

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 19th November, 2019

The House met at 2.46 p.m.

[The Temporary Deputy Speaker (Hon. (Ms.) Mwikali) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR
PASSION IN DELIBERATIONS

Hon. Temporary Deputy Speaker: Hon. Members, I take this opportunity to welcome you to this afternoon session and ask you to deliberate vigorously and with passion. Welcome, Hon. Members.

STATEMENTS

Hon. Temporary Deputy Speaker: Under this Order, Hon. Members, we have two statements; one by Hon. Moses Mitaa and the other one by Hon. Judas Ndawa. Therefore, I request because one for Hon. Mitaa just came the last minute and the Speaker under Standing Order 1, has allowed it because of its importance, therefore I allow Hon. Mitaa, please come and make the Statement.

**EXTENSION OF TIME TO ALLOW POWERS AND PRIVILEGES COMMITTEE FINALIZE THE
REPORT ON DISRUPTION MEETING OF COMMITTEE ON SELECTION**

Hon. Mitaa: Thank you, Hon. Speaker. I have the following Statement. Hon. Speaker, Standing Order 40, provide for the procedure of members to make general statements. A Statement was sought on 5th November, 2019 in this Hon. House in the following terms; Hon. Speaker during a Selection committee meeting held at Weston Hotel, on Friday, 1st November, 2019, Hon. Tariq Mulatya and Hon. Justus Kiteng'u members of this committee disrupted the meeting soon after the committee members voted to adopt a draft proposal by Hon. Members of that committee. They tore up the draft reports under the deliberations by the committee and threw chairs around causing some damage to hotel property. The Chairman of the committee had to call in the Serjeant at Arms. I seek to know what action has been taken against the said Hon Members for causing a breach of peace during the said meeting.

Hon. Speaker, this matter was committed to the committee on Powers and Privileges pursuant to Standing Order 41(3) as it related to the conduct of Hon Members. Section 15(5), of the County Assemblies Powers and Privileges Act 2017, provides that the committee of powers shall either by its own Motion or as a result of a complaint made by any person inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege in terms of Section 16, within 14 days of receipt of a complaint.

Hon. Speaker, Article 259(3) Section c of the Constitution of Kenya 2010 states that a reference in the constitution to an office, state organ or locality named in the constitution shall be read with any formal alterations necessary to make it applicable in the circumstances.

Hon. Speaker, for fair administration of justice the committee has been having meetings to hear all the witnesses and it is yet to finish on the hearings. It is in the view of the above that I wish to seek for extension of two weeks to enable the committee finalize and report on the above task. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Moses Mitaa, and I grant your statement; the extension has been granted accordingly after 14 days then you can make your report. Thank you.

(Applause)

The other statement, Hon. Members, will be made by Hon. Judas Ndawa.

CONFERMENT OF MATUU, MASII, MASINGA AND KATHIANI TO MUNICIPAL STATUS

Hon. Ndawa: Thank you, Madam Speaker. Article 184(1) provides that the National legislation shall provide for the governance and management of urban areas and cities and shall, in particular—

- a) Establish criteria for classifying areas as urban areas and cities;
- b) Establish the principles of governance and management of urban areas and cities; and
- c) Provide for participation by residents in the governance of urban areas and cities.

On conferment of municipal status, Section 9 of the Urban and Cities Act No. 13 of 2011 provides that the County Governor may on resolution of the County Assembly confer the status of a municipality on a town that meets the criteria set out on sub-section 3 by grant of a charter in the prescribed form.

Section 9 of the Urban and Cities Act No. 13 of 2011 provides that for a town to be conferred municipal status, it has to have a population of between 70,000 and 249,000 residents.

Acknowledging that Amendments to the Urban Areas and Cities Act, No 13 of 2011 (“principal Act”), were signed into law by H.E the President on March 12, 2019 reducing this number and stating that for an urban area to be classified as a municipality, it has to have a resident population of a least 50,000 and provide the services listed in the First Schedule of the Amendment Act. Such services would include planning and development control, water and sanitation, ambulance services, among others.

Hon. Speaker, in view of the above, and based on the recent results of the census exercise carried out on 24 August, 2019 by the National Government, I wish to seek a statement to the County Government on:

1. What it is the County Government doing to ensure Matuu, Masii, Masinga and Kathiani towns, which met the threshold provided for in the Urban Areas and Cities (Amendment) Act, 2019 are conferred municipalities.
2. When is the County Government likely to submit the charters for the conferment of these towns to municipal status for approval by the County Assembly?

Madam Speaker, I wish to request for two minutes to add more information on the aforesaid statement.

Hon. Temporary Deputy Speaker: Hon. Ndawa, since after sitting down you will not be able to contribute any further, and then the two minutes will be allowed.

Hon. Ndawa: Thank you very much, Madam Speaker; I feel much obliged. Madam Speaker, I wish to say that we have witnessed the benefits of having a municipality in place. Madam Speaker, as we talk we have three Municipalities, we have the Machakos, we have Mavoko and we have Tala/Kangundo. We have seen the resources given to those municipalities to uplift the standards of those areas.

Madam Speaker, these four towns mentioned in this Statement also need to be given the same treatment and that is why we are humbly requesting, since we have the numbers our residents or our electorates turned in large numbers to be counted during the census exercise and they had their own objectives and one of them is to have their towns being conferred as municipalities.

So, Madam Speaker, I humbly request that we be conferred. The problems that are faced at Matuu town can only be addressed by the municipality because the funds will be there and I am very sure the problems we have in Matuu, we have in Masii, we have in Masinga and Kathiani will be addressed. Madam Speaker, one of the issues which is pushing us to the corner is the issue of storm water drainage that is urgently required in this town.

Madam Speaker, these towns do not have sewer lines; the plot owners or the landlords are supposed to confine the liquid waste within their premises. I believe each landlord has a small soak pit where they direct the liquid waste to. Once these pits are filled, you try to use water pump to pump that water out the NEMA people and the health people will be on your neck. So we are worried, are we supposed to drink this water or we are supposed to do what? So, Madam Speaker, if we have a sewer line, these problems will be addressed once and for all.

The other issue, Madam Speaker, our towns are in pathetic situation we want to see cabroworks going on as the one going on in Kangundo and Tala Municipal and in Machakos. The residents of Yatta need also the same treatment and Kathiani also. Madam Speaker, I don't want to take much of your time because I can see other Hon. Members want to also respond on the same we are requesting humbly to have these---

Hon. Temporary Deputy Speaker: Hon. Ndawa, address the Chair.

(Laughter)

Hon. Ndawa: Yes, Madam. I am humbly requesting the Chair to direct that this Statement be responded to with immediate effect so that we can have this problem solved. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Ndawa, and because it looks like it is a very serious and urgent deliberation the House would want to ventilate on, I will allow Members to really ventilate on this issue that has been brought so passionately by Hon. Ndawa. Hon. Betty.

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker. I can say that today is the day that the Lord has made for Masii ward and Mwala Sub-County as a whole. Madam Speaker, I know you come from my place which is Masii, you are aware of the pathetic situation that is within Masii town and Masii has been growing so fast. Madam Speaker, I want to state that if we get these municipalities, Madam Speaker, we are going to enjoy a restructured market and sewerage system. As you know, that Masii ward and even Masii town being a big town they don't have a sewer system.

Madam Speaker, when you go to *mama mbogas* market, they normally sell their vegetables on the soil, when it is raining it is pathetic whereby even you as a person, even I, cannot be able to walk around and shop for the vegetables. Madam Speaker, I want to request because this is something, which is going to help our people, Mwala Sub-County as a whole and the people of Masii to enjoy the way I normally see the people of Kangundo Central enjoying the opportunity to have these municipalities.

So, Madam Speaker, I would request at least you can give directions that in less than one week for them to come and approve us, and allow us that Masii can enjoy this municipality charters. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Betty. Hon. Dominic.

Hon. Ndambuki: Thank you, Hon Speaker. First start to thank Hon. Judas Ndawa for bringing this Statement before the House for us to discuss about how to elevate some of these towns that are growing very fast within our county to join other towns that have already been conferred with the municipality status. Personally representing Kathiani Central ward which is mentioned here, Kathiani town being one of the towns that are earmarked for the upgrade, Madam Speaker, I want to say that this is timely and for us to grow the economy of this county, we have to ensure that we come up with systems that will enhance the growth of the economy.

When we put up street lights along these towns, when we control storm water by coming up with proper drainage, Hon. Speaker, when we control dust by putting up cabroworks, then we will be promoting investor confidence in these towns and by so doing we will be pulling investors to come from other towns and invest in our towns and by so doing, the value of property in these towns will be going up and this means monies in the pockets of our people will double if not triple and again Madam Speaker, we will be creating job opportunities for our youths who are unemployed. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Dominic. Hon. Member for Muthetheni.

Hon. Munguti: Thank you, Madam Speaker. First, if you allow me I would like to congratulate my candidates from Muthetheni ward who have just gotten the KCPE results; they have done marvelous and I want to congratulate the candidates for that good job well done. Madam Speaker, on this issue of municipality, I want also to support Hon. Ndawa for this

Statement, but how I wish that this Statement could have included all other wards which come from Mwala sub-county because it is through history that we learn through others.

We have seen Machakos sub-county which has just grown within a very short period because of these municipalities and also Kangundo and Matungulu sub-counties which have grown in a very great way in the development of the area.

Therefore, as a representative of Muthetheni ward, I would request if the Statement could have just been written in another format so that we can include all other wards; like we have my dear friend Hon. Kisila here, he comes from Mwala ward; we have also Hon. Thomas Mutinda who is from Wamunyu and also not forgetting Hon. Mbiuni.

Hon. Temporary Deputy Speaker: Point of information, Hon. Jeremiah.

Hon. Ndawa: Thank you, Madam Speaker. I want to inform the Hon. Member that we have only taken one town in every sub-county; Matuu is going to take care of all other towns within Yatta sub-county, Masinga is going to take care of all other towns within Masinga sub-county, Masii is going to take care all other towns including Wamunyu and Muthetheni, so the MCA should not be worried about what is happening. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Hon. Jeremiah, I hope you have been informed.

Hon. Munguti: Thank you, Madam Speaker, I am well guided but Hon. Ndawa, as a Member of this County Assembly, we should also love your brother as you love yourself but all the same, I withdraw and I support you for that. Masii is my nearby ward and actually if you look at Masii town, it is also growing and we deserve to have a municipality; likewise to Matuu, Kathiani and Masinga. Therefore, I support the Statement and I am requesting if the Hon. Members can just pass this Statement. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Jeremiah. Hon. Tariq Mulatya.

Hon. Mulatya: Thank you, Madam Speaker. I start by congratulating my brother; we almost come from the same place, same terrain, same climate, same weather and I fully support because devolution is real and we have seen regions developing. We have witnessed what these charters can do. Some of us who have interest in Nairobi have seen what charters can do. Madam Speaker, if you go to Masinga, you will find the Governor of this county Dr. Alfred Mutua realized the importance of developing these areas. He tarmacked a road from Kivandini to Masinga town.

We need a lot of these development and you know our resources are very limited; like we know the equitable share has been slashed and that is why we are requesting this Hon. House if we can come together and this region Hon. Ndawa has brought forward is Yatta; it is very dry and the population is growing day by day. Now we have good population which can be considered by these charters. Hon. Speaker, I really support the Statement and I urge the county government of Machakos to do as fast as possible at least for these regions to be captured in the next allocation. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Tariq Mulatya. Hon. Member for Wamunyu Thomas Mutinda.

Hon. Mutinda: Thank you Madam Speaker for giving me this opportunity. I want to thank the MCA for Matuu for this Statement. I am happy that the Statement has come and you remember very well Matuu was a town council and when we came to this dispensation, it was left out when we had Mavoko, Machakos and Tala/Kangundo. So it was like an oversight but the Statement is coming at the right time. So, I think it is good that such status is reinstated for a municipality and others also benefit.

Madam Speaker, when you go to these wards mentioned, they have come of age and they should be given and not only municipal status which can be added but town status which can be given town halls for other smaller wards which do not qualify. So, all is not lost and I urge the county government to do an audit, follow the census and identify which municipalities can be given, which town boards can be given so that our people can benefit because it is a source of income. Madam Speaker I think going that way we will be able to do a lot of development and our people will benefit.

The other thing is that there is need to do marking of town boundaries; normally town boundaries should be marked because previously, we had the boundaries which were for local authorities then and now towns have grown. Other people neighboring the towns have sold their land and it is important that such boundaries are done and planning is done so that it is easy for development to be given to people.

So, Madam Speaker, I support and it is the high time the county government moved with speed and identified all those municipalities and any other which can benefit as town boards so that our people can benefit. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mutinda. Hon. Brian Kisila.

Hon. Kisila: Thank you, Madam Speaker. First of all I would like to congratulate you for being our Speaker today; being a daughter from my home area I am very proud and you fit in that Chair very well.

(Applause)

Hon. Temporary Deputy Speaker: Thank you.

Hon. Kisila: I am here to support the motion and the Statement by Hon. Ndawa; it is very timely. We have gone to Kangundo/Tala, Athi River and Machakos and we have seen what these municipalities are doing. It is the high time as people from Mwala Sub-County, we are given that opportunity. If you look at a town like Masii, it is growing very fast or Wamunyu, Mbiuni, Mwala, Muthetheni; these towns are growing very fast and we need to ensure our people get income by ensuring these towns have the capacity to be well planned.

Madam Speaker, as we wait for the municipality to come, Chairman of Budget committee, we need to allocate money for town planning. If you go to Masii, Mwala, Wamunyu, Mbiuni and Muthetheni, these towns are poorly planned and we need something called spatial planning.

Even as we wait for the municipality to come, which we are very sure they are coming because the numbers for our people are there, our people have given birth to quite a number of children. Now in Mwala Sub County we are at 181,000 and very soon we will be in 250,000 and

we have encouraged our people to ensure that we have more people so that we can take care of them with this municipality.

So, with the new budget given tomorrow, we hope in this supplementary budget, we are passing tomorrow, we hope they have provided some money for spatial planning so that our towns can be well planned. I fully support the Statement by my brother.

Hon. Temporary Deputy Speaker: Thank you, Hon. Brian Kisila. Hon. Kisini.

Hon. Kisini: Thank you, Madam Speaker. I first want to say thank you to Members for the support they gave me over the weekend when we had a pre-wedding of my son. Madam Speaker, I want to applaud the Member who brought this Statement Hon. Ndawa, for bringing such a good Statement. It is the high time the census has spoken because the last census was in 2009 and now it is 2019. I think it has promoted, brought together so many other towns which have grown through that period.

I want to say that when we had a meeting at 67 Hotel for those people who come from the already existing municipalities, we were encouraged and the facilitators told us that it is good to include more towns so that they can also benefit and it is the high time and I am also calling for everybody because the census spoke for itself, almost every region has qualified.

So we are saying it now the high time the county government does the planning as Hon. Members have said and then we upgrade these towns to municipal status, even for urban status we were told they can qualify so that everybody can qualify. It is much welcome and it is the only way benefits can go direct to wananchi, it is the only way towns can be promoted to a good status. So it is my request that this comes immediately so that we can see the whole county developing. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Kisini. Hon. Stephen.

Hon. Mwanthi: Thank you, Madam Speaker. As you can hear my voice is not so good I am sorry for that but I will give my contributions towards the Statement. Madam Speaker, I think it is a good Statement and it has come at the right time because as you can see, it is now exactly on the year and it is just some four months back when we had census.

We did a lot work sensitizing our people to make sure that they are counted and now that those urban centers have now qualified to be included in the charters, Madam Speaker, I think it is the high time the Executive moves fast to prepare those charters so that we may also benefit those other urban centers especially in the areas of drainage and street lighting. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Stephen. Hon. Members, I have seen you with a lot of passion and that is why we have allowed so many Members to participate and now we refer this matter to the County Secretary for action by the Governor. Response to the Statement to be brought to the House within 14 days; that is on or before 3rd December, 2019. Thank you, Hon. Members.

(Applause)

MEASURES TAKEN TO RE-AFFOREST WUUNI FOREST IN MASII WARD DESTROYED BY CHARCOAL PRODUCERS

Hon. Temporary Deputy Speaker: Hon. Members, the office has yet received another Statement that looks also urgent and I will allow it. A Statement by Hon. Betty Nzioki. Please proceed.

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker. Article 42(a) of the Constitution provides that every person has a right to clean and healthy environment which includes the right to have the environment protected for the benefit of the present and future generation through legislation and other measures particularly those contemplated in Article 69.

Article 69(1)(b) of the Constitution further provides that the state shall work to achieve and maintain tree cover of at least 10 per cent of the land area of Kenya. In addition, the Fourth Schedule part II of the Constitution of Kenya bestows counties in the function of implementation of specific national government policies and natural resources and environmental conservation including soil and water conservation and forestry.

Hon. Speaker, pursuant to these provisions of the Constitution and Standing Order 41(2), I wish to seek a Statement from the department of environment and natural resources on what measures it has taken to re-afforest Uuni forest in Masii Ward which had been destroyed by charcoal burners. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Betty. I will commit the Statement to the committee on environment. Thank you, Hon. Members. Clerk, please proceed.

BILL

(First Reading)

MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2019

Hon. Temporary Deputy Speaker: Hon. Members, I call upon Hon. Ndambuki, Chairperson Budget and Appropriations committee to proceed.

Hon. Ndambuki: Thank you, Hon. Speaker. Hon. Speaker, pursuant to Standing Order 119, I beg to table the Machakos County Supplementary Appropriation Bill No. 6 of 2019 to this Hon. House for the first reading. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Ndambuki. Thank you, Mr. Clerk. I commit the Bill to the Budget and Appropriations Committee.

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

MOTION

MEASURES TO CLEAR FALLEN TREES ALONG ROADS WHICH PASS THROUGH KATUNGA FOREST COMPLEX

Hon. Temporary Deputy Speaker: Hon. Members, I call upon Hon. Dominic Ndambuki to proceed with the motion.

Hon. Ndambuki: Thank you, Hon. Speaker.

Hon. Speaker, that 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 forestry;

Aware that Section 8 of the Forest Conservation and Management Act, 2016 establishes the Kenya Forest Service whose function amongst others is to conserve, protect and manage all public forests in accordance with the provisions of the Act;

Further aware that Iveti forest which occupies parts of Machakos and Kathiani Sub-Counties is gazetted as a public forest pursuant to Section 31 of the Forest Conservation and Management Act, 2016;

Aware that the old tall trees along the Kathiani- Machakos road sometimes fall off and cause obstruction to motorists;

Cognizant of the fact that for the safety of the road users, there is need to come up with measures to clear fall all the tall trees along the aforementioned road;

Acknowledging that H.E the Deputy President imposed a three month logging ban on public forests which expired on 24th May, 2018;

Hon. Speaker, I wish to move the motion that the County Government of Machakos in collaboration with Kenya Forest Service puts up measures to clear all the falling trees along the roads which pass through Katunga forest Complex since the National ban on logging expired.

Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Ndambuki. Do you have a seconder?

Hon. Ndambuki: Yes, I call upon Hon. Moses Mitaa to second.

Hon. Temporary Deputy Speaker: Thank you. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. I second the motion by my colleague Hon. Ndambuki and Madam Speaker just to add a view words, how I wish it could be amended to read and any other areas where we have such forests because in my ward, such scenes are common. Thank you, Madam Speaker

Hon. Temporary Deputy Speaker: Thank you, Hon. Moses.

(Question proposed)

I invite Hon. Members to contribute to this debate; Hon. Brian Kisila

Hon. Kisila: Madam Speaker, I am in shock because we don't even have one per cent forest cover in our county. Among the reasons why it is not raining in Mwala is because most of the trees in Kathiani are being cut---

(Hon. Ndambuki spoke of record)

Hon. Temporary Deputy Speaker: Hon. Kisila, please let Hon. Ndambuki inform you.

Hon. Ndambuki: Thank you, Hon. Speaker. I wish to inform Hon. Kisila that we are not clearing forests; they are fall off trees that block roads. When it rains, majority of the trees that are planted within the Iveti forest complex are cypress trees that do not have tap roots and when it rains, the soil gets loose and they fall off and block roads.

So we are not logging; when such occurrences happen, the Kenya Forest Service has hard times clearing trees and road users are forced to use alternative routes as they clear roads which might take even a month, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you. Hon. Brian Kisila, please proceed.

Hon. Kisila: Madam Speaker, I stand informed, but that does not change my position. Let me give you a very good example of sand harvesting in Mwala. We started like a joke when they said the rivers are full and we allowed one truck, one wheelbarrow; and tomorrow, rivers had no sand. We are opening a can of worms here and it will be very dangerous and very serious and it will be impossible to be able to control.

If a tree is near a road or a tree is inside the forest. We cannot and I repeat, we cannot even discuss any element of tree cutting in Machakos County because---

Hon. Temporary Deputy Speaker: I will allow that point of information from Hon. Angela.

Hon. (Ms.) Munyasya: Madam Speaker, thank you for giving the opportunity. I would like to reiterate to the Hon. Member on the floor, that the Hon. Member for Kathiani said, the trees that have fallen off and are blocking the roads are the ones being eliminated. So that does not give a chance of anybody cutting a tree because when a tree falls off and it is blocking the road, it will be impossible for any vehicle to pass.

I have been to Kathiani and I have experienced that; trees will fall off because that forest is very thick and very old. So, like now when it rains, trees are likely to fall off. Madam Speaker, that is all I have to say.

Hon. Temporary Deputy Speaker: Thank you, Hon. Angela. Hon. Brian, proceed and summarize.

Hon. Kisila: Thank you very much, Madam Speaker. You are learning that job very fast.

(Laughter)

Madam Speaker, that information does not change my position. Let the county come up with a detailed road clearance emergency team. If a tree falls, within 10 minutes, let it be cleared but we cannot allow and give a blanket Statement here in this House to clear any forest in this county.

(Applause)

That is setting a very serious precedence. Madam Speaker, on Saturday I was in my ward planting over 500 trees and this week Hon. Betty is also helping me plant additional 5,000 trees in my ward; we are in dire need. We should not even be talking about any cutting of any tree. We should be talking about how as an Assembly we should be pumping money in nurseries.

Do you know, Madam Speaker, Masii we constructed a stadium; we had a very big forest there. Do you know today, the nursery in Masii has died because we played around with that water? Some of these things we take them as a joke but they end up wiping an entire generation.

Hon. Ndambuki: Point of order, Madam Speaker.

Hon. Kisila: I do not want information, Madam Speaker; I want to finish.

Hon. Ndambuki: Point of order, Madam Speaker.

Hon. Kisila: I want to finish by saying this, Madam Speaker---

Hon. Temporary Deputy Speaker: Let me make this judgment. Let the Member continue and submit then we are going to debate further.

(Applause)

I will allow everybody to take the floor.

(Applause)

Hon. Kisila: Thank you, Madam Speaker for that protection. Instead of talking cutting one tree, we should be talking about planting trees. That tree you think you give leeway for people to cut might be what will turn this County into a desert. I belong into the environment Committee and as a member of that committee, I stand here to say categorically I will never support anyone even thinking of cutting one tree even if---

(Applause)

In fact, let me tell you Madam Speaker, we should come up with a policy now. In my Ward, I have come up with a policy before you cut a tree which is 10 years old, you must seek permission from the Assistant Chief even if it is in your own *shamba*. That is the only way we can become serious with this conservation exercise. I am very emotional with this and I stand to oppose the motion.

Hon. Temporary Deputy Speaker: Thank you, Hon. Brian Kisila. Members, continue to debate because I think this is very important; it is a matter of County importance. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. The motion before this House is not clear; we are not sure whether the motion is brought in utmost good faith. We need to be very clear because there is what we call Wildlife and Forest policy which says, we learn to protect nature. These trees are part of nature. Madam Speaker, the Hon. Member who has tabled the motion before the House is number one in Kathiani; I am saying number one because they were many when they were contesting to be elected MCA.

So, we believe what he is doing, he is doing it on behalf of the electorates but now the question is; are we assured if we consent other people with different motives will not utilize the opportunity to clear the entire forest? Madam Speaker, the moment we say go and cut two, you will find power saws making noise in that particular forest and we may end up losing their entire forest. Madam Speaker, when we consent this, you will get even people from other Counties coming to assist us to destroy our own nature.

(Applause)

So, Madam Speaker, I would suggest that before we consent, we send the environment to the site and expected a report from that particular committee so that we can be able to be sure of what we are going to consent. Thank you, Madam Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Ndawa. Hon. Agatha Mutunga.

Hon. (Ms.) Mutunga: Thank you, Madam Speaker. Before I contribute to the motion, I have an opinion. Madam Speaker, my complaint is on these seats; when they are sitting here and they want to go to the Madam Speaker sit, they are not standing at the center but they are doing it (??)

(Laughter)

They are seriously doing it on my chest. You warn them.

Hon. Temporary Deputy Speaker: Hon. Agatha, please make your point clear.

(Laughter)

Hon. (Ms.) Mutunga: Thank you, Madam Speaker. My point is that when Members on these seats want to go to the Chair or when they are going out they are not making it straight but they are disturbing me sitting on that. So, I request you warn them and so they do it in the middle of the carpet, not on my chest.

(Laughter)

I want now to contribute to the motion. Nature is very unforgiving so it is very unfortunate that you have a member in this Assembly saying that we should go ahead to cut trees. So, Madam Speaker, I stand to oppose that motion in mind that nature is very unforgiving and there is one time we brought a motion in this House that we should not allow anybody to cut trees so I stand to opposite the motion. Thank you, Madam Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Agatha. Hon. Members, when you are bowing, I think she means you stand in the middle, bow and move out before and you do not stand on the side and I think courtesy calls for such action to be done not before someone.....that was a by the way because she requested the Chair to comment. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. Again I am on my feet I think Hon. Speaker, there is a bit that is not clear to Hon. Members. Hon. Speaker we are all against logging and we come from zones with different terrain. I believe catching on what Hon. Kisila has stated, I believe to him he meant we would rather move the road than the trees. Hon. Speaker, I believe this is not a Statement or a motion on allowing tree logging. It is a situation whereby and I wish Hon. Members would visit his area; I have been there on several occasions.

We have trees which are very old and not stable and prevention is better than cure, Madam Speaker. There is no need especially now when it is raining, the soil is loose, there is no need of waiting for a tree to fall on someone's family for us to rush our machines there clear the bushes when we have already either lost life or someone has been injured. The request here is very clear we have trees which the Kenya Forest Service officers can declare unfit; we are only requesting and I said even in my area I have such incidents, Madam Speaker.

What we are requesting is permission because at the moment for you to get that permission, you have to wait for a report to come from Embu where the headquarters are when we can do this thing locally here. We want our officers to be permitted whenever such occurrences are about to happen or have happened, our officers from within to have that permission because as it is now, it is like the forest department is not devolved. It takes time Hon. Members for you to get that permission and assume a tree has fallen and it has blocked a village and maybe we have emergency cases, will we have to wait for permission from all the way from Embu to come so that we can move our people in case of emergencies?

It is very clear Madam Speaker and as, Hon. Ndawa has requested there is no way even if we pass this motion it will go beyond without the approval of the environment committee. What I would request Honorable Members, because of that urgency and need to take that caution, they allow that, this motion to go to environment committee Madam Speaker, so that the report now will be able to can be adopted or refused. Let us give that opportunity to environment committee so that they give us the way forward. Thank you, Madam Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Mitaa. Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Madam Speaker. I believe every Member in this House knows about conservation of the environment and I do not expect anybody to stand here with ill intentions to have a forest destroyed. Madam Speaker, I concur with Hon. Mitaa and I have been to Kathiani and I repeat and I have seen those dangerous trees and I have seen what damage it is they can cause on any passers-by even a motorcycle rider, a driver, anybody walking on their feet, it can easily fall on them and cause more damage than it would if it was cut.

Madam Speaker, it is like saying; an elephant in the forest is on the loose and because we want to conserve the animals, we should wait until the wildlife procedure is carried out to take a month or two and in the meantime the elephant is destroying people's lives. Madam Speaker, I beg to ask the Hon. Members to consider that this is not a request to destroy our forest; Kathiani has one of the best forests in this County and I do not expect anybody to want it to be destroyed.

So, Madam Speaker, I concur with Hon. Mitaa that the Statement is committed to a committee, a survey be carried and a report brought to the house for approval. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Angela. Hon. Alice Nzioka.

Hon. (Ms.) Nzioka: Asante Bi. Spika kwa kunipa nafasi. Nataka kuleta tukio nikujulishe tukio ambalo lilitokea mwaka 1992. Kulikua ni wakati wa uchaguzi na niliweza kuenda Kathiani lakini njiani hatukuweza kuvuka. Tulikuta mti umeanguka na kwa bahati mbaya uligonga mtu akiwa ndani ya gari akavunjika hata mpaka wakati huu amekua mlemavu.

Bi. Spika ukitembea wale ambao wanajua sehemu ya Kathiani, kuna miti ambayo ni miaka miki. Utasikia msemu unsemwa, wakamba wanasema kama utanikubalia niseme, kwamba *miti mwanza*. Bi. Spika, ukiangalia hiyo miti ambayo inasemekana ni mti ambao una umri zaidi ya miaka thelathini. Bi. Spika, ukiangalia mchanga sehemu ya Kathiani ni mchanga ambao wakati wa mvua unakua na unyevu mwingi na sababu ya mti kuwa miaka mingi umri mkubwa, mti unalegeza mchanga kwa hivyo inakua ni hatari kubwa kwa wanao endesha gari, wanaotembea miguu, wanaoendesha baiskeli ama pikipiki.

Kwa hivyo Bi. Spika, itakua ni jambo la busara kukinga jambo kabla halijatokea. Bi. Spika, sisi kama wabunge tunajua kwamba miti inaleta mvua katika sehemu yetu na hakuna vile ambavyo itawezekana mtu apewe nafasi ya kuenda kukata miti. Jambo hili kama litawezekana Bi. Spika lipelekwe kwa kamati la mazingira ili watembee kuona hiyo miti ambayo inaweza kuhatarisha.

Bi. Spika, kupoteza uhai wa mtu mmoja ni jambo amabalo sio nzuri kwetu na ni kitu ambayo tunaweza kinga kwa hivyo Bi. Spika ninaunga mkono kusema kwamba hiyo miti amabayo imekomaa ambayo inaweza lete hatari, kuwe na mwongozo na mpangilio vile ambavyo itaondolewa. Asante Bi. Spika.

Hon. Temporary Deputy Speaker: Thank you, Hon. Alice. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Madam Speaker. I would like to support the Motion fully by the area Member to this County Assembly. It is very true he represents the people and it is of great importance to be proactive. Madam Speaker, if I remember very well sometimes back just within along Jogoo Road in Nairobi next to the country bus, it was a rainy season and a lot of trees which were along the road fell on Kenya Bus and caused deaths of many people.

Madam Speaker, when I look at the Motion, the Member is very clear, it along the road, not just anywhere within the forest. Here we are talking issues to do with life and I want to believe our lives come first even before the environment. I would like to support the sentiments of Hon. Mitaa that let this motion be given to the committee on environment, make the necessary inquiries and go to the field and bring the report back to this House and then we will make our recommendations as per the report because I want to believe matters to do with life must be given priority. Otherwise, I support the Motion fully. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Cosmus Masesi. Hon. Betty.

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker. I just want to give my contribution positively and negatively. Madam Speaker, first and foremost, I want to echo the words that have been given by Hon. Kisila. Madam Speaker, we are an example, from our Wards, that we are being affected because of not conserving the environment.

As much as I feel for the Hon. Member from Kathiani, I want to say that it is good that we come up or the County Government of Machakos comes up with a policy on the issue and the process of handling such matters. Simply because if we give leeway to everybody, in case of any tree that is beside the road to be cut down then it means that everybody will do it. So, as much as we feel for the Hon. Member, I think it is good for us and even the environment committee to come up with a report that is giving us the direction and measures on how we should be handling such matters.

So, as a Hon. Member from Masii, I know what it means by not conserving the environment. I cannot support someone to come and cut down the trees because in Masii specifically, that trees in Uuni public forest have been cut down completely and we are lacking rains.

(Applause)

So, Madam Speaker, I want to say that let us come up with a Bill that can take the measures for us to address such issues so Madam Speaker for me I cannot support cutting down of trees because we are supposed to fight for the environment and conserve the environment as well. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Betty. Hon. Musau.

Hon. Musau: Thank you, Madam Speaker. Mbiuni Ward is one of the Wards adversely affected by deforestation Madam Speaker and we know the dangers associated with deforestation but in the same concept we cannot let trees be so precarious to our people to our motorists, to our pedestrians, in the notion of we should conserve the forest. Yes, we should but should we allow the trees to pose danger to our people? No!

We are all here motorists and we know the dangers associated with logs of trees falling on the road and the motion is very clear; the trees along that road.

(Applause)

Let us be realistic. If we find one tree right now having fallen on the road, shall we come here for a Bill? Madam Speaker, it is the time we were proactive rather than reactive to these matters. We understand the vitality the importance of the trees but the lives of human beings are more important than the trees; let us be realistic, Madam Speaker.

(Applause)

Despite how much we navigate on this motion, Madam Speaker, it shall remain clear that our lives and the lives of our people are more important than the trees. Let the trees along the roads be removed.

(Applause)

In our amendment on the emotion, still in our Bus Parks like the Machakos Bus Park, we have trees hanging dangerously right now as we speak posing danger to the people in the Bus Parks, posing danger even to our vehicles---

Hon. (Ms.) Koki: Point of information.

Hon. Temporary Deputy Speaker: Point of information Hon. Christine Koki.

Hon. (Ms.) Koki: Thank you, Madam Speaker. I would like to inform the Hon. Member, he has just said that the trees are posing danger to human life and I would also like to inform the Hon. Member that, there is no life without trees.

(Applause)

I believe most of you went to school, most of you went through the class and we know that trees give us oxygen, so there is no life for human beings without trees. Thank you, Madam Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Christine Koki. Hon. Musau, please proceed.

Hon. Musau: Thank you Madam Speaker for such but I would urge the Member to realize there is even industrial oxygen; it is not a must for a tree to be there for there to be oxygen. The oxygen in the hospitals is not from trees. Thank you, Madam Speaker. I must continue, Madam Speaker.

Hon. (Ms.) Koki: Point of information.

Hon. Temporary Deputy Speaker: He has already gone from that point. Let him proceed.

Hon. Musau: I still stand my ground that, we cannot allow a tree to pose danger, a tree to fall on the road in the name that it is going to give us oxygen. Let the trees just the trees as the Motion says, Madam Speaker, along the road, the mover of the Motion is very categorical that, the trees along the roads. Nothing else, Madam Speaker. He is not saying we practice deforestation in the said forest. Let us be true to ourselves, Madam Speaker; we are so dear to the forests.

My people in my Ward has been affected by deforestation and I cannot advocate for deforestation but I cannot advocate for trees along the roads to pose danger to the residents of Machakos County, Madam Speaker. I rest my case Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Musau. You are really passionate about it and *Karibu* Hon. Minority Leader.

Hon. Kamitu: Thank you very much, Madam Speaker. Once again I congratulate you for being where you are. Madam Speaker, as an old man of this House, I have just gone through this report Madam Speaker, and on a very sincere note we should be realistic; realistic in what sense? We are being dictated to by the ground, we are being dictated by this report that there are tall old trees along Kathiani-Machakos road which fall off and cause obstruction---

(A Hon. Member spoke off record)

Hon. Temporary Deputy Speaker: Let him contribute.

Hon. Kamitu: I repeat again, Madam Speaker, the Statement of the motion dictates the ground and again we should also be able to believe the Hon. Member, who is the member for that area, a member who has a lot of concerns about his electorate. Madam Speaker, I am just comparing a life of a forest and a life of an electorate. Property of an electorate that is in a sense that maybe that somebody is driving and a tree happens to fall on his car, on a bus when it is carrying lives of people.

Madam Speaker, listening to Hon. Members, I concur with the good Statements that they have already made some observations. Yes they are saying that a committee for environment should go check what is happening but I believe this Statement by Hon. Speaker, has already identified there are old trees there and they are causing danger to the motorists, they are causing danger to the members and when talking about safety of the people, what are we saying? That as a Hon. Member you should stand here to prevent a situation because prevention is better than cure.

So in that regard Madam Speaker, I will not even waste a lot of time other than saying just for the purpose of clearing some doubts; we should send a committee before that I believe that my young brother Hon. Dominic that the Statement he has brought here he not even making a research he is an Hon. Member who comes from that place so he knows the area better than us. So, it is on that sake Madam Speaker, that I would say we support this motion because there are trees that have been identified, one they are old and they have been seen to be falling down.

So they can fall on lives of members and of people there and again Madam Speaker, us who are living, moving and walking we can be able to replant trees. We are the people who planted the trees so what are we talking about that the trees should be conserved. Yes we agree with the provision of the forest conservation but again what is more important; losing a live of an

electorate, a person who can plant those trees or just saying okay just because we want to preserve trees let us wait for our people to die because trees are falling on them?

We are not being realistic and as an old member of this House, as a parent I would say my people should be protected. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Minority Leader. Hon. Stephen.

Hon. Mwanthi: Thank you, Madam Speaker. Madam Speaker, I think the motion at hand, to some extent, it is not called for because we already have forest bylaws and we also have roads acts that we should first follow before doing all we are doing. Madam Speaker, I want to understand that wherever there is a road, there is that area that is given so what we need to know how far if the trees are the ones on the road, honestly they should give the way for the road. If the road is the one which I believe cannot be the case if the road which is passing in the forest which I do not believe can happen, then it will be vice versa.

So to me I think...you know there is no way we can move both laws contradicting themselves. To me I want to believe that the trees should leave the road for the road to pass.

(Applause)

Madam Speaker, I am a victim of that same problem; sometimes back I was going to Uganda where there is a forest called Mabira forest and it was at night and it was raining and a tree fell just the way we are saying. It is a big forest that had similar issues like the ones we are handling today and Madam Speaker, I think it is by God's grace that I am still in this Assembly because we were almost dying.

So when we say the trees just to be there it means maybe I couldn't be here. If it was not by God's grace so my feeling is that the trees should leave; it does not mean that we are not conserving the environment. We need to conserve the environment but at least there should be that respect of the trees and the road Madam Speaker.

You know, Madam Speaker, we are living in a country whereby if an elephant dies, its compensation is more than when the elephant kills a person and it is unfortunate when we have such like things, Madam Speaker. So my expectation is let the forest respect the road and things will be okay. We can still plant more and more trees in other areas. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. May I call the mover to reply?

Hon. Ndambuki: Thank you, Madam Speaker. I wish to thank the House for the lively debate and Hon. Speaker, if you allow me we had *tete-a-tete* with Hon. Mitaa and said that we need such kinds of debates in this House where we make the House lively. Hon. Speaker, the importance of environmental conservation cannot be underscored and Hon. Speaker, lives of our people come first. I brought this motion before the House with the interest of our people at heart.

Hon. Speaker, I am a victim of circumstances where at one time I was commuting to Nairobi from home; that time I used to work in Nairobi and I would commute from home to Nairobi on daily basis and Hon. Speaker, my vehicle was involved in an accident within the said forest complex where a tree fell on it. Madam Speaker, just like Hon. Stephen Mwanthi has said such occurrences---

Hon. (Ms.) Mutunga: Point of order Madam Speaker?

Hon. Temporary Deputy Speaker: Let him reply.

Hon. (Ms.) Mutunga: We have no quorum.

Hon. Ndambuki: Hon. Speaker, such occurrences are life-threatening and since lives matter most, Hon. Speaker---

Hon. Musau: Madam Speaker, we have more than enough quorum.

Hon. Temporary Deputy Speaker: Let him reply, I said let him reply.

Hon. Ndambuki: The motion at hand is very clear that, Madam Speaker, we are not advocating for forest clearance; Madam Speaker, what the motion seeks is clearance of fall off trees. Hon. Speaker, if we were to take a walk to Katunga forest complex right now you would find some sections of the roads that are blocked while others are partially open meaning that not all vehicles can be able to pass through such roads.

Madam Speaker, being a representative of my people, I have seen them suffer; people waking up early to come to Machakos, people going to work in Nairobi and they are forced to take alternative routes through Kangundo road other than just joining Kathiani-Mumbuni road and Madam Speaker, they end up losing time.

Think of the dangers that I have mentioned before, therefore Madam Speaker, as I conclude, I wish to inform the House of some of the measures that as residents we have taken. We have been to Kenya Forest Service offices located at Mumbuni where the officers there have said that their hands are tied.

In the event that a tree falls on the road, they have to make calls to Embu regional offices where they are given permission to clear that road. Madam Speaker, it might even take two days before that tree is cleared. Just count the manhours lost, count the fuel that is consumed by vehicles taking alternative routes.

Madam Speaker, just count the losses that have been incurred. Imagine if it were an emergency just as Hon. Musau has alluded before me. Therefore, Madam Speaker, it is my prayer as the House seeks to support the people of Kathiani and those living around the Iveti forest complex to conserve environment but also to look at ways of mitigating against any loss of life or property. It is my prayer that the relevant committee or committees will move with speed and ensure that our people get what they deserve. Thank you, Hon. Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Dominic. Mr. Clerk please confirm quorum. Members, we lack quorum by one Member therefore, Serjeant at Arms, please ring the bell for quorum.

(Quorum Bell rung)

Thank you, Hon. Members. I think now we have quorum and now I put the question.

(Several Members entered the House)

(Question put and agreed to)

(Laughter)

(Several Members rose in their places)

The House is on division...

Hon. Masesi: There must be at least five, Madam Speaker; they are not even five.

Hon. Musau: The division should be called by 10 Members, Madam Speaker. These are not 10.

Hon. Temporary Deputy Speaker: Order, Members! Hon. Members, I gather there are no five or more members standing therefore, I can only see Hon. Brian standing which---

Hon. Musau: Madam Speaker, not yet quorum for division.

Hon. Temporary Deputy Speaker: Standing Order 68 (b) says this: If on a question other than a question of procedure five or more members rise in their places to support the member claiming the roll call for division...therefore, Clerk ascertain whether there are five or more standing.

Hon. Members, Hon. Kisila who stood for division does not gather more than five Members.

(Hon. Kisila spoke of record)

You are counting yourself; there should be five.

(Applause)

(Laughter)

Hon. Members, I thank you for such a lively debate and your contributions have called for someone to really think seriously about conservation of our environment. This one, we would not allow it to go unmentioned that forest is life and life is also forest but there are things that really matter and things that really matter more is life.

Therefore, this motion will be committed to the committee on environment and they should also put Hon. Mitaa's sentiments to check on other areas because they really called for county importance procedure of checking on our lives and our environment. Therefore, I am sure our able environment committee will go to every detail and every aspect because this is a very important motion that you have debated today.

Therefore, Hon. Members I really thank you and I appreciate your serious contributions and therefore I pray next time we sit here we are going to do the same. May God bless you.

ADJOURNMENT

Hon. Temporary Deputy Speaker: I declare, now the House is adjourned to Wednesday, the 20th day of November, 2019 at 10.00 am.

The House rose at 4.15 p.m.