

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th December, 2018

The House met at 11.15 a.m.

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

PRAYERS

Hon. Deputy Speaker: Good morning members. Mr. Clerk, do we have quorum?

(Quorum bell rung)

COMMUNICATION

SPECIAL SITTING ON 17TH DECEMBER, 2019

Hon. Deputy Speaker: Good morning, Hon. Members. In the communication from the Chair this morning; as you are all aware after today's session, we are going on recess, long recess for December, I just need to communicate that we are going to have a special sitting which is going to be gazetted next week the special sitting will be held on Monday the 17th of December, 2019.

We have some business which will need the House to attend to during the recess, one of which we have the Finance Bill; we went round as you are all aware and did public participation on the Finance Bill and the finance committee is in the process of finalizing on the Finance Bill. It is on the base on the Finance Bill that the county collects revenue and therefore it needs to be finalized as quickly as possible so that the rates or the charges which the county is doing are going to be done lawfully. It cannot be done lawfully once the house is past the Finance Bill so that is one of the items.

The other one is which will be depended on whether they will be able to finalize is on the Supplementary Budget; again remember we did receive a supplementary budget the first one for this year and the budget committee is handling that if they are ready with their report by that day, it will be gazetted jointly with the Finance Bill.

The one I know for certain which will be there is the Finance Bill; the supplementary budget will depend on the committee. So, I would request the chairpersons of the committees, the chairs of committees, the finance committee and the budget committee to expedite on these issues so that we can be able to have them gazetted and debated upon and passed by this House during the special sitting on 17th of December, 2019. Thank you.

PAPER LAID
COUNTY BUDGET REVIEW AND OUTLOOK PAPER, 2018

Hon. Deputy Speaker: Hon. Members, under this Order, we have one Paper to be laid by the chair Budget Hon. Dominic Ndambuki.

Hon. Ndambuki: Thank you, Hon. Speaker. Hon. Speaker, I wish to lay the following Paper on the Table of the Assembly today, 5th December, 2018; the report of Budget and Appropriations Committee on the County Budget Review and Outlook Paper, 2018. Thank you Hon. Speaker.

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

NOTICE OF MOTION
COUNTY BUDGET REVIEW AND OUTLOOK PAPER, 2018

Hon. Deputy Speaker: Again under this Order, we have one business to be transacted by the Hon. Dominic Ndambuki.

Hon. Ndambuki: Thank you, Hon. Speaker.

That aware that Section 118 of the Public Finance Management Act, 2012 states that a County Treasury shall prepare ‘a County Budget Review and Outlook Paper in respect of the County for each financial year and submit the paper to the County Executive Committee by the 30th September of that year;

Aware that in preparing its County Budget Review and Outlook Paper, the County Treasury shall specify the details of the actual fiscal performance in the previous year compared to the budget appropriation for that year on how actual financial performance for the previous financial year may have affected compliance with the fiscal responsibility principles, or the financial objectives in the County Fiscal Strategy Paper for that financial year and reasons for any deviation from the financial objectives in the County Fiscal Strategy Paper together with proposals to address the deviation and the time estimated for doing so;

Aware that not later than seven days after the County Budget Review and Outlook Paper is approved by the County Executive Committee, the County Treasury shall arrange for the Paper to be laid before the County Assembly and as soon as practicable after having done so, publish and publicize the Paper;

Noting that the 2018 CBROP was submitted to the Assembly on 19th October, 2018 aiming to provide a review of the fiscal performance for 2017/2018 and how the outcomes impacted the county’s financial objective and fiscal responsibility principles as stipulated in the PFM act 2012;

I wish to move notice of motion that this House discusses and approves the report of the Budget and Appropriations Committee on the County Budget Review and Outlook Paper, 2018.

Thank you, Hon. Speaker.

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

STATEMENTS**EMPLOYMENT CONTRACTS THAT EXPIRED ON 28TH NOVEMBER, 2018**

Hon. Deputy Speaker: Hon. Members under this Order, we have two statements one by the Hon. Steve Mwanthi and the second one by the Hon. Cosmus Masesi. Hon. Steve.

Hon. Mwanthi: Thank you, Mr. Speaker. During a meeting between the General Oversight Committee and the County Public Service Board on 7th August, 2018, the board informed the committee that employees on contract had their contracts extended up to 28th November, 2018 to allow the board time to establish procedures of staff rationalization and replacement of those on contract.

Hon. Speaker, pursuant to Standing Order 41(2), I wish to seek a Statement on what the County Public Service Board is doing about the contractual employees whose contracts expired on 28th November, 2018. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Hon. Members, that is the Statement and as the Madam Speaker said yesterday that Statements normally act as a way of like Question Hour which is supposed to be in the National Assembly answered by the ministers back in the days and therefore this Statement is an issue touching on employee welfare; it is an issue touching on employment in this county and I will therefore allow members to deliberate a bit on it if anybody wants to have anything to speak on the Statement, you can be able to do so for a few minutes so that we can be able to move ahead to the next Statement.

Anybody who would want to speak on this Statement sought by the Hon. Member? I think silence means it is straightforward and let us move on to the next. This Statement therefore is committed to the committee on Labour, Public Service and ICT whose chair I think is here in the House this morning to be able to look at it and get back to the House; think this is urgent and it being urgent I would like us to have a response from the Service Board and the executive on this issue. Remember 28th November is already past.

So there needs to be a way forward which the y have already planned or decided to do upon. So, if we could be able to get this by the time we have the special sitting to have some response from the executive by 17th of December, 2018 when we are going to have the special sitting, then it will be able to inform us better. The other one is Hon. Cosmus Masesi.

EXTENSION OF TIME TO REPORT ON STALLED POLYTECHNICS AND HEALTH CENTER IN MASINGA SUB-COUNTY

Hon. Masesi: Thank you, Hon. Speaker. Hon. Speaker, a Statement on stalled buildings at Kangonde health center in Masinga was sought on 7th November, 2018 and referred to the health and emergency committee to inquire into the matter and report to this Hon. House on 5th December, 2018 which is today. Mr. Speaker, due to limitation of time given, the committee has not been able to gather enough information regarding the matter at hand and therefore wishes to seek for an extension of time and to be precise two weeks after recess to enable the committee to compile a comprehensive report on the task given.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. member that Statement is seeking extension of time for the committee to be able to go and do what it was meant to do and bring it back before

the House and therefore it is granted and approved subject to it being extended for two weeks; the report needs to be brought before the House two weeks after recess.

So, we might need to look at the date and the secretariat look at the date and advise the committee accordingly, two weeks after recess we will expect the report to be tabled before the House.

MOTION

REPORT ON REHABILITATION OF AREAS WITH GULLIES IN THE COUNTY

Hon. Deputy Speaker: Hon. Members, under this Order Hon. Members, we have one motion by the chair environment Hon. Robert Kisini and I can see the able Vice chairperson is going to present the report on his behalf. Hon. Christine Koki.

(Applause)

Hon. (Ms). C. Koki: Thank you, Mr. Speaker. I am standing in for Hon. Kisini who is the chairperson for Environment committee.

Mr. 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 soil and water conservation;

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

Mr. Speaker, aware that one of major environmental effects of soil erosion is formation of gullies and many villages have experienced these effects in the entire Machakos County;

I wish to move the motion that, this Hon. House discusses and approves the report of Environment, Lands, Energy and Natural Resources Committee of the Second Assembly on rehabilitation of all the existing gullies in the entire Machakos County.

I would like to call upon Hon. Cosmas Kieti to second the motion.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Koki. Hon. Kieti.

Hon. Kieti: Thank you, Mr. Speaker. I stand to second the motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Cosmas. Hon. Christine, you may read the report.

Hon. (Ms). C. Koki: Thank you, Mr. Speaker. I stand here again on behalf of our chairman Hon. Kisini to table the report of Environment, lands, energy and natural resources committee.

Preamble

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

Aware that soil erosion is a natural process which has increasingly been exaggerated by human activities such as agriculture and deforestation;

Further aware that one of major environmental effects of soil erosion is formation of gullies and noting that Kenya experienced extraordinarily heavy rainfall between May, 1997 and February, 1998 due to the *El-Nino* weather phenomenon;

This period of about 10 months heavy rainfall caused widespread landslides and floods which were experienced in various parts of the country and more specific Machakos County;

Aware that in most wards, the effects of gullies are extreme and have rendered the roads inaccessible since the network has been cut off and also these gullies pose a health hazard to both human beings and animals.

Mr. Speaker, in the Machakos County Integrated Development plan, the vision of the environmental sector is to have a County living in a clean, secure and sustainable environment.

Background

In March, 2018, a Motion that the County Government of Machakos puts measures to rehabilitate all the existing gullies in the entire county was tabled in this House by Hon. Dominic Ndambuki. The motion was discussed and approved by the House after which it was committed to the committee on Environment for further investigation and reporting to the House.

Mr. Speaker, aware that in the previous CIDP, the County Government of Machakos had planned to do planting of trees such as, eucalyptus, cypress, grevillia and pine for commercial purposes, prevention of gullies, protection of water catchment areas by planting indigenous trees in addition to setting aside funds to promote tree planting campaign which would have formed basis of remedy to the gullies in the county.

Mandate of the Committee

Mr. 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

Mr. Speaker, the membership of the aforementioned committees is as follows:

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|----|---------------------|---|---------------|
| 1. | Hon. Robert Kisini | - | Chairperson |
| 2. | Hon. Christine Koki | - | V/Chairperson |
| 3. | Hon. Alex Kamitu | - | Member |
| 4. | Hon. Brian Kisila | - | “ |

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| 5. | Hon. Cosmas Kieti Muia | - | “ |
| 6. | Hon. Jeremiah Munguti | - | “ |
| 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 | - | “ |

Meeting with the Chief Officer Department of Energy and Natural Resources

Mr. Speaker, Article 195(1) of the Constitution of Kenya states that a County Assembly or any of its Committees has power to summon any person to appear before it for the purpose of giving evidence or providing information. The Committee invited the Departmental Chief Officer in Charge of Energy and Environment and Natural Resources and had an elaborate deliberation on this subject.

Mr. Speaker,

- The Chief Officer informed the committee that gullies are small valleys or ravine originally worn away by running water and serving as a drainage way after prolonged heavy rains.
- The Chief Officer confirmed that it is true that there are many gullies within the county which have caused severe damage to agricultural lands, including soil loss, increase in surface runoff, lower soil water-holding capacity, lower quality and quantity of water, lower groundwater table, and lower agricultural production.
- The committee was also informed that the government had already taken initiative of planting trees every financial year to curb deforestation and also conserve fertility of land.
- The Department in Liaison with the Department of Water and an NGO called METAMETA have begun tree planting program in some parts of the county.

Meeting with the residents in some Wards

Mr. Speaker, The committee had an opportunity to meet with members of public to get their views on the matter at hand. The areas visited include: Mbiuni (Kwa Mateta, Masawa), Matungulu North (Kayatta), Kathiani (Mangani), Kinanie (Wathia, Makilili) Mlolongo (Kicheko, Masaku Plaza) Muthwani (Kwa Mboo, Nzoiani), Athi River (Embakasi, Olesheki, Kwa Nzomo), Matungulu East (Kwa Kavii, Kwa Uku, Kwa Ndungi) Matungulu West (Katulu, Muusini), Kyeleni (Sun City, Kwa Kamitu), Mwala (Kwa Ndo, Mwala Kibau road) Kangundo Central (Maumini, Mbondoni, Mwanyani) Ikombe (Kakindu B, Kitololo), Muthesya (Kathukini, Kwa Mboo, Iiani Muthesya) Tala (Ngomeni Kwa mbaa Munyaka, Katine Manza Kwa Mbaa Endelea) Kibauni (Miaa Itatu, Kiimani).

Most of them said that they have been trying to plant trees and adhere to the right farming methods. However, over the years, the community watched helplessly as their land continue to waste away due to unrelenting soil erosion and gully formation.

Mr. Speaker, other members of the public felt that the government has neglected them and pleaded with the committee to come on board to assist them.

Committee Observations

Mr. Speaker, torrential rains often pound on the vulnerable bare grounds, leading to formation of gullies and as a result there are so many effects of gullies observed in the affected areas. These are:

- Most gullies have brought about disconnection of roads and bridge breakage thus affecting ease movement of both human and animals.
- There has been immigration of people and movement of the location of villages leading to under population.
- Livestock and community members are already being threatened by the existing gullies to an extent of falling inside the gullies. Some incidents were reported in some wards where domestic animals have died in those gullies.
- Flooding is affecting homes and the gullies are cutting through homesteads leading to long distance to access the homes and in case of emergency it becomes difficult to assist.
- In some villages children are forced to go long distances since gullies have disconnected homesteads and schools.
- Gully edges are threateningly close to the residential areas posing great risk.
- Land productivity is highly affected due to soil erosion and formation of gullies.
- Lack of proper implementation and enforcement of agricultural policies on land use has largely contributed to the mess of gullies.
 - Due to increased poverty, the community has also resulted to cutting down indigenous tree species for charcoal production thus encouraging gully formation.
- People have cleared huge chunks of land either to build homes or to establish planting ground, leaving the ground bare of protective vegetation resulting to storm water accelerate down slopes and formation of deep gullies every wet season.

Committee Recommendations

Mr. Speaker, according to the National Environment Management Authority (NEMA) guidelines on protection of hilltops, hillsides, mountains and forests, any form of cultivation on a slope of between 12 to 55 per cent gradient must incorporate appropriate soil and water conservation measures. The guidelines also stipulate that there must be no cultivation at all on slopes beyond 55 per cent gradient. Instead there should be afforestation and the protection of existing vegetation.

Further, Madam Speaker, the NEMA regulations consequently proscribe burning of vegetation in areas of intensive agriculture or on steep slopes. However, these guidelines have not been adhered to, with residents cultivating on the slopes right up to the hilltops, thereby exacerbating run-off water carrying soil and creating gullies. In addition, there is unchecked rampant charcoal burning going on in some regions.

Mr. Speaker, the committee recommends that, for successful rehabilitation of gullies the following needs to done:

- The County government to ensure that all laws concerning land use to be strictly adhered to so that any environmental consequences resulting from degradation can be controlled.
- The departments of Agriculture and Environment to sensitize and advice the public accordingly on water and soil conservation methods and also use of indigenous knowledge.
- The affected families to be assisted financially through setting aside some money in the 2019/20 Financial Year budget.
- The County government to give priority on areas which are highly affected in the entire county and construct gabions in all existing gullies to curb further damage.
- The county government to put more emphasis on tree planting so that the roots can arrest running soil during rainy season; more especially indigenous trees.
- The County government to embarked on a series of sensitization and training programmes on the need to conserve the environment.
- Agricultural officers need to re-introduce the contour system of terracing and the planting of napier grass on steep slopes which was introduced early 1980s but the practice was abandoned decades ago.
- The County government should come up with policies that forbid interference of vegetation in certain areas, especially on the steep slopes.
- The County government to construct bridges where road network has been disconnected.
- The County government implements recommendations of a report which was passed in the house on tree planting in the month of March, 2018.

Conclusion and Acknowledgement

Mr. Speaker, Kenya is endowed with some of the most pristine forest ecosystems in the world and the county government should work towards rehabilitating the gullies in a bid to restore ecological balance and enhance livelihood resilience. In addition, the vagaries of weather, including heavy rains that have led to massive flooding, have left the environment utterly destroyed.

Forests are important national treasure that citizens have the sole responsibility of conserving. In some years back, our forests were more expansive and ultimately more diverse but with population growth and demand for wood from industries, forests have continued to shrink sometimes at an alarming rate hence the need to be attentive on matters relating to environmental protection.

Mr. Speaker, the Environment, Lands, Energy 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.

Mr. Speaker, it is therefore my privilege, on behalf of the Environment, Lands, Energy committee to table this report for consideration and adoption. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Christine.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, you may debate on the Motion. Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker. I will first of all start by congratulating the Chairperson and the Members of that Committee on Environment for bringing this comprehensive and elaborate report. Mr. Speaker, I want to say that I totally agree with the recommendations which have been given by the Committee. They are setting the way forward on how to address this issue.

The only concern I have is only the areas which were visited. Mr. Speaker, if you look at the Membership of the Committee and you compare with the areas which were visited, it is evident that the Hon. Members of that Committee only worked on their Wards where they come from. That is the only concern because the areas visited is exactly the areas represented by the Members of this County. So, I would request in future, this Committee and other Committees, let us spread to other areas---

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

Hon. (Ms.) C. Koki: Thank you, Mr. Speaker. It is good for the Hon. Member to note that the Motion is touching on the entire Machakos; all the gullies in Machakos County. It does not matter whether we visited your area or not but we recommended that all gullies in Machakos County be attended to. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Continue, Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker and thank you my daughter and Hon. Member, Christine Koki. The reason why I am saying so is because this Committee only concentrated on Kathiani Sub-County and part of Kangundo. In Yatta, they only went to Ikombe where Hon. Nziva comes from and that is why I am saying these people concentrated on their Wards. There is an area---

Hon. Deputy Speaker: Hon. Member, let me just give guidance on this please. I would like just to inform the Hon. Member that my work is to give guidance. Committees and the way they operate do not have to visit each and every area for them to get a feel of what is happening. You can imagine how long it would take if we were to visit gullies and all the worn places in the entire 40 Wards.

So, what normally the Committees do is sample. We read a report here from for example the Hon. Member yesterday, Committee of Health, they had visited Matuu, they had visited Matungulu, they visited another area but they did not go to all health facilities in Machakos but their recommendations, because it is one thing and it cuts across, if it is a gully which is in Mung'ala where I come from, it will not defer from the gully in Matuu. It will be a gully being eroded by water.

So, I think let us concentrate on the recommendations they are making and not on the areas which they visited because land is homogeneous; land does not change depending on the Wards they have gone to. Thank you.

Hon. Ndawa: Well-advised, Mr. Speaker. In fact, I was not talking because of Matuu. Matuu does not have big gullies but my neighbour Ndalani has big gullies so in future let them visit Ndalani. Mr. Speaker, I will start with the recommendation number 1; the Committee has come up with a very important proposal. We have rules that are supposed to be enforced by the Executive and the Committee has recommended that the County Executive ensure that the rules are followed to the letter. Mr. Speaker, that is the way to go. We are suffering while we have answers to our problems. If we can make use of the existing rules or policies, I am very sure we can be able to address this problem.

The other issue is the second recommendation; it is about how we do our agricultural activities. When I was in Standard four, some many years back, agriculture lesson, we used to learn about terraces and other things. I do not know whether the current curriculum has the same. If we can review and if we can make sure that we have the best practices in farming, I am very sure this recommendation will also assist us in solving this problem.

The other issue Mr. Speaker, as an Assembly and as leaders, we are also supposed to come out from this Assembly and from our place of work and go out to assist the community in soil conservation. I remember sometimes back when I was in primary school, H.E the president of the Republic of Kenya Daniel Toroitich arap Moi visited Machakos at Mwanyani, I remember that time, and he came with his team and assisted us to work on that big gully.

If we can emulate the same and say as an Assembly, at least every session, let us have two days to assist in soil conservation. I am very sure even the locals or the residents we represent will see the seriousness of the matter and they will follow and they will try to also emulate the same.

The other issue Mr. Speaker, we have recommended that we provide funds in the 2019/2020 financial year; I also agree with that point because if we say let us go and work on those gulleys and it is not captured in the budget, where do we get resources for that? This recommendation is 100 percent supported by Hon. Ndawa.

The other recommendation Mr. Speaker, is about the motion which was passed here and I believe it was sponsored either Hon. Katumo about tree planting. Mr. Speaker, as we talk now, it is time of rains and it is good we as leaders to be on the forefront to encourage our electorate on the importance of tree planting. I am happy that we are now leaving today for the long recess when the rain is on. I would request Hon. Members, I believe every ward was given some trees or some seedlings to go and plant. Let us ensure instead of distributing the seeds.

Hon. Deputy Speaker: What is the point of order Hon. King'ori?

Hon. King'ori: Information.

Hon. Deputy Speaker: Point of information.

Hon. King'ori: I would like to know from the Hon. Member whether those trees he is talking about is official because I did not get any in my ward. I want to know when they were given and who gave those trees so that I can follow up so that I can also plant in my ward. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Judas, you may give the clarification on where the trees are being gotten.

Hon. Ndawa: Thank you, Mr. Speaker. I believe in every ward we have ward administrators and from the decentralized units, all the ward administrators were called and they were advised about tree planting and trees were delivered to respective wards. If you have not received, ensure your ward administrator liaises with the decentralized units so that you can have yours because seedlings are meant for every ward.

Every ward in Machakos is entitled to get whatever is available so Hon. King'ori kindly advise your ward administrator and any other member who has not received, let us---

Hon. Deputy Speaker: Hon. Member, let me just again comment on that and I would like maybe the secretariat to ensure this is written and communicated to the executive. We do have sectoral committees in the House which are a replica of the departments that we have on the side at the executive. Any programme which is going to affect the various areas in our wards needs to come through the sectoral committee.

The communication is to be taken to the sectoral committee; I would have expected Hon. Kisini or the vice of the committee of environment to have been notified by the executive that that programme is ongoing and they would have been able to communicate before the House that members need to get in touch with their various ward administrators for them to be able to access the seedlings for planting.

So when it is not done through the right channels, then it becomes a little bit difficult for Hon. Members to get to know what it is happening. So, I think it is important for that communication to go that any major program which is being done.....for example, Hon. King'ori did not know about it. Any major (*inaudible*) needs to come through the sectoral committee and it is communicated to the rest of the house. You may continue Hon. Member.

(Applause)

Hon. Ndawa: Thank you, Mr. Speaker, for the advice and direction that you are giving; that is the right way to go. Mr. Speaker, there is a policy in development which says we learn to protect for a better tomorrow. If we do not take care of the environment, it means that our tomorrow or our future will not be proper. Mr. Speaker, as we are trying to also grade our roads and ensure our roads are passable, we also need to factor in the issue of gabions because some of the roads are also being eroded and they are becoming gullies not roads so we should also ensure that we work on issue of gabions and issue of moving water from the roads. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you, Hon. Judas. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. First of all, I wish to thank the committee for the job they have done I am happy that they took time and visited the ground and checked on the issue and what they have brought here is firsthand information. Mr. Speaker, I must state that if there is a ward within Machakos County which is suffering from this menace of gullies is my ward, Kangundo Central. Those who know the terrain it is hilly and the ground is not that hard and I think I was invited when they were visiting my ward and I took them to a few areas and they could see the mess.

In fact, in one village, people have to walk like three kilometers because the road has been cut off and you can imagine what would happen in case of emergencies. Another place I have seen there is a place they were told animals have died in those things. In fact, it has been happening in my ward and I think that is what they have captured.

Hon. Speaker, I think without wasting time this is long overdue; we need to look on the mechanisms on the way forward. We have the resources, indeed if we can put aside a budget for gabions and construction of bridges in areas where it is totally eroded, I think it can be of very much help Mr. Speaker, because as we speak right now, I think even last month people heard on the radio, people from my area complaining that they have been neglected because it happened that there was a health emergency and someone lost life simply because of a very short distance.

Mr. Speaker, without enduring more damages, I think it is better we just agree as a House that we recommend that the implementation committee takes over this report immediately and work with the relevant department on the way forward, Mr. Speaker. Thank you.

Hon. Deputy Speaker: Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Mr. Speaker. First and foremost, I want to appreciate the committee for giving us a brief of what is happening on the ground and I am on the advantage side of it Mr. Speaker. Last week, we were in Malaysia whereby we visited the town of Kuala Lumpur on matter of environment. Mr. Speaker, Kuala means where two rivers meet and Lumpur means mud.

In Malaysia, Mr. Speaker, 50 percent of the country is covered with trees. Mr. Speaker, that is a very big step and I witnessed every now and then rain is coming to that side Mr. Speaker. I wish we could be doing some benchmarking as a House to learn as a whole and also encourage that we might be in need of going with the executive who implement of whatever we read or whatever we do discover within our benchmarking, Mr. Speaker.

Mr. Speaker, coming back to these matters of the environment within the report, I want to re-assure the house that matters to do with the environment is a collective responsibility. Mr. Speaker, we have noticed burning of lorries in Mwala Ward where three to four lorries have been burnt due to harvesting of sand whereby I want to believe this House should at least give a Statement; we should not even just watch as lorries are being burnt and this House is just silent. Something needs to be done, Mr. Speaker.

Mr. Speaker, I want to emphasize on doing one of the recommendations whereby they said that we should have a budget specifically for this purpose of doing away with these gullies, Mr. Speaker. Mr. Speaker, again they say they were informed by the Chief Officer that there is an initiative of planting trees every year; I want to confirm the sentiments of my fellow Hon. Member for Matuu that in ward I received 900 tree seedlings whereby the criteria of how they were disbursed to the community was not very well friendly, Mr. Speaker.

Mr. Speaker, within my six sub locations every sub location was given 150 trees totaling to 900 but now where the trees were to be planted, we have no information. I want to echo your sentiments that this House needs to be fully informed whereby we could have used those trees to plant within our gullies whereby you have seen in Matungulu East we have got three major gullies Mr. Speaker.

In my ward even we have lost lives, leave alone livestock because sometimes when our people most likely during the night hours when they are drunk, they tread down the gullies and thereby we are losing lives. Mr. Speaker, this matter needs to be addressed urgently because I

want to tell you even my roads some of my roads have been cut off; you cannot go to the other side of the ward.

How I wish in 2019 we could do a budget specifically with a comprehensive network on the number of gullies; we need to do some projections of how much is needed for the same Mr. Speaker, and maybe how I wish.....I have seen in the National Government if a minister says this is going to be done, the same is implemented. Mr. Speaker, we have the chairman of environment in the House or maybe he is absent but he is always with us.

He should be telling us the progress of what the Government intends to do on matters of environment. Mr. Speaker, we should look for ways and means whereby the executive will walk all through with the MCAs who have been elected by the leaders because we want to believe we know what is being needed, what our people want on the ground.

Mr. Speaker, I support fully the report and assure our members when reports are being done we just do a sample we cannot manage to do the 40 wards. I am not a member of environment committee but the group managed to come to my place so thank you, Mr. Speaker.

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

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. Mr. Speaker, I support the report and instead of keeping talking here we just go out and do the action. Mr. Speaker, my house is in Kenya Israel and you cannot access my place now and it is your place. When we go out we just walk to Kenya Israel you will see the water the way it is running to the river and it is just here across. So what about Yatta, Ndawa's place; the place is so bad. So, Mr. Speaker, I think we have to go out, we are---

Hon. Deputy Speaker: Do we have a member called Ndawa in the House?

Hon. (Ms.) Mueni: Mheshimiwa Ndawa; we go out and do the action. When you go home, Members do not go and sleep in the house; go round to the places where you were elected by the people and see the way the water is going to the rivers. I think it is good you put the question we go and do the work there outside. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Member, the chair will put the question when he finds it fit to put the question. Thank you for your comments. Hon. Cosmas Kieti.

Hon. Kieti: Thank you, Mr. Speaker. Mr. Speaker, I want to put more emphasis on tree planting; there is a wise saying that says he that plants trees loves others besides himself. It is very important this time that we have rains that we encourage our people to plant more trees and also our county should take up the matter seriously and according to the 10 recommendations the committee came up with, it is good that the recommendations are put into use so that we may have enough trees along our rivers, on our hilltops and also in areas where the soil is very loose.

So by planting trees in such areas, it will mean that the soil will be held together and also and this can be curbed by planting more grass on the surface and I believe the county can supply enough grass so that those open areas can be planted with sufficient grass that will reduce direct sunlight because when the soil is heated then it becomes loose and during rains it becomes the first victim; that is why when we have run off, the loose soil is carried and the gullies are created.

I want to emphasize that the 10 recommendations that the committee came up with should be put in to use. We have another problem that is leading to these gullies and it is as a result of poor drainage especially when roads are being constructed. We have areas where the contractors constructing our roads or the graders grading our roads, in most cases they are not taking care of the drainage so you find that they direct the water in the wrong areas or they direct the water in long areas and by so doing, when the water collects together then it leads to those deep gullies that we are experiencing in our areas.

So, Mr. Speaker, I support the report fully and request for a budget as the committee has recommended so that this time when we have rains and even in future, we have more trees and grass planted in our county. Thank you, Mr. Speaker.

Deputy Speaker: Thank you. Hon. Mark Muendo.

Hon. Muendo: Thank you Speaker. Let me also applaud the committee of Environment for this report and I fully support their recommendations. Hon. Speaker, I think when we go to our countryside we are actually losing our land because of these gullies. In fact, some areas like Kinanie ward in Nzoiani we are losing the land. It is the high time this committee sits since now we have a Chief Officer in place who is also a doctor in environment; I would like the committee to invite and look what can be done with the gullies. The medicine for gully is only gabion; then you put gabions, first there will be sand and availability of water.

A box of gabions is costing Ksh. 4500 and when you find 10 of them, they create a lot of impact. I have seen elsewhere where the gabions are being used and they are creating a very good environment. Hon. Speaker, we should also advise our people to plant bamboo. Researchers have found that bamboo trees are one of the best in holding the soil.

According to me, the recommendations are very good and if the County Executive can put in place not even grading the roads but also buying gabions and intimate our youth because gabions are filled with the local stones; if we can use our youth and if the government can afford to buy the gabions, our youth can collect stones and put the gabions.

Hon. Speaker, we have left our land to our people without even the engineers to go to the field and advice where to put weirs and gabions. It is the high time we must engage the Executive and also the engineers in the departments to go out and advice our people where to put the weirs and gabions and now we have a Chief Officer who is an expert also to engage for the planting of the bamboo trees which do well in holding soil. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. King'ori.

Hon. King'ori: Thank you, Mr. Speaker for giving me this opportunity. I would like to applaud the report by the Environment Committee; it is a good one, it has touched my area but my concern is not about the reporting. My concern is about policy and guidelines of doing things. I think it is the high time we engage the Executive to come up with policies that will stand in time that we can work on formula which is practicable and which can be budgeted so that this area can change.

In Muthwani, I am trying very hard; in fact, I have now planted more than 2,000 trees and I intend to plant 10,000 with your help because I am having a marathon in April so that we can plant 10,000 trees in Muthwani. I would urge that NEMA and the County government should

come with a policy or regulations that will guide our people on how to use their land and how to make sure we prevent soil erosion before it becomes gullies and what we are seeing today.

It is the high time we as the Assembly also to see if we can come up with guidelines that will guide our people on how to deal with this problem of gullies and soil erosion and also sand harvesting which is also another major cause of this. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Member. Hon. Kamitu, I will let you contribute looking at the clock.

Hon. Kamitu: Thank you, Hon. Speaker. I will be very brief because I am a member of this committee and my emphasis on this is on the budgeting. When we went out, the historical background of the gullies that are being formed was that you could hear residents telling you that this is a gully that is not more than two years and if it is going to continue because we were seeing gullies that are wider about 50 feet wide and 50 feet deep. So, through this House in our budget we make a supplementary as a priority because those areas that are hilly, gullies are forming and we have soil erosion. So, my humble request is that we should take a preventive measure.

We are aware of tree planting and the gabions should be one of our priorities as a preventive measure. So, in that regard, I would request this Hon. House through the Budget committee that we come up with a supplementary budget as a priority because in many areas especially the hilly ones, gullies are getting bigger and they are posing a danger in regard to the houses nearby. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you Hon. Kamitu, for your contribution. I call upon the mover to respond.

Hon. (Ms.) C. Koki: Thank you, Mr. Speaker and Hon. Members for your contributions towards this motion. We can curb this menace of gullies by simply putting up gabions, planting more trees and increasing vegetation cover in our county. It is doable and it is achievable; I am only calling on the Executive and the relevant department to set aside a budget or to increase the budget in the environment department so that we can build more gabions and plant more trees and vegetation and we cannot afford to lose more of our people, their livestock; we are here to defend them, and to do what is doable so that we can protect them and give them a good environment. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Christine Koki.

(Question put and agreed to)

Hon. Members, I just want to put one or two statements on the same. We have two things which I would like to talk about; the first one is...there is a Hon. Member in the very first bullet which was put there on the recommendations; when reports are being done I direct the secretariat, avoid bullets and use numbering because when somebody is trying to make reference to a particular item and you have put bullet it becomes tricky for that person to be able to identify which item. So, when you are doing your reports avoid bulletin use the alphabetical order, Romans numerals.

The county government to ensure that all laws concerning land use are strictly adhered to; we passed a motion which banned sand harvesting in the entire Machakos for a period of one year. When that was done, the Assembly passed that information, I want to find out from the secretariat whether that was effectively communicated to all relevant agencies; to the Executive, NEMA, Police and all other relevant agencies in enforcing this.

You have heard a Hon. Member here decrying burning of trucks; people's trucks have been burnt and if you go out you may find those people have permits. They have paid money and have been given a permit to go and ferry sand. Had that communication been done to the relevant bodies, such that what we are saying is that if there is a truck which is on the road in Machakos then it should be not having a permit; it should be an illegal consignment.

So, that needs to be confirmed whether that communication was done and if it has not let it be done immediately so that when we are enforcing these laws jointly; it will be useless for you to construct a gabion if you continue sand scooping downstream. It won't help. All these laws which we have put; we banned tree cutting, we banned sand harvesting and now we are passing a motion on the rehabilitation of gullies; if all these laws are put together then they will all be working for the common good of ensuring we conserve our land and our soil.

Somebody talked about the Moi era, there was a very famous motto; you cut one tree you plant two. The issue of gabions and collective construction which was brought by Hon. Ndawa is a very noble idea. I am sure as a Member of the budget committee; in this year's budget we have allocated Ksh. 400,000 per ward for gabion construction.

(Applause)

If you look at our budget, that money is sitting there and therefore if we have that money sitting there and Hon. Mark Muendo, the Majority Leader has said that buying one is only Ksh. 4500, if you have Ksh. 400,000, you should be able to do substantive amount of gabion construction in your areas. If we are to use that approach we ensure we engage the Executive and they allocate these funds, then we can be able to utilize our youth in our areas. All we need is stones or hardcore, we put them in these things and we construct gabions and do it ourselves. Let us not wait for somebody else to come and do it.

If we have passed the budget and the Executive provides the funds, if you rehabilitate two or three gabions every year, I can assure you by the time you finish your term, then you will have finished most of the gullies in your ward and i think that will be critical.

On the roads, most gullies have come about as a result of construction of roads and it beats any logic why somebody has a contract of constructing a road and they channel all the water; before the water had many ways of finding its ways, but now because of the road, it has been tarmacked and constructed properly, all the water is channeled to one specific area and they don't put preventive measures of the effects of that water being channeled to one area.

The end result obviously is going to be deep gullies. So, we also need to ensure that when roads are being constructed, proper stake holder engagement is done to ensure that in the costing of those roads, I don't even know the input which is put by NEMA in those roads because most of the times when you approach them they tell you.....I approached mine in my ward when they were constructing the road and they told me their budget is not inclusive of doing preventive measures.

They tell you water will find its natural way but there is a way you can put gabions to ensure that even as that water is channeled through that area it does not cause gullies. So these

are some of the things we might need to look at so that we can be able to prevent our county from degrading in the level at which it is degrading.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members this House stands adjourned to Wednesday 5th December, 2018 at 2.30 p.m.

The House rose at 12.30 p.m.