

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Tuesday, 5<sup>th</sup> June, 2018**

The House met at 10.30 a.m.

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

**PRAYERS**

**COMMUNICATIONS FROM THE CHAIR**  
**PUBLIC PARTICIPATION FOR APPROPRIATION BILL 2018-19**

**Hon. Deputy Speaker:** Hon. Members, good morning. Welcome back from the recess we had; we thank God I see most of are back in good cheer and in good health. We thank God for that.

As communication I have two items to communicate about; the first one is on the budget. As you know we will be doing the public participation this week for the budget and we shall be going to each and every ward to conduct that public participation. It is important that we prepare well for the public participation in each and every place especially in your individual wards.

You make sure that your people who come for the public participation, first of all, are representatives of the entire ward so that your people coming from all areas of your ward and then the views you are going to get will be representative. We are going to have a member of the budget committee in each of the sessions so that they can be able to guide where necessary where the Hon. Member and also the people of your ward in analyzing and coming out with what is the right thing for them to be able to come out with in as far as that public participation is concerned.

You know very many issues are going to be raised but you need to guide yourselves and see though all that what is going to come and come out with the one which is adding value the most to our people so that we come out with a budget which is robust, a budget which is well representative of our people to serve them well in the coming year. So for that we are going to have the members of the budget committee doing that from tomorrow up to Friday.

DE-WHIPPING HON. COSMUS MASESI

The other communication I have is I have a letter here which has been written by the Hon. Tariq Mulatya Muema who is the Chief Whip of the Majority Party and I will read it. "To the Speaker, from Majority Whip dated 5th of June, 2018; Reference is de-whipping. Mr. Speaker, pursuant to Standing Order 156 (1) which states that the Assembly Party that nominated

a member to a select committee may give notice, in writing to the Speaker, that the member is to be discharged from a select committee.

I wish to de-whip Hon. Cosmus Ngula Masesi from the finance and revenue collection committee.' End of communication, so that has been communicated and will take effect. Mr. Clerk, proceed.

### STATEMENT

BUSINESS FOR THE HOUSE FOR 5TH JUNE, 2018

**Hon. Deputy Speaker:** Hon. Members under this order, we have a statement from the House Business Committee which is going to be read by the Hon. Mulatya. Hon. Mulatya, please?

**Hon. Mulatya:** Thank you, Mr. Speaker. Hon. Speaker, I stand under Standing Order 41(2)---

**Hon. Deputy Speaker:** There is a point of order, Hon. Francis?

**Hon. Ngunga:** The point of order, Mr. Speaker, is that the Order Paper is very clear and it indicates who is supposed to be reading that and Mr. Speaker, unless you are flouting the House rules you are aware that I am the Majority Leader of this House and therefore I do not even understand why Mr. Speaker, you have pointed out a member who is listed in this list to read Statements that are otherwise supposed to be read by the Majority Leader. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Point of information Hon. Kamitu.

**Hon. Kamitu:** In the absence of the Majority Leader, the Minority Leader takes over; that should be the Standing Orders and we should abide by what is the Standing Orders of this House. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Point of information.

**Hon. Mulatya:** Mr. Speaker, this Statement can be read by any member of the House Business Committee

*(Applause)*

**Hon. Deputy Speaker:** It is important for me to hear the views of everybody but at the end of the day it is the discretion of the Speaker, above everything else to make a ruling and as far as the business of the House is concerned. I have made the ruling and I have knowingly said Hon. Tariq Mulatya to read the Statement. Hon. Tariq Mulatya read and let the member finish without interruption. Thank you.

**Hon. Mulatya:** Thank you, Mr. Speaker, for your protection. I start again 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 for not more than 10

minutes, present and lay on the Table a Statement informing the House of the business coming before the House.

Mr. Speaker, the House Business Committee met on 30th May, 2018 and balloted for business for this week pursuant to the provisions of Standing Order 151 as follows:

Tuesday 5th June, 2018  
Morning at 10 a.m.

- a. Report of environment, energy, lands and natural resources on sand harvesting ban in Mumbuni North ward by Hon. Robert Kisini, chairman environment.
- b. Motion that the County Government of Machakos de-silts and fences all existing dams in Machakos County, reticulates water from all exiting dams to the benefit of residents, plants trees along the dams and along the catchment areas to increase forest cover and hold soil by Hon. Cosmus Kieti, MCA Lower Kaewa ward.

Afternoon at 2.30 p.m.

- a. Report of PAIC committee on audit report on financial statements of Machakos Water Company for the year ended 30th June, 2016.
- b. Motion to adjourn the sittings of that Assembly of 6th June, 2018 to allow the Assembly to undertake public participation on the Machakos County Budget Estimates for the year 2018/2019 by the Hon. Francis Ngunga.

Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Kiteng'u. It is important for us to also go by the Standing Orders Members. I want to making a clarification on this; Standing Order 41(1) Statement hour reads as follows, 'notwithstanding Standing Order 37, there shall be time to be designated Statement Hour every Thursday commencing not later than 3.00 p.m. for example (??)

During the Statement Hour-

- a. A Member of the House Business Committee for that purpose shall, every Thursday on the last sitting day, for not more than 10 minutes present and lay on the Table statement informing the House of the business coming before the House in the following week.
- b. The leader of Majority Party or the Leader of Minority Party as the case may be or their designees may make a statement relating to their responsibilities in the House or the activities of a committee.
- c. A member may request a statement from the committee chairperson relating to matters under the mandate of the committee and the Speaker, may either point a day for the statement or direct that the statement be issued on the same day.

In that Standing Order, Hon. Members, it is very clear that a member of the House Business Committee can be able to present a report where.....and the only thing that is mandated to be given by the Majority or the Minority Leader is business relating to their parties or to a specific committee. Thank you. Proceed, Mr. Clerk.

## MOTIONS

### REPORT ON SAND HARVESTING BAN IN MUMBUNI NORTH WARD

**Hon. Deputy Speaker:** Under this Order, we have two businesses to transact the first one is a motion by the Hon. Christine Koki, vice chairperson environment, lands and natural resources committee and the second one is a motion by the Hon. Cosmas Kieti, MCA Lower Kaewa ward. We start with Hon. Christine Koki.

**Hon. (Ms.) C. Koki:** Thank you, Mr. Speaker. On behalf of the Chairman of Environment committee, I would like to table on the report on sand harvesting ban in Mumbuni North ward. I believe members have their copies of the report. I will go ahead and read the report.

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The second page we have preamble, background, mandate of the committee, committee membership, committee findings, site visits to river Mung'ala, committee observations, committee recommendations, conclusion and acknowledgement. Then we have the annexures, sample photos of the effects of sand harvesting in Mumbuni North Ward.

#### PREAMBLE

Hon. Speaker, the Fourth Schedule of the Constitution of Kenya, 2010 bestows County Governments with matters of implementation of specific national government policies on natural resources and environmental conservation including soil and water conservation.

Further Article 42(a) stipulates that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generation through legislative and other measures.

Hon. Speaker, sand harvesting is common in Kenya's arid and semi-arid areas, but if left uncontrolled, it depletes water catchment areas, and experts say there is need to promote sustainability by striking a balance between it and environmental conservation. Sand harvesting employs thousands of people, and with a booming construction industry. Some of the most notable environmental effects of sand harvesting include the drying of aquifers, riverbank and riverbed erosion, water and air pollution, and the loss of valuable trees and animal species.

Hon. Speaker, under the Environment Management and Coordination Act (EMCA) sand harvesting can only happen after a proper Environmental Impact Assessment has been carried out and with the approval of technical sand harvesting committees. Hon. Speaker, Machakos County Assembly enacted the Machakos County Sand Harvesting Act, 2014 whose Section 3 states that the objects and purpose of the act is to provide legislative framework for regulating sand harvesting and to-

- a. Require the registration of sand dealers and sand harvesting Associations;
- b. Designate sand harvesting areas, sand harvesting hours and sand transportation methods;
- c. Provide for the institutional framework for management and regulation of sand harvesting;
- d. Provide for the rehabilitation and protection of the environment from harmful effects of sand harvesting and related activities;

- e. Provide for benefit-sharing and investing back to the community part of the revenue collected from sand harvesting; and
- f. Enable communities to participate in the management of sand harvesting.

## **BACKGROUND**

Hon. Speaker, on 19<sup>th</sup> December, 2017 a Motion seeking to ban sand harvesting in Mumbuni North Ward for a period of three years was moved in this House by the area member of County Assembly. The motion was referred to the Committee on Environment, Lands, Energy and Natural Resources for investigation and reporting back.

## **MANDATE OF THE COMMITTEE**

Hon. 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.

## **COMMITTEE MEMBERSHIP**

Madam Speaker, the membership of the aforementioned committees is as follows:

- |                           |   |               |
|---------------------------|---|---------------|
| 1. Hon. Robert Kisini     | - | Chairperson   |
| 2. Hon. Christine Koki    | - | V/Chairperson |
| 3. Hon. Alex Kamitu       | - | Member        |
| 4. Hon. Brian Kisila      | - | “             |
| 5. Hon. Cosmas Kieti Muia | - | “             |
| 6. Hon. Dominic Ndambuki  | - | “             |
| 7. Hon. George King’ori   | - | “             |
| 8. Hon. Hellen Ndeti      | - | “             |
| 9. Hon. Jacqueline Nziva  | - | “             |
| 10. Hon. Jane Nyawira     | - | “             |
| 11. Hon. Joseph Musau     | - | “             |
| 12. Hon. Mark Muendo      | - | “             |
| 13. Hon. Michael Mutiso   | - | “             |

## **COMMITTEE FINDINGS**

### **SITE VISIT TO RIVER MUNG’ALA**

Hon. Speaker, Standing Order 190(5)(e) states that one of the functions of a sectoral Committee shall be to investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the Assembly.

The Committee accompanied by the area Member of County Assembly conducted a site visit to the Ward on 19<sup>th</sup> March, 2018. The main objective was to inspect the extent of the damage and effects caused by sand harvesting with a view of recommending for ban of the exploitative activity.

1. The river Mung'ala gully had been deepened by sand harvesting activity and hence posing as a health hazard to the Community. A resident of the area had reportedly slipped into the gully and died.
2. A makeshift bridge crossing the river was at risk of being eroded since the river was widening its banks due to the environment degrading activity.
3. Trees planted along the river bank to hold soil together were falling down as a result of uncontrolled sand harvesting which eventually had caused rampant soil erosion.
4. The river gully had divided Mung'ala Primary School into two sections. The gully cutting across the school compound was posing a great danger to the pupils. The Committee was also informed that there were several cases of pupils falling into the gully and being injured.
5. The wide gully at Kwa-Kyele/Wamaa area had completely cut off communication and residents were being forced to use an alternative route of close to five kilometres.

### **COMMITTEE OBSERVATIONS**

Hon. Speaker, the Committee made the following observations;

1. The committee noted that at the time of visit, sand harvesting was ongoing in the river with fresh sand mounds being evident along the river banks.
2. No measures had been taken to put up gabions or weirs in the existing gullies. This means that the gullies were extending each day.
3. This sand harvesting activity was being done mostly by school-going youths of less than 18 years. This contravenes Section 7(e) of the Machakos County Sand Harvesting Act, 2014 which stipulates that 'only persons who have attained the age of 18 years and residing within the local community shall be employed as sand loaders.'
4. There was evidence of sand harvesting activities along some roads where sand had been deposited by the ongoing rains.

### **COMMITTEE RECOMMENDATIONS**

Hon. Speaker, based on the submissions the committee recommends the following;

1. The National Environmental Management Authority (NEMA) in collaboration with the County Government of Machakos gazettes Mumbuni North Ward and specifically Rivers Mung'ala, Kasinga, Ikungu and Manza as undesignated sand harvesting zones.
2. The County Government revokes all existing permits for harvesting sand in the aforementioned ward and strict measures be put to ensure that sand harvesting activities are totally banned in the ward until the stated time frame.
3. No further issuance of sand harvesting permits for Sand harvesting in Mumbuni North Ward.
4. The County Government should move with speed and construct gabions and weirs in the existing gullies. Priority should be given to Mung'ala Primary School whose state is deteriorating with the intensity of the ongoing rains.

5. The County Government in the spirit of implementing the recent enacted County Annual tree planting policy, priority should be given to those areas which have greatly been hit by soil erosion.
6. The County Government should construct a substantive bridge to substitute the makeshift bridge in Mung'ala Primary School to enable the school fraternity run smoothly and evade threats of health hazard posed by the existing gully. There is also need to construct another bridge at Kwa-Kyele/Wamaa area to restore communication and ease movement.

### CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, excessive sand harvesting causes the degradation of rivers. Depletion of sand in the stream bed causes the deepening of rivers. It may also lead to saline water intrusion from the nearby river. Further uncontrolled sand harvesting poses threat to bridges, river banks and nearby structures. Sand mining also affects the adjoining groundwater system and the uses that local people make of the river.

Hon. Speaker, the Environment, Lands and Natural Resources committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings and visitations. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report.

Hon. Speaker, it is therefore my privilege, on behalf of the Committee, to table this report and recommend it to this Hon. House for adoption. Thank you, Mr. Speaker

**Hon. Deputy Speaker:** Thank you, Hon. Member.

*(Question proposed)*

Members, you may debate on the motion. Hon. Dominic.

**Hon. Ndambuki:** Thank you, Hon. Speaker. I wish to commend the committee on environment for the good job it did. I was one of the members of that committee who visited that area during the site visit and I can confirm to members that what is contained in this report is indeed true.

We were amazed to see that a primary school has been divided across by a very deep gully and I believe that this is as a result of uncontrolled sand harvesting. Hon. Speaker, sand harvesting in Machakos County has become a menace.

On one side, it creates job opportunities for the young people who may not secure formal employment but we also need to look at the long term impact that sand harvesting may pose to our county if it is uncontrolled. Where we can put up with unemployment and create other opportunities for the young people, if we degrade our environment it may take ages to restore our environment to where it were or we may have to live with that and pose great dangers.

Therefore, Hon. Speaker, I am supporting this report by saying that we need to control sand harvesting and we also need to come up with measures. As County Assembly we need to come up with policies that will guide the County Government on how to restore areas that have been degraded by uncontrolled sand harvesting.

Hon. Speaker, as we are talking about Mumbuni North Ward, it is also good that we also extend to other areas that are also affected by uncontrolled sand harvesting. Two or three weeks ago, the committee on environment had an opportunity to visit areas like Mitaboni and Kangundo and the same activities are happening there. It is my plea that this House moves with speed and puts up measures to control sand harvesting in Machakos County.

Hon. Speaker, if it deems so fit we can borrow a leaf from Makueni County on what they have done to control sand harvesting in those areas. Mr. Speaker, if you happened to walk to Makueni right now the river beds are full with sand because they have controlled their sand harvesting.

*(Applause)*

If we could do the same in Machakos, Hon. Speaker, we would be controlling even the water that runs all the way to the Indian Ocean. We would create job opportunities for our youths who are unemployed and they can use this water to do irrigation and therefore creating opportunities and they can be able to put some bread on the table for their families. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Mark Muendo.

**Hon. Muendo:** Thank you, Hon. Speaker. Let me also applaud the environment committee where I am also a member. Hon. Speaker and Hon. Members, when you look at those pictures or the photos attached you can see the menace, you can see the damage. School pupils crossing on a makeshift bridge; Hon. Members, it is actually our duty now as members of this Assembly to think twice when we are talking about sand harvesting. Sand harvesting is going to cause a lot of damage to our environment.

When you look at Mumbuni North, it is a place where we know it is actually the environs of this town. Just imagine this kind of business going on, trees are falling, rivers are drying up and the town will be naked; it will be a man with no clothes because Mumbuni, Kiima Kimwe, Muvuti, those are the areas which make people look at Machakos as a very great town.

As you approach Machakos from Nairobi you can see those mountains, the way they are beautiful. If we allow this kind of business of sand harvesting especially when you talk about that river we know all these rivers, there is no sand it is only that they are removing mud and the little sand which has been deposited there and then they go and mix with other sand.

In my ward I have a lot of deposits of sand but they are not on rivers; there are on peoples farms. Young boys are dying, every month we are losing more than 10 because they scoop, they get inside without knowing then it collapses. In Kinanie we have that kind of rate of death every week, about 10 or 15.

So, Members of this House, it is my humble request to request this House to think about our future for our kids and think about employment of our kids. Let me give you an example of Makueni where I have interest and where I have come before I moved to Machakos.

What the Government of Makueni has done was not easy; they started by banning the sand, the youth around the rivers started burning the County Government vehicles, the Assembly sat down and said 'these young people are only paid Ksh. 200 to fill a lorry, why can't we give them Ksh. 500 for them not to fill those lorries?'



In fact when you go to River Muoni in Makueni, you will find the boys are smart, they are there, they are actually guarding the sand; they are getting Ksh. 500 everyday which is not a lot and the lorries cannot go there to fetch the sand. That is a solution. When the lorries go there, they are burnt by the same youth which used to burn the County Government vehicles because of protecting the sand.

Today as you move to Makueni through Makongo, you can see after Muumandu/Kola, you can see now how Machakos is looking. From Kola all the way to Wote, trees have come back and in fact environment builds within a short period. Five years, Makueni has made it, the trees are there. There is an international body which has given Makueni Ksh. 2.6 billion and they have the cup in Africa for protecting the environment.

Why can't we borrow a leaf, why can't we go there for benchmarking and then we solve this business of saying our youth are being employed; they are not being employed, they are being destroyed.

*(Applause)*

How much do our people in Machakos get when they fill a lorry? A lorry in Machakos is Ksh. 5,000; a lorry in Nairobi where I am doing construction, I am buying at Ksh. 40,000 so who is fooling who? Is that business? Making a million per cent? So, Hon. Members, this report of Mumbuni actually, let us not even waste a lot of time, we know Mumbuni, we know Muvuti, we know Kiima Kimwe, that is where our trees are treasured.

Even if we are going to allow other areas but just around the Machakos Town where we normally get good oxygen, where we normally get the beauty, let us actually ban completely for those years in Mumbuni North. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you. Hon. Chuma.

**Hon. Kituku:** I think, Mr. Speaker, there is no Hon. Member by such a name in this House.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Patrick.

**Hon. Kituku:** Okay, thank you, Mr. Speaker. I am in support of this report and actually I have some input one of them being that the County Government should come up with measures on how to conserve this soil because sometimes you find that we do not have sand dams so the sand ends up going to the dams in Masinga.

So, when we have a steep slope in those areas the sand ends up going to the rivers and that is to the dams and it does not help in any way. So, the County Government should also come up with some measures on making gabions and sand dams so that the soil can also be conserved and the sand as well.

Again, in a number of places our youth are idle and so we also need as the County Government and also as the Assembly to think on how we are going to engage our youth because

when people are idle they can get into any activity and these people are looking on what we are going to do. How can we create jobs for them? Even if it is not employing them in the white collar jobs, how can we make them busy? So, we also need to think deeper so that we can also help our youth understand on the impact of environment as far as this menace is concerned.

Again, this issue of sand harvesting is a very thorny issue and we as the County Government are also getting taxes from the same though we came with a measure of increasing the cess which is also going to assist in one way or the other. So, still in implementation it is going to assist. Otherwise, thank you.

**Hon. Deputy Speaker:** Hon. Justus Kiteng'u.

**Hon. Kiteng'u:** Thank you, Mr. Speaker and good morning Hon. Members. I would like to comment on this Mumbuni report on sand harvesting. Mr. Speaker, I also moved a Motion on the same because of those various have also affected my area as well and it is really necessary to stop this sand scooping. In Machakos County, I can attest that we do not have any river where we can be able to do sand harvesting.

What is being done in Machakos is sand scooping and in my area of Kivaa Ward, I have stood firm to fight this sand scooping but you realize that all those sand agents or brokers have already groomed many youths whereby it is difficult without the cooperation of the Administration and the County Government and the mwananchi to stop this sand thing.

I have several areas whereby in my area it has really affected the Community; one, I have experienced in one of my schools called Masaku Itenzisi Secondary School whereby since January, four students have dropped out and only one boy child has reported to form one this year and with that direction or the movement then you find that we are losing our youth.

Down the river where they are doing that sand scooping, all kind of drugs are sold there and you realize that, once you release or your child happens to join the group, it is only week or two weeks and the child will be a drug addict.

Early pregnancy is also part of it whereby our girls are getting pregnant at the age 14 years where you realize that such a child has to drop out of school and also may get married in early childhood and again the diseases because these brokers or these trucks which joins on our area brings up new people whereby you realize that the husband or the father of that boma, you realize is also an agent or a sand loader, the wife cooks *chapati* to the brokers and the kid is also in the process. You then realize that dirt will spread to the entire Community.

Mr. Speaker, we have the Sand Harvesting 2014, Act, whereby it has not been implemented. So, I request and I urge the Executive to chip in this because I once called His Excellency the Governor the time this thing was really eating my head and I told him and then he told me that they are working on it.

Now it is the high time that he makes sure it is fully implemented because Hon. Members, Mr. Speaker, we do not have an Environment Committee in our Machakos County whereby we should have the common mwananchi who is a member and the Executive and NEMA member but again I will search because the groups are like five of them of certain authorities but in Makueni, in Kitui, we have that Environment Committee whereby we can be able to work together, they can be able to know exactly if it is Kivaa Ward, Kivaa Ward is no sand harvesting zone and with that you realize we will have an easy work and we will move on and then make sure that everything goes on correctly.

On tree planting, Mr. Speaker, as the Hon. Member for Ndithini has said, this sand comes from our own land and once it rains and those link rivers, they all drain the water to the main rivers and you will realize the same water will transport some sand to the river. What we need to do, my solution and my view is, we need to emphasize on planting trees in our forests.

*(Applause)*

With that Hon. Members, I remember there was a Statement which was brought in this House whereby we should once and for all, we should be able to plant trees in our various Wards. So, I emphasize and push that happens soon. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Hon. Pauline.

**Hon. (Ms.) Mene:** Thank you, Mr. Speaker. I just want to put across one point, I am just wondering, as we tell our people not to sand harvest, are we giving them an alternative? I think there is an alternative, I think we should educate our contractors and Members of the Community that they do not have to use sand, they can use dust in place of sand and I think the County should educate the members of the Community. Thank you, Mr. Speaker.

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

**Hon. Nyanzi:** Asante, Bw. Spika. Mimi ninapongeza hii kamati ambayo imeona area ya Mumbuni imeharibika na ikaona tuifunge hii changarawe kutoka upande hio. Lakini ningetaka kuwambia area yangu ya Kalama kulingana na hizi picha naona hapa, ndio imeharibika kabisa na nikachukua hatua nikaona Director wa NEMA na DCC na Serikali yote, tukatembea wakajionea na macho yao na tukaenda tukakaa na wananchi wote na wakati huo hiyo changarawe, Director wa NEMA na Serikali hii ya National Government wakaifunga kabisa na wakasema yule mtu anataka changarawe, waite watu wote waseme wanataka kutoa changarawe hapo na barua iwekwe sahihi na Chief, iende iwekwe na DC na iletewe Director wa NEMA ndio waweze kuruhusu.

Kutoka siku hio kesho yake malori yalikiwa yamejaa Kalama na kila area, unajua hio area ni ya Jubilee, askari wako kila soko, kila location na wako hapo wanaweza kusimamisha; hawasimamishi inaendelea hata zaidi sasa. Kwa hivyo sijui hii Motion mnaleta kwa Bunge hii, ikipitishwa, itatumia njia gani ya kusimamisha huko ikiwa hiyo serikali iko Kalama ndio iko hapa Machakos? Hio kwanza tuelewe tutafanya namna gani.

*(Applause)*

Mimi niko karibu na Makueni, na hata nafanyia kabihashara yangu huko, ile njia walitumia ni wananchi wenyewe ndio waliungana, hakuna lori inaweza kuja hapo hata kama ni usiku; hata yangu ilikua karibu kuchomwa. Sijui tutamia njia gani ili tusimamishe.....kama hii bunge ikiweka Motion na ipitishwe, itakua ina tofauti gani na Serikali? Asante.

*(Applause)*

**Hon. Deputy Speaker:** Hon. Judas Ndawa.

**Hon. Ndawa:** Thank you, Mr. Speaker, Sir. Mr. Speaker, I stand here to support the report and request the Members to approve the report because it is going to address a very important issue. Mr. Speaker, the first point that I would like to give in this House is this; we should declare sand harvesting in Machakos as a County disaster because it is a problem which is affecting the entire County.

In my Ward, Mr. Speaker, no sand harvesting because there are no rivers with sand but whenever it is harvested it affects my Ward negatively. Mr. Speaker, yesterday I attended two meetings, one in the neighboring Ward, that is Ikombe just at the boundary and the other one was in my Ward that is Kaluluini Market.

The sand is harvested in Ikombe but they use Ikombe-Matuu Road. Mr. Speaker, that road was just repaired two weeks ago by KeRRA and we are made to understand that the next allocation for that road will be after two years. After these lorries were chased from Masinga, from Ekalakala and other areas, they have now moved to this Ikombe-Matuu Road.

*(Applause)*

Mr. Speaker, this is the high time we should stamp authority on this kind of problem. The other issue Mr. Speaker that I would wish to say is that, this activity has both negative and positive effects but if you measure, the negative effects are more than the positive ones.

So, since these negative effects are more than the other ones, we should declare this thing as something which is not accepted in our County.

*(Applause)*

Mr. Speaker, I happen to border Kitui and it is good that we borrow whatever is happening there. The County Government of Kitui has come up with a plan to have its own trucks; they have set aside a portion of land where they are going to be dumping their sand. It is only the Government trucks for Kitui County which are allowed to go to the rivers and they have a very good plan on how to harvest.

If the sand is 8 feet deep, they only harvest five feet and leave three feet so that the river can have water. Mr. Speaker, I would request, if we can think of going that route, I am very sure we will have assisted our people.

Apart from roads being damaged, also families are breaking. Whenever there is an activity which attracts many people, the business starts there. People will go there to provide food.....these are business men who want to make food and sell to these people who are harvesting this. Whenever they go there, another agenda is introduced by either side, either the sellers or those people who are harvesting sand; at the end of the day the family will break.

These people whenever they miss these young ladies of ours, they again start approaching the daughters and I said in this House Mr. Speaker, the worst animal in this world is the one which eats the mother and the daughter. That is the worst animal.

*(Laughter)*

Why am I saying so? Somebody will go and approach my wife; if she consents, something will happen. The following day he will approach my daughter and if she consents, something will happen. At the end of the day you will find that whatever the mother is suffering from, also the daughter is suffering from the same disease. So, this is the high time Mr. Speaker, we speak in one voice and say enough is enough. Unless we declare this problem as a County disaster, we may not be able to handle it.

The other issue Mr. Speaker that I would wish to request; this sand harvesting is not supported by both the National and County Governments because whenever we say we do not want this activity to be carried, the security docket is for the National Government. If they do not bless what we are saying here, it means even if we pass it here because they are the people who are supposed to provide security, we may not go through.

So, I would request that we have what call inter-Governmental intervention; both National and County Governments to come together and read from the same page so that we can see the way out.

The other issue, Mr. Speaker, if we say we ban and we do not provide alternatives, we will be rendering these youth redundant. So, I would suggest that we come with plans so that we can ensure that as we harvest, if we are going to agree to harvest, if the County can agree to harvest, the same youths who were used by these transporters, we also give them business. At the end of the day, we will have not made these people to be in redundant.

To finalize, Mr. Speaker, sand harvesting also endangers lives; how? When this sand is harvested, the size of the gullies continue enlarging and enlarging, people will fall on those gullies, limbs will break, others may die on those gullies. So, Mr. Speaker, I will kindly request this Hon. House to recall that Act which was passed in 2014 about sand harvesting. We need to recall that Bill or that Act we see what are the contents then we ensure it is an Act which is implemented.

Once we pass Acts and we do not implement them, they become notes because the difference between Acts, minutes and notes is implementation. If we do not implement they become notes and we cannot be sitting in this Hon. House to write notes. So, Mr. Speaker, I stand to support and request if you can give Members time to approve this. We do not have to talk much. Thank you, Mr. Speaker, Sir.

*(Applause)*

**Hon. Deputy Speaker:** I think I will only have two more Members, Hon. Kalumu and then Hon. Kamitu. Hon. Kalumu.

**Hon. Kalumu:** Thank you, Mr. Speaker. I would like to thank the Committee for a job well done knowing that it is our duty, every person's duty, every citizen's or residents of Machakos to conserve there environment. Sand harvesting has been there, has been in existence for so long before even the existence of Counties but I think it was being managed well because the Municipalities and County councils were committed to do that through the Ministry of Environment.

*(Applause)*

I think we are going round, round and the law is there, everything is there, every one of you has seen what Kitui has done through the Governor herself. On Friday last week, I was on Madaraka Day with my brother Hon. Ndawa here and we talked much on matters pertaining to sand harvesting and the final question of the Deputy County Commissioner asked us, where is the voice of your Governor because we have heard the Governor of Kitui talking about sand and charcoal in Kitui County.

*(Applause)*

We have heard also the voice of the Governor of Makueni, having strict commitment on implementation of the laws which are made by the County Assembly. Here we are lacking one thing; the Assembly is doing its work very well but we are lacking the support of the Executive because we as the Assembly we make laws but we are not the implementing arm. So, who is sleeping on the job?

Somebody should be accountable for what is happening in environmental degradation of Machakos County because if we do not follow that route, let us not beat the bush because the law is there on how the environment should be conserved. If you have said let us stop sand harvesting, let us stop in the entire County.

*(Applause)*

If we pass a resolution that a certain area needs some strict conservation of the soil, let us as the County join hands together with the Executive. When I say that in Kithimani Ward that sand harvesting is degrading the environment, let me hear somebody also from the Executive second me. That way is the only way we can achieve the goals and the objectives that we want.

Environment is our mother nature and it is not something you should fight for; it is something that all of us should know, if we leave it to the hands of those who do not think that conserving it is not anything or adding value in our environment, then we are going to lose and in the next 10 or 20 years we will have nowhere to live because the climate will change and the temperatures will be very high.

So, I request that as we sit in this House also passing resolutions and laws, let us also the man in charge of environment on the other side also be seen to be doing something Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Kamitu.

**Hon. Kamitu:** Thank you, Mr. Speaker. Mr. Speaker, I happen to be a member of the environment committee and it is also important Mr. Speaker to note that we had some site visits and Mr. Speaker it is also important that you note that already we have an act in regard to sand harvesting.

So, my humble request to this house is that we should approach this issue of sand harvesting very soberly because Hon. Speaker you have heard from Members who have spoken here that sincerely sand harvesting has brought a lot of harmful effects to the environment. So, it is on strength of this that as a house we should check on the Sand Harvesting Act which was passed and now come up with measurable preventive measurable ways that would also sort the

community will also engage the Assembly as a legislative body of this county so that at the end of everything, we shall come out as winners.

So, looking at the preamble of this report, all these issues has been brought they have been documented and in honor of the environment committee is that we went and on a very sincere note, I would take a good example like Kathiani, we were there with Hon. Dominic, that is his area and as a result of sand harvesting, you understand that out of the sand harvesting, we experienced dry bed of rivers, gullies have been made because of soil erosion.

So, without wasting a lot of time, I would request this house we sit down now we come up with the most effective measurable ways that we can prevent the erosion or the side effects or the harmful effect of sand harvesting and also the sand scooping and as I said, a good example some of the ways we have seen is that if we identify or we have some designated rivers whereby within a given duration of time, sand harvesting can take effect and maybe after one year it stops so that we may go to another river.

What I am saying is that if we put this controlled measurable ways and the end of everything as I said we shall come out as winners. So, without much ado and without wasting a lot of time all the Members here have the same side effects within the given time and it is an example of what you did as a member of Mumbuni, you came up with this motion and it is a motion that is affecting allover Machakos County.

So, in essence we should now move, come up with measurable ways to effect all the areas or the wards within Machakos county. So, in that regard also I am not trying to defend the Governor but I don't see reasons why the Governor should come in regard to it; it is not the executive it is us as a House, as legislators and the committee and the department concerned for that effect and also in partnership with the National Government because this is effect that really affecting the whole county.

So, we should also partner with government institutions that are bound to bring measurable activities to prevent soil erosion and the like. Otherwise, thanks for the committee including myself and the members who moved out. Thank you very much.

**Hon. Deputy Speaker:** Hon. Peter Mutiso.

**Hon. P.J. Mutiso:** Thank you Mr. Speaker. Mine is very simple; I first of all, I congratulate the committee because of coming with that good report and also the past contributors. Mine is very simple, it is only that I want to add that if the committee or if the Members can adopt that in coming budget, we allocate some money for civic education because some of the people are doing some things because of lack of knowledge and if they will be trained because I know that in every committee there is money for the trainings.

We need some money also to train our people, the members of the community and by so doing, our people will be able to know the good things and the bad things because you can see a person scooping sand on the roadside and he or she knows that there will be some problems after.

So, that is our problem but if you are well-educated on our natural resources and the environment, our people will be able to do good things and do not have many things to do because some Members here are suffering because of that. Even maybe some of them have contracted, they have cancer not cancer what do we call it that problem of ulcers.

They have it because if you touch on that area, Members community down there and the people from the other side, '*wale ulikuwa unapigana nao kisiasa*' they attack you and that is a

problem also because I have seen what happened to Mr. Speaker sometimes I went to Mumbuni North ward and I heard some people talking about it. He was preventing it but many of the people, because of politics, they are fighting him. Why; because they have seen a platform whereby they can fight back for the good things that most of the members are doing.

So, Members I urge that we allocate a lot of money or some money on training or on civic education and mostly in every ward if it would be possible because it is good for us because if it will be done in one area it will not help all of us. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you. Hon. Ndalana, I had not seen your hand before, may be you can contribute two minutes please.

**Hon. (Ms.) Ndalana:** Thank you, Mr. Speaker. I am supporting this report because I am a mother of environment and it has been my prayer that Machakos County to ban sand harvesting and I believe within three months, our Governor will ban sand harvesting in this Machakos County. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Members. Hon. Koki, would you like to respond?

**Hon. (Ms.) C. Koki:** Thank you Mr. Speaker and Hon. Members. My reply will be very brief; I would like to begin by thanking the whole House for their participation and contribution. It is quite evident that the Members are very much aware of the effects of sand harvesting all over the county.

Now, I take the opportunity to request the public, because this needs combined efforts, if we want to ban sand harvesting completely, if we want to win war against this sand harvesting, we have to join hands. The public and I am calling on all relevant the authorities to effect the ban on sand harvesting. Thank you Mr. Speaker, Sir.

*(Applause)*

**Hon. Deputy Speaker:** Thank you, Hon. Member.

*(Question put and agreed to)*

Now that you have adopted, I will just say one simple word emphasizing on what Hon. Judas Ndawa spoke about on this issue, especially on the issue of roads. I think if you look at what we are doing currently every year is we are pumping money into road grading, road murraming, repair of culverts every single year and the minute we finish doing that and the roads are made and the rains come a bit, sand comes up and trucks comes in and the roads go back to square A which means in the next financial year we still have to pump more money on the same area.

These are funds which I believe could be internalized to do other better things in our areas especially creation of jobs and other activities for our youths. If we could be able to repair our roads and repair them well and prevent trucks, these trucks from destroying them because the



kind of revenue we are making from them, why would we want to make Ksh. 200,000 from trucks and utilize Ksh. 5 million to repair every year?

*(Applause)*

That is exactly what we have been doing; we get Ksh. 200,000 the following year we use Ksh. 5 million to do the repairs. So, I think it is a good thing for us to review the Sand Harvesting Act as you have said and the relevant committee should be able to look at it and I am very sure once that one is done we will be able to save a lot both in environment and also in as far as finances. Thank you.

**Hon. Deputy Speaker:** Under this Order, we have one motion by the Hon. Cosmas Kieti, MCA Lower Kaewa ward and chairman trade committee.

#### DE-SILTING EXISTING DAMS

**Hon. Kieti:** Thank you, Mr. Speaker. I have a motion which I brought to the House sometimes back and it is coming again.

Hon. Speaker, that aware that the Fourth Schedule of the Constitution of Kenya, 2010 bestows the County Government with matters of water and sanitation services;

Aware that the mission for the Department of water and irrigation in the County Annual Development Plan is to contribute to County Development by promoting and supporting water resource management to enhance safe water availability and accessibility for all;

Further aware that the Machakos County has approximately 350 existing dams which provide water to the residents;

Acknowledging most of these dams are in deplorable state and risk drying up due to silting; Aware that with the dams lacking fences, chances of pollution is high; Cognizant of the fact that these unfenced dams pose as health hazards both to human beings and animals;

Hon. Speaker, aware that in order for these dams to be beneficial to the residents of the County, there is need to pump and reticulate water;

Hon. Speaker I wish to given notice of motion that the County Government of Machakos;

1. De-silts and fences all the existing dams in Machakos County.
2. Reticulates water from all the existing dams for the benefit of the residents.
3. Plants trees around the dams and along the catchment area to increase forest cover and hold soil.

Thank you, Mr. Speaker. I request Hon. Mutinda, MCA Wamunyu ward to second me.

**Hon. Mutinda:** Thank you Mr. Speaker, Sir. I stand to second the motion. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Members.

*(Question proposed)*

Hon. Members, you may debate on the motion. Hon. Patrick.

**Hon. Kituku:** Thank you, Mr. Speaker. I would like to support the motion brought forward by member for lower Kaewa, of fencing dams actually un-fenced dams pose a lot of threats as actually as he has put it and especially to young children because they sometimes end up playing around the dams and they can get in to the water that has held by the dam walls.

Again, when we plant these trees, if trees are planted and also I would add grass it will help in conserving and also controlling soil erosion and hold the soil that forms these dam walls because a number of our dams are most of them are earth dams so when trees are planted it will hold the soil firm.

Again, prevention of evaporation and when de-silting takes place a lot of water will be held so we will end up increasing the volume of water. A number of dams now since we have the heavy rains that have just been witnessed around, there is a lot of sand that has been deposited there and needs de-siltation and this one will lead to reclaiming the dams back to use. So, I beg to support the motion. Thank you.

**Hon. Deputy Speaker:** Hon. Dan.

**Hon. Mbevi:** Thank you, Mr. Speaker. I stand to support the motion. By de-silting it will create more space for the water holding capacity because you know that de-silting means like doing away with the dam so once it is de-silted it creates more water holding capacity. So, I think that way, the residents of that area will have more water for their usage both in animal water and also the home usage of water.

Also, I think by the same when we fence our dams in one way it is like protecting them, it is a protection measure from land grabbers. I have a case in my area, Mlolongo/ Syokimau ward, whereby a dam was under 40 acres and it was left just without trees being planted on it or being fenced and right now if you get there, what I think you can get is 20 acres. It is now less than 20 acres; 20 acres has already been grabbed and it is because of lack of fencing and that tree planting which probably is a show of the boundary.

By fencing will be showing a boundary of the area that the dam covers so I think it is important we plant trees which also act as environmental change because once we have trees along the dams, they will also change the climate in that area. So, I think it is important we plant trees we fence them; so I support the motion. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Fred.

**Hon. Muthoka:** Thank you, Mr. Speaker. I raise here to support this motion which has been brought up by my brother Hon. Kieti. We have this issue whereby we have a lot of dams, we are talking about 350, these dams they are being used by human beings at the end of the day cattle come inside there, dogs come inside there; I think it is the high time we fence and we do a small dam just beside for the animals. We separate the water for human use and for animal use.

Then again we have just talked about sand harvesting; we were looking for job creation for our youth. We can use these youths who are carrying sand from our rivers to plant these trees; even de-silting, we should not use the tractors because we can use the youths to de-silt

these dams. I think this is a good motion and a solution for our environment and for job creation so that we look for alternative way to ban sand harvesting and create employment in the same time. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Jeremiah.

**Hon. Munguti:** Thank you Mr. Speaker. I stand to support this motion brought by our brother hon. Kieti because first is good also to fence the dams. You find that water is life and we talk of water being exposed, it causes some danger to the people and also to even our domestic animals. First, it will be so unfair if we just bank our money on dams; we bank our money on the dams at the same time we just expose the water to be used by anybody or by those animals which can cause danger to our people.

First, the danger that we are exposing our dams is by human beings themselves. You find that majority of our people are never satisfied with what they have and you find that the acreage that has been set either by the county government or by the national government on our dams, people come and encroach the area and you find that they start doing some small irrigation along the dams and they use fertilizers which are chemicals and at the same time when the rain comes the water actually goes down to the dams and that posing some dangers to the water that we use.

Also it will be good also for our county government that they may also do some survey of our dams because majority of our dams which we have you can hear some people claiming that, that land belongs to them, others claiming that area was not actually provided for dams. So, it would be good that we survey our dams then from there we fence them so that we may avoid those people who try to actually encroach on the dams.

Also when we fence our dams, we will actually make our water clean and at the same time we will also improve the lives and the living standards of our people especially the youth by creating some jobs because if we actually do some piping and then do irrigation, we will create jobs our youths. At the same time, it would be also good to do some irrigation on the same dams so that we may realize the Big Four Agenda for our President where he has set on food security, among others.

Otherwise, I am in support of the motion so that our people may get clean water. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Grace Mutwiwa.

**Hon. (Ms.) Mutwiwa:** Thank you Hon. Speaker. I stand here to support the motion and my great concern is that we have had so many motions in this House, we pass them but implementation is retarded. I remember last year, Hon. from Kibauni, Anne brought also a motion concerning water and since then nothing has happened.

I just wonder whether this will be a house for debate and no implementation,. For example, in my ward, there is a dam which poses great danger to the community; a child died last year; he went to swim never to come back. Also the other concern is that we have had lots of rains and since the dams have not been de-silted that water has gone to the sea. Hon. House, it is pathetic for us to keep on sitting here and yet no implementation.

Hon. Speaker, I will not talk much; why? Other Hon. Members have been talking, we have been talking, we have been discussing, issues concerning our community yet nothing is being done. Thank you, Hon. Speaker and the House.

**Hon. Deputy Speaker:** Hon. Kamulu.

**Hon. Kamulu:** Thank you, Mr. Speaker. Mr. Speaker, I stand to support the motion which has been brought by Hon. Kieti. Mr. Speaker, the essence behind dams is to create water for domestic purpose and also irrigation. When dams are silted, the water decreases so Mr. Speaker there is need to de-silt the dams which have been stated by the Hon. Kieti.

Mr. Speaker, my observation is we should not plant trees just within the dams perimeter because silt comes from the neighborhood through erosion so the neighborhood within the dams should actually be advised to plant trees; a bigger area not just within the dam because if we just plant trees just within the dam, it will be silted again and the dam will be filled again.

So, Mr. Speaker, trees will beautify the region, will also decrease the essence of evaporation. So, I support that Mr. Speaker we plant trees within the dams. Mr. Speaker the issue of irrigation has been greatly affected within the dams. For example, in Kathiani we have Muooni dam and below the dam there is a major project there where horticulture is practiced. The dam has been filled through siltation, the water has decreased and as I speak, most of the people who were actually benefiting from the irrigation purpose have been stopped.

In fact, Mr. Speaker if that dam silt is removed those people actually will continue benefiting from that dam and any other dam within our county.

About fencing, when dams are left the way they are, it is a threat to the people around there and livestock. You have heard people drowning especially in areas like Masinga, you have heard such stories over the media, you have heard animals especially those which pull the cart drowning.

So, Mr. Speaker if the dams are fenced, I think we will have a serious solution to those people who are endangered by the same and also livestock. So, Mr. Speaker, I support the motion that we de-silt the dams, fence them and also plant trees around them. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Musyoka.

**Hon. Mutinda:** Thank you, Mr. Speaker. I support this motion; it is timely and it is important that these dams are de-silted. There is need the County Government sees to it that it involves the public, either we do manual de-silting or we use the existing equipment; the tractors and graders which we have and even complement with either contractors so that if we have 350 dams, if we use the existing equipment we might take a lot of time to have this project completed.

So, there is need to have it in three ways; manually, the existing equipment used and we get contractors to do this work. It is important that we fence our dams, we keep our water safe because if we don't fence, then children will go there to swim and it is easy for us to lose lives and it will not be good. It is also important we fence our dams and also see to it that we have those pipes which drain the water for people to take the water down the dam.

The other thing is to keep the level siltation lower by constructing gabions above the dams so that the way the soil which would have entered the dams is kept at bay and can be drained during dry season so that our youth can go and get the soil from the gabions and the dams can take longer to be filled; so I think that is the way to go.

The other thing is on afforestation by planting of trees; I think we should procure seeds for our youth and women groups so that they may plant and once they plant, they are able to sell the seedlings again to the County Government again so that we plant in those environs and that land which is for the dams. Like in my place, I have a dam which has 37 acres; that is a big forest and if you and that means that the dam can take longer to dry up because it is has big land with forest around.

The other thing is to have surveyors go and see to it that our land is not encroached because where we have the public land, people have started moving day by day; they continue as though they are cultivating, doing agro-forestry but eventually they end up taking the land as theirs. So, it is important that our surveyors go and mark the boundaries of the public land more so for dams and other public entities so that we keep safe our properties for future generation.

It is important we go that route and ensure that the County Government supports this program because if don't have it done, I think we will end up looking for water always and in our budget we are allocating a lot of money for the purpose of water. So, it is important we keep our dams safe and we will have done some service to our people. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Dominic.

**Hon. Ndambuki:** Thank you Hon. Speaker for the opportunity to contribute to this motion and I wish to thank Hon. Kieti for fronting the motion that is timely. Machakos County is being faced with a challenge of access to clean and safe water for domestic use and if we are to address this issue, then creation of dams, de-silting of dams and reticulation of this water to places where our people can access it, water that is safe and clean for domestic use is one way of making sure that we come up with a way of beating the challenge of access to this water.

Hon. Speaker, I happen to come from an area where the topographical nature poses a challenge to how people access water since we come from an area that is full of hills. As we also talk of the dams, it would also be good to that we also include ways in which we can also create weirs where we have rivers so that people also access water for irrigation and domestic use. Thank you very much Hon. Speaker.

**Hon. Deputy Speaker:** Hon. Johana.

**Hon. Munyao:** Thank you, Mr. Speaker. I wish to support the motion by Hon. Cosmas Kieti. The motion is timely; de-siltation of the dams will go a long way in increasing the volumes of water contained in such dams. I only want to raise a concern on the term 'all' because we are addressing all the dams in the county for that matter. That we can de-silt all the dams, we can also fence all the dams because it is going to protect the dangers which may arise by exposing the dams but when it comes to reticulation, I may suggest that we may also consider the capacities of such dams and whether the economic viability because we have to reticulate water from the dams meant for human consumption it means again we want our people to access clean and pure water and that will call for water treatment plants within the dams under discussion.

So, by looking at the capacity of that dam, it will be able to inform us whether economically, we can install a water treatment plant to serve that dam for our people to access clean water. I am sure some dams are small and they can only be used for our animals and I may suggest that we assess the dams across the county and see which can be expanded to a level of

maybe some mega dams so that when we now treat the water we can be able to reticulate and serve our people with clean water.

Mr. Speaker, that is my contribution, it is a very nice motion. I also want to buy the idea that we also increase the equipment. In the County, I don't think we have our own low-bed loader and when it comes to de-siltation either we use the bull dozers or backhoes and the bulldozers cannot move on their own from places and then we rely on hired low-bed loaders.

So, if we could own our own in the county for easy movement of such equipment to places and increase the equipment, I am sure de-siltation is going to work and we will contain enough water for our people. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Nziva.

**Hon. (Ms.) Nziva:** Than you, Mr. Speaker and Hon. Members present. I wish to applaud the mover of this motion because de-silting of dams is the way to go. Members you realize that de-silting helps in soil conservation and afforestation while planting trees along rivers will help in cleaning the soil and even water that has collected impurities by absorbing chemicals along those dams.

It also slows storm water run-off, reduces threat of flooding. Your realize that flooding will not take place when we plant trees along the dams and also soil erosion. I would wish that we de-silt all our dams across the county in the 40 wards and buy the idea of the previous contributors who have said that we can use manpower and our machines which are available. Thank you, Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Hon. Member from Kibauni, Hon. Annastaciah.

**Hon. (Ms.) Mutuku:** Thank you, Mr. Speaker. I support the motion; it is very healthy especially in my ward. I would like to add some opinion; like we have experienced a lot of rains and so many dams were swept and I would request if the County Government can come up with a policy to install the water or purchase some tanks to reduce losses and to store that water will be very important for our people.

Also fencing the dams is very important because it will be secured especially for our children and humans. Mine is just to support the motion. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Musyimi.

**Hon. Musyimi:** Thank you Mr. Speaker. I support the motion; it is a good one. In my case, I have a dam known as Kwa Musivo in Kangundo North and it was constructed years ago and for now it is full of water, maximum. Some three years ago, an accident happened in the dam, a boy was passing by and fell in the dam and passed away. So, I support the idea of fencing for now I don't think the dam needs de-siltation because it is full, it needs fencing and tree planting around its banks.

When we talk of fencing, it should not be that of barbed wire alone but also chain-link and the barbed wire because the dam carries a great mass of water. In addition to that, I would request the department of fisheries that they come revisit the dam and invest some fish fingerlings and allow the youth around Kangundo North to be managing the dam and that will be an idea of creating employment because the youth will benefit from selling fish.

The other thing I could say about the dam, it does not have a good inlet. When we are receiving minimal rains, the dam does not reach its maximum. For now it is in its maximum because the rains were heavy and there was a lot water running into it so it is full but in the years when we receiving minimal rains, the dam does not get maximum water. So, I request for the canal to be built as an inlet for the dam.

So, I request this Hon. House to send the relevant committee to visit to see where the tunnel should be made and the inlet will help the water to find its way to the dam. With that, I support the idea of fencing and planting the trees. Thank you.

**Hon. Deputy Speaker:** Hon. Moffat.

**Hon. Maitha:** Thank you Mr. Speaker for giving me this chance to contribute. I want to congratulate the mover of the motion Hon. Kieti, it is timely. I support it and urge the County Government if possible to come with a strategy, first of all to take stock of how many dams they have in the County and have a time plan of when they can do the fencing and the de-silting because if we say they should be de-silted and fenced, it will take a bit of some time and it is important for the government to make a plan on how to do those works.

When we talk about de-silting, it is very important because it brings volume of water in those dams and again people can use those dams for irrigation. Therefore, this is a timely motion this is a timely motion which the county government can undertake to help our people. Again when we talk of fencing, it is very important but again we should educate our people that when a dam is fenced they should take care of the fence but not to destroy it.

I have a dam which was done by the National Government, Kwale dam in my ward; it was fenced using chain link and even barbed wire but if you now go there, you will not see a piece of chain link meaning it was destroyed by the people. As we urge the government to fence it, we should also educate our people to make sure that they take care of the chain link and the wire because if they take it away, that is wastage of government money. With those few remarks Mr. Speaker, I support.

**Hon. Deputy Speaker:** Hon. Constance.

**Hon. (Ms.) C. Nzioki:** Thank you, Mr. Speaker. I want to congratulate the mover of this motion, it is quite overdue but first we must know dams are not for government; we have personal dams, we have society dams and we have other dams. We have tried to fence, I am speaking on behalf of aquatic farmers in Mua, we have a group that farm fish and at some stage, we wanted to fence some two dams in Vota and the villagers said no and when we asked why, and they said this is our dam and so we had money, resources, fish and the villagers refused.

So, I was saying we need to have a list of dams which belong to the government or the community and we are allowed to fence. In total, we have lost children trying to swim in those dams without knowledge. Early this year we buried a five year old child in Vota who just walked in to the dam without knowing because it was not fenced.

When we are saying we fence dams and we plant trees, we must know, trees will take half of that water as they grow unless we put those trees so far behind the dams and put barbed wire and get protection knowing that that dam, livestock will walk in, do its thing there and we cannot protect that. We must know that we have foot and mouth disease, this water is going to be used by human beings and so we must be wise enough to find better ways of doing it.

We have another dam Upper Mua which is very good, our former member of this Assembly brought fish for the youth and up to this day youth will go there get the fish, sell or deliver to homes for use because nobody paid for it; that is in honor of a former Member of this County Assembly, the dam is okay. The only thing is that it is not fenced and that belongs to no one.

Some people who were doing the road decided to do that dam so that the soil is not wasted and it is really helping the residents. So, when we are fencing I would request for that one to be fenced and for the Members, dams are good but they are dangerous. We must have a way of doing it. A Member raised a concern that we are passing motions and they are not implemented; I want to say this House has to be in business knowing that implementation will come. Governor Mutua is ready and he will do things as they come. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Pauline.

**Hon. (Ms.) Mene:** Thank you, Mr. Speaker. I am in support of the motion; I have seen several dams within the county I don't know if they are done by the County Government but they are just scooped, they are just a reservoir. There is no embankment, no spillway, and no intake tower. In my opinion, a standard dam of about 5,000 to 20,000 cubic capacity should have a fence, a community water point, a cattle trough, an intake tower, a spill way and a raised embankment.

I am just wondering, in this County whether we have a design department and whether we have capacity to supervise and de-silt 350 dams. I would request the Environment, Lands, Water and Natural resources committee to find out that. I am in support of the motion. Thank you.

**Hon. Deputy Speaker:** Hon. Judas.

**Hon. Ndawa:** Thank you, Mr. Speaker. I want to support the motion which has been brought by Hon. Kieti, who happens to be my chairman in the Trade and Planning committee. The three issues which are requested in this motion are all valid and starting on de-silting; almost everybody was praying that God brings rain and we failed to give specifications so when God was answering the prayers, the rain came and it was not what we were expecting.

In fact, it was very heavy with a lot of water and some of the dams that we are talking about here somewhere washed away. We have categories of dams as we talk, we have dams that were washed away and others are filled to capacity. We need to categorize the types of dams. The size of the dams which are filled to capacity, you may find that the volume of water is less than the volume of soil in that dam.

So, I would support the motion and request once this water is not in the dam we commence the process of de-silting the dams because we cannot do when there is water.

The other point is about reticulating water in all existing dams for benefits; I would request we have fetching points and cattle troughs so that we can avoid animals coming direct to the dam; let us have somewhere the animals can take water and a pipe connected from the dam where people can fetch water so that we don't have contamination in those dams.

About fencing, it is very important; if we leave our dams un-fenced, it means now the animals will be coming direct to the water. Our young men will group somewhere and come and swim and that is why we are losing lives. Mr. Speaker this year alone, I have lost more than



seven lives. Young men go to the dam voluntarily, undress and get in to the water and some do not come back. You remember last month, I sought a statement in this House concerning the disaster preparedness of the county and I am still waiting for that answer because up to now I have not been answered.

Mr. Speaker, if we fence it is good that we have a gate and if possible let us have a staffer who is going to be managing that dam so as to regulate the activities in that dam because if we leave it that way, young men can come get into the water without the knowledge of anyone and maybe drown there. But if we have somebody manning that dam, I am very sure even if somebody gets into the water somebody can see, raise alarm and somebody can try to save this young lives we are losing. So, it is good that we categorize the dams, fence them, have gates and somebody to man that dam.

On issue of tree planting, I would request we have selected seeds of the trees that we are going to plant. Some years back, we were told to plant eucalyptus, purported to be from South Africa and we were told that we are going to harvest that tree after five years. I planted about 10,000 trees and the river that I used to fetch water in the first year it dried up, so it means that this type of trees consume a lot of water.

So it is good we say we plant selected it is good, we say that, we plant selected trees because when we are solving one problem we are likely to cause another one. So, Mr. Speaker, this motion is timely.

The other issue, as we fence, we have dams which are not wanted by the county; we have dams that are purported to be owned by the County but in the natural fact, it is not owned by the County. I want to give an example of a dam which was done by CDF in my ward called Munina dam; members of that particular area donated pieces of land, somebody donated a quarter, a quarter of an acre to have that dam but the transfer of the plots upto now has not been effected.

When you go on and do a search in the land registry, you will have those names. So, should we invest on that dam and the owners of that plots say, 'this is our property we are not going to allow anybody here.' We have entered our county into spending money which is not beneficial to the target people. So, let us have all the plots registered in the name of the County so that the County can have ownership of those plots and of those lands.

Mr. Speaker, this is the high time we should move in speed and ensure that once the water reduces from dam we de-silt. I support the motion. Thank you, Sir.

**Hon. Deputy Speaker:** Thank you, Hon. Judas. I call upon the mover to quickly respond.

**Hon. Kieti:** Mr. Speaker, I want to thank the House for supporting the motion that I brought to this House this morning. It is a very good motion, if implemented, as the Members have said. I want to emphasize the fact that, we need to plant species of trees that will not destroy the environment or which will not cause more harm to the damage that we are experiencing in our rivers and example is the baobab.

We have good species of trees that do not take up water as Members have said, the de-silting will increase the volumes of water and fencing will also reduce the amounts of death that we have experienced within the dams.

Reticulating the water, as a Member has said, is also a gateway to having that water being pumped to a tower somewhere, where it can be treated and then re-distributed to the villages or to areas where the water can be collected and that will also reduce the traffic to the dam. By so

doing, it will also ensure that the water in the dam is safe for use, for human beings and also for animals.

Therefore, Hon. Speaker, I wish to thank everyone for their contributions and support of the motion. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Cosmus.

*(Question put and agreed to)*

Now that the motion has been passed, it is committed to the committee on Environment, Lands, Energy and natural resources to look into the motion and to report back to the house on or before the 7 August, 2018.

I think the only comment I would like to make is that, one Member has raised the issue of motions passed, and I believe that we should be having a motions passed tracker; a tracker in the secretariats; we should be highlighting all the motions or notifying all the motions which has been passed by this Hon. House.

It is my believe that this should be passed over to the implementation committee; it should form the primary input document for the implementation committee and development committee should be following up on that tracker and keeping the House well informed on the direct on the position of each and every motion which has been passed here has gone.

Therefore, it is my hope and this one I am directing the implementation committee to make sure they access, they get that tracker from the secretariats and follow it and keep the House appraised on how the motion which has been here are being implemented so that Members here do not feel that their motions are being passed but are not being acted on because I believe action must be taken on them.

## ADJOURNMENT

**Hon. Deputy Speaker:** This House stands adjourned until Tuesday, 5th June, 2018 at 2.30 pm. Thank you.

The House rose at 12.30 p.m.