

Morning at 10 a.m.

Report of joint committee of justice and environment on Kibauni water project; Motion that sand harvesting activities in Mumbuni North Ward be suspended for a period of three years as they are endangering human life and detrimental to public health by the Hon. Paul Museku.

Afternoon at 2.30 p.m.

Report by the Ward Development Fund committee on current status of Ward Development Fund. That will be by the chairman of Ward Development Fund Committee.

Wednesday, 20<sup>th</sup> December, 2017

Morning at 10 a.m.

Report of trade, planning and industrialization committee on Annual Development Plan for 2018/19.

Motion that the department of environment commences discussions with the Kenya Forest Service officer in charge of Katunga forest with the view of ensuring the local community in Mumbuni North ward are involved in the forest conservation programs from tree planting nurturing and awarding contracts to harvest mature trees in forests by the Hon. Paul Museku.

Afternoon at 2.30 pm

Report on Justice Committee on advisory by the Attorney General on CECs; Motion on adjournment of the House for long recess by Hon. Francis Ngunga.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Francis Ngunga. Mr. Clerk, proceed.

### MOTIONS

#### MOVEMENT OF MANAGEMENT OF KIBAUNI WATER PROJECT FROM MWALA WATER COMPANY TO THE COUNTY GOVERNMENT OF MACHAKOS

**Hon. Speaker:** Under this Order, Hon. Members, we have a motion by.....indeed two motions as listed in the appendix. The first one is by the Hon. Robert Kisini.

**Hon. Kisini:** Madam Speaker, I would like to move the motion;

That aware that the Constitution of Kenya 2010 Article 43(d) stipulates that every person has the right to clean and safe water in adequate quantities;

Further, Madam Speaker, the Fourth Schedule of the Constitution of Kenya mandates both counties and national government with matters of water;

Madam Speaker, aware that the motion to move the management of Kibauni water project from Mwala Water Company to the County Government of Machakos was referred to the environment, land and energy and natural resources committee and justice and legal affairs committee for the joint consideration; Aware that the joint committees held the meetings pursuant to Standing Order 182, inquired into the matters referred by the House and compiled a report; Madam Speaker, I wish to move the motion that this House considers and approves the report of the joint committee of environment, land, energy and natural resources and justice and legal affairs to move the management of Kibauni water project from Mwala Water Company to the County Government of Machakos;

I would request the House to consider the report, to internalize it and then support it so that the Kibauni residents can get water.

So, in this motion, I request Hon. Koki to second the motion.

**Hon. (Ms.) C. Koki:** Thank you, Madam Speaker. I stand to second the motion moved by Hon. Robert Kisini. Thank you.

**Hon. Speaker:** Thank you, Hon. Members, Hon. Kisini and Hon. Koki. Hon. Kisini, would you want to read out the report to the House?

**Hon. Kisini:** Yes, Madam Speaker, I am ready to present it. Members of the House, I would like to table the report of Environment, Lands, Energy and Natural Resources and Justice and Legal Affairs Committees.

Task: report to move the management of Kibauni water project from Mwala Water Company to the County Government of Machakos. It is dated today, 19th December, 2017

Madam Speaker, the Constitution of Kenya 2010 Article 43(1)(d) stipulates that every person has the right to clean and safe water in adequate quantities. Further, Madam Speaker, the Fourth Schedule of the Constitution of Kenya mandates both the Counties and the National Government with matters of water.

The National Government is responsible for water protection, securing sufficient residual water, hydraulic engineering and the safety of dams whereas the County Governments are bestowed with the responsibility of storm water management systems in built-up areas and water and sanitation services.

Madam Speaker, on Wednesday, 18<sup>th</sup> October, 2017, a motion seeking to move the management of Kibauni Water Project from Mwala Water Company to the County Government of Machakos was moved in this Hon. House. The motion was referred to the Committees of

Environment, Lands and Natural Resources and that of Justice and legal Affairs for detailed investigation and reporting to this House.

The two committees held several joint meetings and it was agreed to hold a public forum with the residents of Kibauni Ward and later schedule a meeting with the management of Mwala Water Company. Further, the committee had an opportunity to retreat at Naivasha on 1<sup>st</sup> December, 2017 to compile a report on the task given.

Madam Speaker, the Committee on Environment, Lands and Natural resources is a sectoral Committee established under Standing Order 190 and the Second Schedule with specific mandate to all matters related to the implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising; land survey and mapping; boundaries and fencing; electricity and gas reticulation; energy regulation; water management systems in built up areas and water sanitation services.

Further, the Justice and Legal Affairs Committee is mandated to deal with Constitutional affairs, the administration of law and justice, including the elections, ethics, integrity and anti-corruption; human rights and intergovernmental relations.

Madam Speaker, the membership of the aforementioned committees is as follows; you can read the members from number one up to 24.

- |                           |  |
|---------------------------|--|
| 1. Hon. Robert Kisini     | - Chairperson, Environment               |
| 2. Hon. Fredrick Muthoka  | - Chairperson, Justice and Legal Affairs |
| 3. Hon. Christine Koki    | - V. Chairperson Environment             |
| 4. Hon. Eric Musembi      | -V. Chairperson Justice                  |
| 5. Hon. Alex Kamitu       | -Member                                  |
| 6. Hon. Brian Kisila      | “  |
| 7. Hon. Cosmas Kieti Muia | “  |
| 8. Hon. Dominic Ndambuki  | “  |
| 9. Hon. George King’ori   | “  |
| 10. Hon. Hellen Ndeti     | “  |
| 11. Hon. Jacqueline Nziva | “  |
| 12. Hon. Jane Nyawira     | “  |
| 13. Hon. Joseph Musau     | “  |
| 14. Hon. Mark Muendo      | “  |
| 15. Hon. Michael Mutiso   | “  |
| 16. Hon. Alice Nzioka     | “  |
| 17. Hon. Anthony Mulu     | “  |
| 18. Hon. Francis Kalumu   | “  |
| 19. Hon. John Musyimi     | “  |
| 20. Hon. Mohammed Ali     | “  |
| 21. Hon. Moses Mitaa      | “  |
| 22. Hon. Stephen Mwanthi  | “  |
| 23. Hon. Tariq Mulatya    | “  |

24. Hon. Winfred Mutua

“

## LEGAL FRAMEWORK

Madam Speaker,

- Article 20(2) of the Constitution provides that every person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom. Further, Article 43(1)(d) provides that every person has a right to clean and safe water in adequate quantities.
- Section 22(c) of part 1 and section 11(b) of part 2 of the Fourth Schedule of the Constitution provides that protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, in particular water protection, securing sufficient residual water, hydraulic engineering and the safety of dams is a function of the national government while county waterworks and services including water and sanitation services is a function of the county governments.
- The provisions of the Water Act No. 43 of 2016 seek to regulate, manage and develop water resources, water and sewerage services and for connected purposes.
- The Cabinet Secretary responsible for water and irrigation vide legal Notice No. 59 of 2016 appointed 21<sup>st</sup> April, 2016 as the commencement date of all provisions of the Water Act 2016 except sections 152 and 153 in so far as it relates to the Water Services Boards. Further, vide legal notice No. 60 of 2016, the Cabinet Secretary also while exercising the powers conferred by section 156(3) of the Water Act, revoked the provisions of section 156(3) as long as such revocation does not apply to the Water Appeals Board and Water Service Boards.
- Section 65 of the Water Act establishes the Water Development Agency which shall be composed of —
  - (a) chairperson, who shall be appointed by the Cabinet Secretary from a county within the basin area;
  - (b) four other members who shall be appointed by the Cabinet Secretary from counties within the basin area; and
  - (c) the Chief Executive Officer whose establishment shall be determined by the Cabinet Secretary in consultation with stakeholders.

- Section 152(1) of the Water Act provides that the Water Development Agency shall take over all property, assets, rights, liabilities, obligations, agreements and other arrangement existing concerning the operations of Water Service Boards when the Water Act shall come into operation and vested in, acquired, incurred or entered into by or on behalf of the Waters Service Boards established under Water Act 2002.
- Section 68(b) of the Water Act provides that the powers and function of the Water Development Agency includes the operation of the waterworks and provide water services as a water service provider, until such a time as responsibility for the operation and management of the waterworks are handed over to a county government, joint committee, authority of county governments or water services provider within whose area of jurisdiction or supply the waterworks is located;
- Section 68 of the Water Act provides upon commission of the waterworks, the Waterworks Development Agency shall enter into agreement with the county government within whose jurisdiction the water works is located. The agreement shall include the assumption by either the county government, joint committee, Water Resources Management Authority or water services provider who shall be responsible for paying loans or liabilities of the waterworks. Further, until all repayment of loans and discharge of any outstanding liabilities, ownership of the Water shall remain in the waterworks development agency.
- Section 77 of the Water Act provides that the county governments shall establish water services provider which shall be a body corporate. In establishing the said water services providers, the county government shall comply with the standards of commercial viability set by the Water Service Regulatory Board.
- Section 154 of the Water Act provides that the existing water service providers shall continue to operate as the county water services providers or cross county water services providers as the case may be within the period specified in the transfer plan published by the Cabinet Secretary.
- The Machakos County Water and Sanitation Act, No. 1 of 2014 makes provision for water and sanitation services, creation of Machakos County Water Board and water service provider, water works, storm water management systems, water conversation and related purposes. However, the provision of the said Act are yet to come into operation as the Executive Committee Member

responsible for matter relating to water, irrigation and sanitation is yet to issue a commencement date for the said Act to date.

### **MEETING WITH THE RESIDENTS OF KIBAUNI WARD**

Madam Speaker, Article 196(1)(b) of the Constitution of Kenya, 2010 stipulates that ‘a County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its committees.

The Committees met the residents of Kibauni Ward over this agenda on 6<sup>th</sup> November, 2017. Madam Speaker, from the public forum, the following came up clearly on the Kibauni Water Project.

- Kibauni Ward has three locations namely; Ikalaasa, Kibauni and Ngomano Locations.
- Kibauni Water Project was initiated in 1974 by the Machakos Integrated Development Programme (MIDP). The project was intended to supply water from river Athi to the residents of the three locations. The intake is located at river Athi where water is pumped to the treatment point in Kibauni and then distributed to the residents.
- The Management of this project was later taken up by the Ministry of Water which facilitated the formation of local Committees.
- Currently the Project is managed by Mwala Water Company which has a branch in Kibauni known as Kibauni Water Project Management.
- As at the time of the visit, there was no water flowing to the residents and this was attributed to an accrued electricity bill amounting to approximately Ksh. 3 Million.
- The residents unanimously supported the proposal of moving the management of the project to the County Government.

### **MEETING WITH MWALA WATER COMPANY OFFICIALS**

The Committees also had an opportunity to hear from Mwala Water Management on 11<sup>th</sup> November, 2017 and they gathered this information.

- That Kibauni Water Project came to existence to serve Ikalaasa, Kibauni and the surroundings.
- The water from Athi River flows in to the weir at the intake pump house from where it is pumped to the mainline by the intake pump. The water is pumped in 8 inch pipe size for a distance of 2.5 kilometres to the treatment plant. The water is discharged continuously in to the treatment plant before being stored in a clear water tank. Treatment water is uplifted into the rising main via a 6 inch pipe size to 4.5



kilometres distance into a storage tank in Tulila after which the water flows by gravity to consumer at Ndithini, Ikalaasa, Mukaa, Katula and environs.

- That, currently the water supply is erratic with water outage most of the time. Also currently water does not reach Katula and Mukaa areas.
- The committee discovered that there were numerous challenges which were facing the system.

### COMMITTEE'S OBSERVATIONS

Madam Speaker,

- The committee observed that there were huge electricity bills to a tune of above Ksh. 600, 000 occasioned by multi stage pumping against long distance. This resulted to continuous disconnections thus interrupting operations.
- The committee further realized that there was vandalism by the community along its raising mains due to the fact that the pipeline passes through the bush. This results to high Non Revenue Water (NRW) to a tune of 54 per cent which is a great loss of revenue.
- It was noted that the high lift pumps are of low discharge which cannot push water to Katulani and Mukaa areas.
- The committee realized that there were no adequate storage tanks at communal water points thus unable to store water for longer hours to serve the community.
- The committee observed that both the Kibauni residents and Mwala Water Company management were in full support of the motion citing that since inception the county government has been facilitating the running of the project by paying electricity bills and other expenses.
- The committee finally observed that, given an alternative source of energy like solar/turbine and Construction of mega surface dam at high ground levels could ease operations of the project though that seemed to attract huge sums of money contrary to the ability of the community.

### COMMITTEE RECOMMENDATIONS

Madam Speaker, the mover of the motion was seeking that the management of Kibauni Water be moved to the county government of Machakos. The Committee upon taking into consideration the opinions of the Kibauni residents and Mwala Water Company recommends that the County Government of Machakos takes over the management of the Kibauni Water Project subject to the recommendations from Devolution and Intergovernmental Relations Committee as stated below:-

- That the select Committee of Devolution and Intergovernmental Relations Committee takes up the matter and do a follow up as to when the Cabinet Secretary responsible for water and irrigation shall issue a notice for the remaining sections of the Water Act, 2016 specifically those dealing with Water Service Boards and county water services providers.
- Further the Committee of Devolution and Intergovernmental Relations do follow up with the Cabinet Secretary for water and irrigation as to when the Water Development Agency shall be fully established. This is because the Water Development Agency shall take over the assets and function of the Water Service Boards.
- Despite water being a devolved function, most of the assets and obligations are yet to be transferred fully to the County governments. The Cabinet Secretary responsible for water and irrigation is yet to issue a transfer plan especially for the water services providers.

## CONCLUSION AND ACKNOWLEDGEMENT

Madam Speaker, it is therefore my privilege, on behalf of the two Committees to table the Report on management of Kibauni Water Project in this Hon. House for consideration and adoption. Thank you, Madam Speaker.

**Hon. Ngunga:** Point of order, Madam Speaker.

**Hon. Speaker:** Hon. Ngunga.

**Hon. Ngunga:** I stand on a point of order, Madam Speaker, to inform the Hon. Chair of Environment that, his report lacks a proposer or rather a seconder.

**Hon. Kisini:** Thank you, Madam Speaker. I thought the Motion was seconded but I can also again call upon Hon. Madam Nziva to second the report. Thank you.

**Hon. (Ms.) Nziva:** To Madam Speaker, the Hon. Members present, I am seconding the report read by our Chairman because I am a Member for Environment but I believe Hon. Christine Koki as the Vice-Chairperson seconded when Hon. Ngunga was out of the House. Thank you, Madam Speaker.

*(Laughter)*

**Hon. Speaker:** Thank you, Hon. Nziva. I believe next time Hon. Majority Leader, you will remain in the House throughout.

*(Applause)*

Hon. Members, as I move to propose the question, I have noted that this report has some caveats....did you do the same on page 7? Hon. Members, page 7, the recommendations are given subject to three points. You have noted that? Alright, as we open the debate on this Motion bear that in mind, Hon. Members.

*(Question proposed)*

Hon. Members, the Motion is open for debate. Hon. Muthoka.

**Hon. Muthoka:** Thank you, Madam Speaker. We were enjoined in this Committee and as we were approached to do the work we found our hands a bit tied up because there is an Act which is being implemented since 2016. So, I think we need more time as the Minister and the National Government they are implementing it because, you see, there is a Board which is going to be formed. So, albeit now as a County Government, we do not have the privilege and the will to completely go and take over this project. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Members, just a moment. Hon. Members, the consultations you are witnessing is because as I indicated to you that the report has been given with caveats and the caveats are about a law that may be tying the hands of this House particularly on this Motion and that is what I am trying to find out because we may have to put off the debate on this particular Motion for further consultations particularly because of the law and you notice that, this House passed a law in 2014, Water and Sanitation Act but then after that, in 2016, the National Government passed a law which ties our hands particularly on this matter because it is going to set up a water agency and there is yet an action to be done by the CS, Water on taking up the responsibilities of water by County governments.

We do not want to breach any law, so in a moment I will give the guidelines on the way forward. Hon. Members, the consultations come in handy and I am looking at Standing Order 1 and I am also looking at Standing Order 55, that enables the Chair to direct that, this Motion be deferred to the House sitting on 20th December, 2017 at 10.00 a.m. when I am going to give you further and proper directions on this Motion. It is so directed. Mr. Clerk, proceed.

*(Applause)*

Sorry, on the same Order Paper number 8, Hon. Members, we have a second Motion by the Hon. Paul Museku.

### THREE YEAR SUSPENSION OF SAND HARVESTING IN MUMBUNI NORTH WARD

**Hon. Museku:** Thank you, Madam Speaker. I stand here to move the Motion;  
That aware that sand harvesting if not controlled and well managed can lead to environmental degradation;  
Aware that sand harvesting in Mumbuni North has led to degradation of rivers and deep gullies which have become a security threat to the local community.  
Noting that several lives had been lost through accidents into these deep rivers and gullies;

Aware that roads and farm areas have also been affected by the harvesting of sand;

Acknowledging that the County Assembly enacted the Machakos County Sand Harvesting Act in 2014;

Aware that this Act provides for regulated sand harvesting activities and aware that section 28 (1) of the Act provides that sand harvesting activities in a given site can be stopped if it appears that the site is in a condition dangerous to human life or detrimental to public health or safety;

Madam Speaker, I wish to move the Motion that this House resolves that;

- a. Sand harvesting activities in Mumbuni North Ward be stopped for a period of three years as they are endangering human life and are detrimental to public health.
- b. The County Enforcement Department, in collaboration with National law enforcing agencies, ensures that the suspension is implemented.
- c. That the Department of Environment allocates a budget to rehabilitate the rivers and sand harvesting sites during the period of closure and undertakes rehabilitation of the rivers and the sites in partnership with the youth groups and associations in the Ward.

Thank you, Madam Speaker and I call upon the Hon. Steve to second my Motion. Thank you.

**Hon. Mwanthi:** Thank you, Madam Speaker. I do stand to support the Motion that sand harvesting in Mumbuni North Ward be suspended to save lives and health of Mumbuni residents. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku and Hon. Stephen Mwanthi.

*(Question proposed)*

Hon. Members, the Motion is open for debate. Hon. Mitaa.

**Hon. Mitaa:** Thank you, Madam Speaker for granting me this opportunity to support the Motion by Hon. Museku. Madam Speaker, it is true that sand harvesting is really affecting our region, it is degrading the environment and it is the high time that concerned bodies came up with a policy on how we can stop the menace because climate degradation does not have a reverse gear; once we spoil our environment, it will take long for us to go back to where it was.

Also, Madam Speaker, there is a challenge because I think those people who harvest the sand sell it cheaply. In fact, I think a lorry can fetch roughly Ksh. 3,000 but when you go to Nairobi, they sell at almost Ksh. 30,000. So, I think the County Government or the necessary bodies can come with a policy that, the price at the places where they allow sand harvesting can also be controlled so that our County Government can have revenue for growth.

Thank you, Madam Speaker, I support.

**Hon. Speaker:** Thank you, Hon. Mitaa.

*(Applause)*

Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you, Madam Speaker. I support the Motion because sand is the gold for Machakos County. So, we have to stop it and come with a way of packing the sand to sell to the people of Kiambu and Nairobi because I think they see us as stupid when we give them the sand and they see us not knowing much about money. If it were Kiambu, we could not be getting that sand. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Mueni, why did you pick on Kiambu?

*(Laughter)*

You do not need to answer. Hon. Mutinda.

**Hon. Mutinda:** Thank you, Madam Speaker. Let me say Madam Speaker that this Motion is a good one and I think it is the high time this House takes up this matter and we ensure that sand harvesting is controlled.

If we do not control sand harvesting, it is most likely that in the neighborhood, we will lack water because we will have sand and you should also have water. So, when we are harvesting this sand, we should be ready to get some small sand and retain water. So, if we leave it to the communities, as they earn some little revenue for themselves, but we will end up wasting the environment.

So, I support this Motion and I think it is important that this House resolves that, areas where sand is being harvested like Mumbuni are taken care of. When I was a young man, I remember early in the 80s sand was ferried at Mumbuni and even up to now sand is still being ferried. So, you expect the degree of degradation which has taken place and so there is need for the County Government to invest in those rivers so that now we can save the environment. We can save in getting gullies in our areas (??) so that later on as the mover of the Motion is saying; we start selling and control so that we have committees on ground who can control the harvesting level.

You can go to a river and find all sand has been scooped and in the place of sand, you find black soil; it is very bad. So, we should have committees which are people and specialists who are helping the community so that the level of harvesting is determined. If you have some sand you can harvest, if it is one meter of one foot depending on how the catchment has been. So, I support the Motion and say that this Hon. House supports all this and the County Government invests in those rivers. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Hon. Betty.

**Hon. (Ms.) B. Nzioki:** Thank you, Madam Speaker. First, I want to congratulate Hon. Museku for this good Motion. I stand to support it but it was my humble request that the areas

that are affected, I think in Machakos County, it is not all about Mumbuni; there are still other wards that are affected like in my area where we still have the problem of the sand harvesting.

So, I would rather request this House so that we can come up with a structure and some rules and regulations of sand harvesting, reason being, it is affecting our environment, and some of the people down there at our grassroots they even go to an extent of killing each other because of it. So, I stand to support the motion and request this house to make it open to the areas that are affected. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Nyanzi.

**Hon. Nyanzi:** Na mimi nasimama kuunga mkono lakini kwangu Kalama ninatengeza mswada wangu wa aina hii kuwasilisha. Lakini huko kwangu kuna ile changarawe inapita kwa mto na kuna changarawe ambayo imechimbwa huko kwa mashamba mashimo kama hii kubwa kabisa karibu Kalama sehemu kubwa sana. Na hiyo changarawe inapelekwa huko ndiyo baada ya miaka 10 hiyo manyumba unasikia inaanguka, inaangushwa na hiyo changarawe.

Na mimi nimekaa huko nikaongea na watu, wakaniambia ikiwa kuna njia yeyote ambayo hiyo changarawe inaweza fungwa, itakuwa mzuri sana lakini sio hii ya mtoni maanake inaleta pesa kidogo. Mheshimiwa nataka kuuliza maanake hii sehemu ya namna hiyo ameuliza wananchi, maanake tunaweza kuwa tunainuka hapa tu na kupitisha msawada na ifungwe na hatujauliza watu. Mimi nimezunguka, nitaleta ikiwa inasema wamekubali.

Hao watu wa Mumbuni wamekubali tufunge, maanake tunaweza kufunga hapa na tuwe tunafanya makosa. Sasa nimesimama kuunga mkono na atueleze kama ameuliza watu wa Mumbuni. Ahsante.

**Hon. Speaker.** Thank you Hon. Nyanzi. Hon. Anastasia.

**Hon. (Ms.) Mutuku:** Thank you, Madam Speaker. First I want to appreciate Hon. Museku for bringing this motion. First, I do support the motion which is a very important motion and it is affecting all over the county. Again, I want to support that structure of youth Sacco. I think when we are on the ground we have a lot of youths who are jobless and I think if we can come up or the county government come up with a structure how they can empower the youth.

I think we can have security from the youth to secure our gold which is supported by everybody here and through my experience, I have experienced a lot of lorries coming in my ward also carrying building materials from Nairobi, from Machakos and when they go back at night they carry sand.

While the public and the donors we are seeking to tap this sand for the benefit of the public or to have enough water. So, I think this is the high time, through Hon. Members and the county government to come up with a very good structure to protect our wealth because we have no coffee or tea; that is our tea and it is our life. We are lacking water because of misuse of sand in our land. And if the county government can take over and employ the youths or form some youth Saccos every ward, we are crying for water but we can get enough water from our rivers.

So, I stand to support the motion fully and really appreciate the Hon. Member who brought this motion. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Museku, the mover can you reply?

**Hon. Museku:** Thank you Madam Speaker. First of all, I would like to thank all of you members who have contributed so positively to this motion. It is a motion which when you look at the face of it might look like it could be depriving revenue to an area and if you look at it closely, it is actually enhancing revenue in those areas. What I am talking about here, Hon. Members is suspension of sand harvesting activities to rehabilitate the rivers and restore them to a condition which will enable sand harvesting to be done without affecting the environment.

I have consulted widely with my people and they have all unanimously agreed to this fact it is our shambas, it is your heritage which is being taken away to construct houses in the big towns and what your natural heritage is being left at home, there is nothing but big gullies. What we are saying is that if sand is providing revenue, a lot of revenue to the county, or to individuals, then there is need to plough back that revenue which we are making from that sand in the rehabilitation of these rivers.

There is need to maintain the rivers and sand harvesting sites in a condition which will enable continued harvesting of that sand without affecting the environment. We must secure; remember we have an obligation to secure the heritage for our children, and our children's children.

So, I wish to thank you for supporting my motion and I do believe that if the motion is passed then we will start having the department of environment of this county government allocating funds to build things like gabions on those rivers, cages in the catchment areas, gabions which will enable that the sand to be able to be accumulated in a better way and after a period of three years.

It is my belief most of these rivers will have recovered enough for us to reinstate again the harvesting of the sand. As you have seen, I have incorporated youth; I am saying that the closure should be done and the rehabilitation should be undertaken in collaboration or in partnership with youth groups and associations in these areas so that during that period, the revenue they are going to lose by not selling sand during the rehabilitation period, they are going to make it through being involved in the rehabilitation process and earning revenue from the government through those rehabilitation activities like gabion construction.

So, thank you so much members and I do hope that you support the motion and have it passed so that we can be able to secure our environment and our heritage. Thank you.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Museku. Hon. Members, I now put the question.

*(Question put and agreed to)*

Hon. Members, the House has admitted that motion and the Chair commits it to the committee on Environment, Energy, Land and Natural Resources and that committee is directed to prepare a report as per the motion and bring that report to this House on or before the 28th day of February, 2018.

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, at this point, the House adjourns to resume on the 19th day December, 2017, that is Tuesday at 2.30 p.m.

The House rose at 11.17 a.m.