

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 21st February, 2018

The House met at 10.04 a.m.

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

PRAYERS

PAPERS LAID

Hon. Deputy Speaker: Hon. Members, today we have two papers to be laid before the House; the first one is from Hon. Mitaa and the second one is by Hon. Grace. Hon. Mitaa.

STATUS OF MACHAKOS AGRICULTURAL CENTER

Hon. Mitaa: Thank you, Mr. Speaker. I beg to lay the following Paper on the Table of the House today, Wednesday, 21st February, 2018; the report of committee on agriculture on the status of Machakos Agricultural Center (ATC). Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mitaa. Hon. Grace Mutwiwa.

STATUS OF KANGUNDO LEVEL IV HOSPITAL

Hon. (Ms.) Mutwiwa: Thank you, Mr. Speaker. I beg to lay the following Paper on the Table of the House today, Wednesday, 21st February, 2018; the report of health and emergency services committee on the status of Kangundo level 4 hospital.

Hon. Deputy Speaker: Thank you, Hon. Grace, for laying that Paper.

NOTICES OF MOTIONS

Hon. Deputy Speaker: Hon. Members, today we have three notice of motions; the first one is by the chairperson of agriculture committee, Hon. Mitaa and the second one is by the Majority Leader, Hon. Francis Ngunga, and the third one is by the chairperson of health committee, Hon. Grace. We start with Hon. Mitaa, please.

STATUS OF MACHAKOS AGRICULTURAL CENTER

Hon. Mitaa:

Mr. Speaker, that aware that the Mission for the Department Agriculture, Livestock and Fisheries in Machakos County is to promote innovative, Commercially oriented and modern Agriculture through development and enactment of enabling legal framework;
Further, aware that in Kenya, agriculture is fundamental in economic development, since it contributes 35 per cent of the gross domestic product (GDP) and constitutes 40 per cent of the export earnings;
Cognizant that Agricultural Training Centers act as brain center for agriculture and provide scientific knowledge to farmers;
Remembering that Machakos Agricultural Training Centre (ATC) which was once a center of excellence in terms of offering extension services to farmers, is rapidly declining in performance;
Informed that in October, 2017, the committee visited Machakos ATC for fact-finding mission;
Mr. Speaker, I wish to give Notice of Motion that this Hon. House discusses and approves the report of Committee on Agriculture on the status of Machakos Agricultural Training Centre (ATC).

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Mitaa for your submission. The next one is by Hon. Majority Leader, Francis Ngunga.

BAN OF GAMBLING SLOT MACHINES IN THE COUNTY

Hon. Ngunga: Thank you, Mr. Speaker.

Mr. Speaker, that aware that control of Betting, Casinos and other forms of gambling is a devolved function under the Fourth Schedule, part two, Section 4(a) of the Constitution of Kenya;
Further aware that numerous gambling businesses are being operated in the County are not regulated;
Concerned that those running the business have not registered with the County Government or Betting Control Board hence lack legal permit issued to authorize them to deal, operate carry or conduct any gambling game, gaming device or slot machines;
Further considering that the gambling business has negative social and economic impact in the society where the business is being operated especially to youth;
Noting that the gambling businesses are illegal as no revenue is remitted to County Government;
Mr. Speaker, I wish to give notice of motion that this Hon. House discusses and resolve that the County Government to;

- a. Ban gambling slot machines in the County.
- b. Recall all licenses issued to gambling slot machines in the County.
- c. Liaise with National Government agencies such as Betting Control Board to confiscate these gambling machines and take appropriate legal action against gambling vendors.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Francis Ngunga. Hon. Grace.

Hon. Ngunga: Point of concern, Mr. Speaker.

Hon. Deputy Speaker: Yes.

Hon. Ngunga: Mr. Speaker, I am concerned that members today seem very...even when motions of this nature are being given, there is no recognition that we are here. Good morning members; how comes the House is so dead. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Majority Leader. Hon. Grace, you may proceed.

STATUS OF KANGUNDO LEVEL IV HOSPITAL

Hon. (Ms.) Mutwiwa: Thank you, Mr. Speaker.

Mr. Speaker, Sir, that aware that under the Fourth Schedule of the Constitution, County health facilities, pharmacies and promotion of primary health care is a function of County Government;

Further aware that the mission for the Department of Health and Emergency Services in Machakos County is to provide the highest attainable standards of quality health care which is efficient and effective to all, while promoting provision of an integrated quality curative and rehabilitative services;

Cognizant that under the Second Schedule of the Standing Orders, the Committee on Health and Emergency Services is mandated to deal with all matters related to County Health services;

Informed that since the start of the year 2017, cases of poor service delivery and lack of proper infrastructure in Kangundo Level IV Hospital were frequently reported by residents through their area MCA;

Aware that Kangundo Hospital is second to Machakos Level V Hospital in terms of status and serves a wide region ranging from Embakasi, Matungulu, Kangundo and Mwala Sub-counties;

Remembering that the Committee visited the Hospital on 3rd and 4th November, 2017 on a fact finding mission to investigate on its status for the purpose of coming up with appropriate interventions to improve its service delivery.

Mr. Speaker, Sir, I wish to give Notice of Motion that this Hon. House discusses and approves the report on the status of Kangundo Level IV Hospital.

Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Grace. Mr. Clerk, proceed.

MOTIONS

Hon. Deputy Speaker: Hon. Members, under this item we have two motions and the first one is a motion by the chairperson of agriculture committee, Hon. Moses Mitaa, which will be followed by the second motion will be done by the Hon. Member for Kivaa Hon. Justus Kiteng'u. We start with the one for Hon. Moses Mitaa. You may proceed, Hon. Moses Mitaa.

STATUS OF MACHAKOS AGRICULTURAL CENTER

Hon. Mitaa: Thank you, Mr. Speaker.

That aware that the Mission for the Department Agriculture, Livestock and Fisheries in Machakos County is promote innovative, commercially oriented and modern Agriculture through development and enactment of enabling legal framework;

Further, aware that in Kenya agriculture is fundamental in economic development, since it contributes 35 per cent of the gross domestic product (GDP) and constitutes 40 per cent of the export earnings;

Cognizant that Agricultural Training Centres act as brain center for agriculture and provide scientific knowledge to farmers;

Remembering that Machakos Agricultural Training Centre (ATC), which was once a centre of excellence in terms of offering extension services to farmers is rapidly declining in performance;

Informed that in October, 2017, the committee visited Machakos ATC for fact finding mission;

Mr. Speaker, Sir, I wish to move the motion that this Hon. House discusses and approves the report of Committee on Agriculture on the status of Machakos Agricultural Training Centre (ATC).

Thank you, Mr. Speaker and I call upon Hon. Constance Mbula to second my motion.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker, Sir. I wish to second this motion in the fact that the ATC is wanting, is in dire need and I wish to request all members to support this motion so that we can move on and have a better ATC. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you, Hon. Constance for supporting the motion. Hon. Mitaa, you may proceed with the report.

Hon. Mitaa: Thank you, Mr. Speaker. I wish to take members through the report on the status of the Machakos Agricultural Center (ATC) which has been compiled and prepared by the committee on agriculture.

Mr. Speaker, Agricultural Training Centres (ATCs) promote crop and livestock development by providing extension information to farmers and serving as models of improved crop and livestock husbandry practices.

These centres provide a range of educational activities with the primary aim of achieving human resource development throughout the rural economies. They were started in Kenya in 1950s after the launching of Swynnerton plan. Currently, there are about 27 ATCs located in different ecological zones, Machakos ATC centre being one of them.

Mr. Speaker, Sir, the committee on Agriculture is established pursuant to the Second Schedule of the Standing Orders with specific mandate to deal with all matters related to

agriculture, including crop and animal husbandry, cooperatives, livestock sale yards, county abattoirs, plant and animal disease control, irrigation, fisheries, cooperative societies and veterinary services (excluding regulation of the profession).

Mr. Speaker, Sir, the committee on Agriculture comprises of the following Hon. Members;

1. Hon. Moses Mitaa - Chairperson
2. Hon. Constance Nzioki – V/Chairperson
3. Hon. Agatha Mutunga
4. Hon. Benedette Musyoka
5. Hon. Eric Musembi
6. Hon. Geoffrey Kamulu
7. Hon. Joshua Nzuki Muli
8. Hon. Michael Mutiso
9. Hon. Moffat Maitha
10. Hon. Nicholas Mutuku
11. Hon. Paul Nyanzi
12. Hon. Rozina Kanini
13. Hon. Tariq Mulatya

Basis of the Committee Visit

Mr. Speaker, Sir, during a committee meeting on 5th October, 2017, the committee discussed the challenges that face the Agricultural sector in Machakos County. During the discussion, it came to the attention of the members that Machakos Agricultural Training Centre (ATC) which was once a centre of excellence in terms of offering extension services to farmers was rapidly declining in performance.

Mr. Speaker, Sir, in the same committee meeting, terminal report presented for the First County Assembly, this matter of Machakos Agricultural Training Centre featured as one of the pending businesses and so the committee gave priority to this agenda.

Mr. Speaker, Sir, the ATC is one of the key players of the agricultural sector and so the committee resolved to conduct fact finding mission at the center in order to understand its current status, its role in agricultural development, challenges and potential intervention mechanisms to improve its performance. This visit was conducted on 23rd October, 2017 with an invitation from the Principal in charge of the station.

Relevant Legal Provisions related to Operations of County Agricultural Sectors

Mr. Speaker, Sir, Article 6(2) of the Constitution provides that the Governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.

Section 6(3) of the County Governments Act provides that a County Government may enter into partnerships with any public or private organization in accordance with the provisions of any law relating to public or private partnerships for any work, service or function for which it is responsible within its area of jurisdiction.

Article 174(c) provides that one object of devolution is to give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them.

Article 10(2), the national values and principles of governance include; democracy and participation of the people; inclusiveness; good governance, integrity, transparency and accountability.

The County Governments Act Sections 94, 95 and 96 provides that County Governments are to establish mechanisms to facilitate public communication and access to information using media with the widest public outreach.

The Kenya Agricultural and Livestock Research Act of 2013 establishes the Agricultural Research Fund (ARF) to provide strategic and predictable funding for agricultural research activities and support the operations of the organization.

The Agricultural Finance Corporation (AFC) is the leading Government credit institution in Kenya and is mandated to provide credit for the sole purpose of developing agriculture. AFC develops agriculture and agricultural industries by giving loans to farmers, co-operative societies, incorporated groups, private companies, and public institutions.

Section 20(1) of Land Registration Act No. 3 of 2012 provides that every proprietor of land shall maintain in good order the fences, hedges, stones, pillars, beacons, walls and other features that demarcate the boundaries, pursuant to the requirements of any written law.

Section 26(1) of Land Registration Act No. 3 of 2012 also provides that the certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as *prima facie* evidence that the person named as proprietor of the land is the absolute and indefeasible owner.

Section 126(1)(a) and (c) of the Public Finance and Management Act 2012 stipulates that every County Government shall prepare a development plan in accordance with Article 220(2) of the Constitution, that includes;

- a. Strategic priorities for the medium term that reflect the county government's priorities and plans;
- b. Programmes to be delivered with details for each programme of;
 - i. The strategic priorities to which the programme will contribute;
 - ii. The services or goods to be provided;
 - iii. Measurable indicators of performance where feasible;
 - iv. The budget allocated to the programme.

The Institution's establishment and land size

Mr. Speaker, Sir, this station was established in 1959 on 800 acres of Government land. In the year 1982, 200 acres of land were leased to ICRAF for agro-forestry research which it is still utilizing up to date. Currently, the station is only utilizing 30 acres of land and the rest is idle land which residents of Kiima Kimwe have invaded for farming and livestock keeping.

The Committee was surprised to note that despite the fact that this is a Government institution established before independence, the land has no Title Deed as provided for in Section 26 (1) of Land Registration Act 2012 that provides that the certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as *prima facie* evidence that the person named as proprietor of the land is the absolute and indefeasible owner.

Reference to this key observation, the committee concluded that the absolute owner of this land where the institution stands has never been legally established.

Demonstration Farms Fund (DFF)

Mr. Speaker, Sir, the DFF was created by the National Government specifically for running of commercial enterprises at the ATCs and was established by the Exchequer and Audit Act, Cap 412 Laws of Kenya, through the legal notice No.456 of 11th October, 1990. The objective of the DFF was to provide funds for development and running of the commercial farms at the ATCs in Kenya on a revolving basis with the ultimate goal of making the ATCs self-sustaining.

The core income-generating enterprises are livestock (dairy and beef), perennial crops (tea, coffee and sugarcane), rain-fed and irrigated horticultural crops and certified seeds production for annual food crops. During that time ATCs were able to raise revenue and sustain themselves as provided for in the objective of the fund.

Mr. Speaker, Sir, the ATC principal informed the committee that after devolution, the ATCs were devolved and the County Governments took over the management of these centers. The existing DFF fund account was closed and at that point, operations at the ATC went to a decline because of inadequate funds to run their operations.

Crop Demonstration Plots

Mr. Speaker, Sir, this is one of the key facilities that form the life of the station. It is where research is done to test the best seed varieties that are suitable for different ecological zones. The plots which the committee visited were for horticultural crops, agroforestry, bananas, pulses (soya beans) and fodder crops and the performance of these crops was commendable.

It was observed that if these plots could be well-funded and managed, it could contribute in eradicating poverty and hunger in Machakos as provided in Kenya's Millennium Development Goals. The irrigation system was not in operation since the pipes were broken, tanks were dilapidated and the borehole pump was also broken.

Mr. Speaker, Sir, the committee was informed that establishment of those demonstration plots for the last few years depended on goodwill and collaboration of the management of the station and other stakeholders like Syngenta Company, Monsanto and ICRAF. It came clear to the members that these stakeholders finance and establish the plots and the officers of the ATC use the plots to train farmers.

Mr. Speaker, Sir, the County Government of Machakos has not been funding development projects in the station for several years. In the financial year 2016/2017, the station only received Ksh. 40,000 for running the station programs. The members were surprised to hear that before devolution, this station used to score position two out of 27 ATCs in Kenya in terms of performance, farmers enrolment and revenue collection.

Poultry Unit and Livestock Yard

Mr. Speaker, Sir, poultry program for farmers was one of the manifestos of H.E, the Governor since the last regime. It was observed that the unit produces about 200 to 300 chicks per week after which the chicks are vaccinated before being dispatched to farmers free of charge. The committee was informed that this unit is run by imprest released under the office of Director Livestock. Mr. Speaker, Sir, it was reported that the unit occasionally faces power back up challenges.

The committee observed that the station currently is only keeping six grade cows despite the fact that the station has a large acreage of land that can sustain more grade animals which can produce more milk which in turn could be sold to raise revenue for the County. In addition the committee noted that the animals were in bad health.

They were also informed that the animals rarely get vaccinated since the Directorate of Livestock does not facilitate disease prevention of those animals. Mr. Speaker, Sir, it came clear from the committee observation that livestock production in the station is a resource that is poorly managed and not fully exploited to profit the residents of Machakos.

Agro-Processing Unit.

Mr. Speaker, Sir, this unit is concerned with processing or transforming of raw materials and intermediate products from agricultural sector to a form that leads to value addition. The station has few machines for production of yoghurt, tomato sauce and honey.

Mr. Speaker, Sir, the committee was informed that agro-processing is one of the techniques most farmers in the County have interest on and often visit for training but lack of funds was stated as a major hindrance, citing an example of a group of farmers who in August, last year applied for this training but Ksh. 5,000 to purchase materials was not available and so the farmers could not be accommodated for that training.

Budget Allocation for Machakos ATC

Mr. Speaker, Sir, in the Financial Year 2016/2017, the Department of Agriculture, Livestock and Fisheries budgeted for Ksh. 10,000,000 specifically for Machakos Training Centre to cater for capacity building of farmers, fruit tree nursery established, breeding for indigenous poultry chicks and breeding of fish fingerlings to be issued to farmers.

Mr. Speaker, Sir, in the Financial year 2017/2018, ATC was allocated Ksh. 20,989,860 as development vote to cater for trainings and improvement of physical facilities. The committee was surprised to be informed that the institution is facing a serious financial challenge to an extent that it cannot facilitate training programs, purchase planting materials and that it cannot sustain the livestock section.

Staff

Mr. Speaker, Sir, the institution has 11 staff members of whom five are technical officers, two administrative and four support staff. In addition, there are three cleaners, five farm workers working on contract basis and three security officers on casual basis. The low number of staff members was attributed to decline in performance of the station because when the institution was well operational in 2010 it had about 25 permanent employees.

The committee also noted that the few technical staffs present are underutilized since most of the facilities required in their field of work are lacking.

The school and Office

Mr. Speaker, Sir, there exists a school (classrooms for lectures, residential rooms and kitchen) from where farmers groups and students from institutions are trained from.

Before devolution, the station used to host about 10 groups of farmers per week. They could be trained, be fed and accommodate in the station comfortably. The payment was Ksh. 1,850 for self-contained rooms full board. Payment was deposited in the County revenue account and later used to purchase training materials and maintenance of structures. Currently, due to financial constraints, the station only hosts groups and few individuals who come on daily basis with no payment done.

Transport

Mr. Speaker, Sir, in 2015, the station had been assigned a tractor and a double cabin for ploughing and transport purposes respectively. At the time of visit, the tractor was broken down and the double cabin vehicle had been reassigned another place. Planting is now being done manually using jembes and officers have to pay for motor bikes to go for official assignments around the town.

Security

Mr. Speaker, Sir, the facilities in the institution are not safe. It was reported to the committee that the whole institution has no perimeter fence and so often, the demonstration plots are invaded by livestock from the neighborhood. It was also reported that conflicts occasionally arise between the administration and residents of Kiima Kimwe who have grabbed land belonging to the institution.

Summary of key observations

Mr. Speaker, Sir, the Committee concluded that the institution under investigation has been ignored by the County Government of Machakos leaving the institution at the mercies of stakeholders who utilize the land only to keep the institution alive. This is based on the fact that the institution has not been enjoying its budgetary allocation and this has led to breakdown of physical infrastructure and decline in service delivery.

RECOMMENDATIONS

Mr. Speaker, Sir, the committee came up with the following recommendations;

1. The Department of Agriculture should issue the ATC with a Title Deed pursuant to Section 26 (1) of Land Registration Act No. 3 of 2012 in order to formalize ownership of land and ensure asset security. This will help to eradicate cases of double registration land grabbing which are commonly being witnessed in most Government institutions in Kenya.
2. The County Government of Machakos should initiate a legislation that will create a fund similar in operation like the previous Demonstration Farms Fund (DFF). This fund will facilitate training and hence increase individual and farmers groups' enrolment in the station and in turn improve revenue generation from the station. Through the legislation, it will be easy for the institution to be audited and improve accountability pursuant to Article 229(5) that states that the Auditor-General may audit and report on the accounts of any entity that is funded from public funds.
3. Pursuant to Article 10(2) of the Constitution and County Governments Act Sections 94, 95 and 96, there is need for the County Government of Machakos to do thorough public participation to sensitize the residents of Machakos and beyond on the existence of Machakos Agricultural Training Centre which is aimed at providing extension information to farmers and serving as models of improved crop and livestock husbandry practices.
4. Mr. Speaker, Sir, the Chief Officer in this Department pursuant to Section 126(1)(c) (iv) of the Public Finance Management Act, 2012 should account for utilization of the development vote for the station amounting to Ksh. 10,000,000 in 2016/2017 and Ksh. 20,989,860 in 2017/2018 which according to the observation of the committee was not properly utilized.

5. The Department, in 2017/2018 should allocate more funds to expand the agro-processing unit since value addition of agricultural products eradicates cases of loss in times of plenty and also increase profit margin. This unit will be utilized by fruit and vegetable farmers in Mwala and Yatta sub-counties which are known to produce a lot of fruits and vegetables which sometimes get wasted due to poor market and lack of processing facilities.
6. The funds that are collected from the station and deposited into the County Revenue Account should be ploughed back to the institution to promote the training programs and research work in the demonstration plots. This will attract more clients from other institutions and farmers groups leading to a wider dispatch of Agricultural information and also make the institution a model farm throughout the year.
7. Research work is one of the avenues which the County Government of Machakos can venture into to fight hunger, poverty and earn more revenue and Machakos ATC is one of those research stations currently being utilized by ICRAF and Syngenta companies.
In 2013/2014, the target collection was Ksh. 2.3 billion but only Ksh. 1.17 billion was realized and during the 2014/2015 financial year revenue was targeted at Ksh. 2.7 billion but actual amount realized was Ksh. 1.35 billion
Mr. Speaker, Sir, the Department should therefore allocate more funds to promote performance of the demonstration plots which act as laboratories for training farmers. This will increase enrollment of trainees, earn more revenue and help to contribute in achieving the revenue target which for the previous years has never been attained.
8. The County Government of Machakos can plan to enter into partnership with research organizations pursuant to Section 6(3) of the County Governments Act. This will ease financial constraints, improve infrastructure, promote capacity building of farmers and still provide employment to the residents of Machakos.
9. The Department of Transport should provide the institution with vehicles to ease movement and performance of work within the station.
10. Pursuant to Section 20 (1) of Land Registration Act No. 3 of 2012, the Department of Agriculture should use the development vote budgeted for this financial year to fence the institution in order to secure the facilities therein. This will avoid conflicts from the neighbors who graze in the premises of the institution hence destroying the demonstration plots which are the tools of training.

CONCLUSION

Mr. Speaker, Sir, the greatest challenge facing Machakos ATC is poor management which has led to deterioration of services in the station hence need for better policies and proper financial management.

In Africa, it has been noted that, poor policies, poor infrastructure, political instability, inadequate technical capacity and limited technologies and innovations are key contributors of hunger. Machakos ATC is one of the institutions if well managed can help increase food production and reduce poverty.

Mr. Speaker, Sir, in order to address the above challenges there is need to enhance capacity building of actors across the agricultural value chain. This can be achieved through targeted higher education training and research along the agricultural value chain that will promote incubation of promising technologies, up-scaling of such technologies to the farming community thereby increasing productivity.

A center of excellence like the Machakos ATC modeled around these themes would greatly play an important role in developing an effective and responsive manpower capable of addressing food insecurity in the region.

Mr Speaker. Sir, the Committee on Agriculture, wishes to acknowledge the office of the Speaker and that of the Clerk for facilitating the Committee to retreat for report writing in Naivasha. Credit also goes to the members of the committee for their participation in site visit to collect data.

Mr. Speaker, Sir, on behalf of the Committee on Agriculture, it is my privilege and pleasure to table this report of the status of Machakos Agricultural Training Centre (ATC) to this House for discussion and adoption. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you very much, Hon. Mitaa for presenting that report.

(Question proposed)

You may debate on this report. Hon. Kalumu.

Hon. Kalumu: Thank you, Mr. Speaker. I would like first to start with appreciating the good work that has been done by Hon. Mitaa and his committee for bringing a good report concerning a training center which is a good resource for training in our county. Mr. Speaker, for this county to be food-sustainable we need to train our farmers in Machakos County.

Mr. Speaker, for this county to eradicate poverty, we need to train our farmers. If you look at this facility and go through this report, you will find that the department and the ministry of agriculture has ignored this facility totally. Something that should be checked at the earliest point even tomorrow because if we do not train our farmers, where are we heading? We are told that agriculture is the backbone of this country, then if we do not train our farmers, where are we heading? We are growing families that are poor as Machakos County because we are not training our farmers.

The budgeted allocation from the department of agriculture seems like the facility does not get any allocation and if it is allocated, they do not receive; why? This facility, Mr. Speaker, if it is utilized well it will make a very big impact in the food production of this country.

A good example is in Yatta or in Kithimani ward, right now we have a lot of mangoes which are going into waste and if this training center was used well, I guess something could be happening to add value into those mangoes and this county could be having a lot of revenue from those mangoes.

You look at the management, you find that it is like they are not sure what they are doing. I want to congratulate the one principal who is there for now because he found it good to call the committee and go there to check on this facility which can help this county. Feeding Machakos County needs us to be fully committed into farming and if you start farming just

because you want to farm, without techniques you find that we will not be self-sustaining. For us, as a county to produce enough food, that facility should be fully utilized.

(Applause)

For us to eradicate poverty, that facility should be fully funded by the department in Machakos County concerning agriculture. If training was properly done, some of dairy farming which is being done in small scale in Kithimani ward, today I guess it could be a big thing that can make impact. Farmers from my ward are going up to Kiambu to be trained while we have a facility here which is lying idle for nothing.

Our County needs to be serious and those officers who are concerned with the department or who work with the department of agriculture should be committed to give proper training to our people and even I want to appreciate, if now they are giving free services to mwananchi, just look at the report and you will find that at the time when it was running fully, when it was being funded by the government, you find that it was doing well it was training a lot of people, a lot of farmers and at least at that time hunger was not striking us like the way it is doing today.

The report has told us this facility was being used to hatch some chicks to be distributed to the farmers. That is a great idea.

(Applause)

I would like to suggest and commend that it continues because if we can distribute chicks to the farmers of this county, that is one area of revenue whereby we can make our youth busy.

So, with those few remarks, I want to say this; I have never seen ignorance of this state because if this facility was used well, I want everything concerning our living standard, concerning how we take our children to school could be another story even the bursaries which we are allocating to our school going children in primary schools they could be able to pay that school fees because with farming you can turn it into agri-business. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Ngunga.

Hon. Ngunga: Thank you, Mr. Speaker. Let me also take this opportunity to also congratulate Hon. Mitaa for this able and focused report that you have given us so that we may be able to use this opportunity to save this institution. Let me, Mr. Speaker, start by saying that this institution is located about 2 kilometres away from my home. This is an institution that has immense benefit to the community and I am talking about that time when the institution was fully functional.

I happen to be a beneficiary of this institution in terms of getting training, in terms of even getting products, from there. Mr. Speaker, I am a great farmer in this county and I used to pick bulls from this institution but the situation as it is now and I want to add what Hon. Kalumu is saying; it is deplorable. The situation is bad this is an institution that was modeled on the idea of training farmers so that they get empowered so that productivity is enhanced.

When I look at the report that the committee on agriculture has given us, it gives us a very sorry state of the institution now. I have known that the best dairy cows came from this institution. The best beef came from this institution; most of us who neighbor this institution know that this is a place that we have always gone to get seeds from, both long, short even the arid kind of seeds but it is unfortunate, Mr. Speaker, this institution now it is on its death bed.

I want to ask this House, Mr. Speaker, to use this opportunity so that we see how we can help this institution to come back on its feet so that it can give the services it was supposed to give to the farmers of this county.

(Applause)

Mr. Speaker, I want to make a few proposals because it looks like this state has come up because of corruption. Actually, this is a state of corruption because now I can see in the year 2013, was it? No, the year 20---

In the report, there is an allocation of Ksh. 10 million that was given to the institution through the department of agriculture. What is interesting is that it looks like this money never got to the institution. That was Ksh. 10 million then there was another one in the following year allocation of Ksh. 20 million that was allocated to the institution and I am sure this funding would have gone a long way to alleviating the problems the institution is facing.

Mr. Speaker, I would want this House to rise up to the occasion and act. We have a committee on PAIC here that should take up this responsibility and see if money was budgeted, then why was the money not utilized? I want also to challenge Mheshimiwa Mark Muendo, who is also here and chairs our committee of implementation; when decisions are made, I think they should be implemented and I think this is not the high time, Mr. Speaker, we should now be talking politics. We should now starting talking development and must be straight hitting.

(Applause)

If CEC member was allocated money and this money did not reach the mother institution which was supposed to benefit, I think this person should be held responsible or explanation should be given and I am happy yesterday Mr. Speaker, we passed a committee of the full House where members....this report should be brought to the committee of the full House and we get to know what are the problems because we come from the Machakos training centers and go to the other centers and this is what is happening.

Devolution came to be a blessing. It should not have come to be a what? A death nail for the other institutions that were operating. If for example, in 2013 Machakos ATC was operational; how come now in 2017/18 when we have devolution, it is not operational?

Mr. Speaker, we must start borrowing a leaf from the other counties that are operating. Look at our neighbors in Makueni who now are doing mango-processing, are doing dairy processing and now Mr. Speaker, I want us to rise to the occasion and take up this opportunity so that our institution that are supposed to empower farmers are properly funded. Members, it is so sad that an institution that has close to 800 acres of land does not even have a single vehicle.

It is so interesting, I know the principal personally, she keeps on calling asking for a tractor to plough; they have to source for tractors from individual farmers like us to go and assist them in ploughing yet we know Machakos County has almost 40 to 60 operational tractors.

There looks like there is breakdown of operation and Mr. Speaker, I want this members to rise up to the occasion so that we save this institution.

Remember, members, this is an institution can also offer employment. If, for example, these demonstration plots were used properly, we will have people coming from the neighborhood getting employment. I personally know that this institution has about to the tune of about 100 rooms where farmers from neighboring counties would come they would board in those rooms and would pay a fee. This used to be an income to the county.

So, if we kill this institution surely members where are we headed to? I am sure we will not be headed to the right direction so members I am asking you to use legislative power, the oversight power that you have so that we can be able to save our institution. So, Hon. Mitaa, we want to take this opportunity to thank you with your committee and this is the role of a committee.

A committee should be able to oversight, should be able to offer directions. I look at your recommendations and I am looking at recommendation number one where Hon. Mitaa, you have said, the department of agriculture should issue the ATC with a title deed. There I did not know whether we are headed right. If I may ask surely who issues title deeds? Will it be the department of agriculture?

So, I am sure that probably with a few amendments, I am proposing amendments so that that reads the department of lands; isn't it so? So that the department of lands to issue title deed to the ATC so that at least they can have ownership of the same plot.

Now look at recommendation number two again; the County Government of Machakos should initiate a legislation that would create a fund similar to in operation like the previous demonstration fund. Hon. Mitaa, I want to challenge you to come up with a motion where we are going to make operational that fund because when you are talking about the County Government of Machakos you are talking about the House where we are seating and so Mr. Hon. Mitaa as the chairman of agriculture please come up with a legislation so that we can help this institution.

Recommendation number four, Mr. Speaker, that is where we were. I was talking about Ksh. 10 million and this is a matter, in my opinion that should be taken up by PAIC. Hon. Wambua is here so that they take up this issue here so at least we become proactive so that we do not always become crybabies, Mr. Speaker.

If money was apportioned, let members get to know how this money was used, whether there was even a better need and also that there was virement and if there was virement what was the reason for this virement. So, Mr. Speaker, I want to rest my case and appreciate the good work of the committees and challenge the other committee chairmen please come up with reports of this nature that are geared towards saving our county. Thank you.

Hon. Deputy Speaker: Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. I wish every Hon. Member here can go to the training place. It is very dull and it is dying even the principle there fears to tell what is happening. So, mine is to ask the person who is responsible with the money because that is why I say the Governor is not bad, the people who are around him are the ones who are bad because I do not know whether the person who is responsible to that place goes there. He is eating the money in the office but not knowing what the agriculture centre is doing.

(Laughter)

Agriculture can bring a lot of money and even the member here, the 40 elected members, your people can be trained there. You can bring your 20 people there to be trained and go back. You stop giving them Ksh. 200 to go and buy food. So, make sure you go there and know what is happening and the officer who is responsible for that, I think is not going to be brought here to be vetted to come back.

He has to go home and be taken to the police to give the money for the county that is money for the county. It is your tax and the tax of the people of Machakos. How can you eat Ksh. 20 million and eat another Ksh. 10 million and you are surviving.

(Laughter)

You are buying vehicles when a member of this House can buy a vehicle of Ksh. 5 million. Those people are seeing us being fools so you have to work on them and know that you are members who are brought here by the people. I think you people you know that you spend a lot of money to campaign, more than Ksh. 10 million to come here and do the work for the people. You were not coming here to get money; you were coming here to work for your people.

So, Mr. Speaker, I think the people who are concerned with that to know whether money is eaten or not, they have to take action but not to be coming here to talk every day and we go home. Thank you Mr. Speaker.

(Laughter)

Hon. Deputy Speaker: Thank you. Hon. Johana.

Hon. Munyao: Thank you, Mr. Speaker. I wish to start by thanking the committee on agriculture for the nice report. Mr. Speaker, from the change in climate and the need to have well-researched crop which can do well or adopt to the change in climate as currently is being witnessed, I will like to say that this ATC is a key institution in this county and therefore I would wish from the ranking which was given that sometimes back the institution used to rank at position two out of 27 in performance and revenue collection and other operations.

It was my interest that the committee would have engaged the management also to get their current position in terms of ranking. Have we shifted to 27 out of 27 or where we are so that we can now lay whatever we are laying or maybe as we deliberate, we can lay strategies aiming to take the institution back to where it was?

The other thing is that in the manifesto of the leadership of the county, I am sure it states very clearly the issues of employment, the issues of food security and this is one of the institutions which can really give some backup to ensure that is also provides employment. It is shocking to note that we have declined in terms of staffing from 25 permanent employees to 11 with a few casuals.

Mr. Speaker, I would really pray that we engage seriously to bring this institution to where it belongs. So, I totally wish to support this and say that I may pray that we do all what it takes as an Assembly to ensure that whatever is meant for the good of the people we talk in one voice. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Kamitu.

Hon. Kamitu: Thank you very much, Mr. Speaker, Sir. One, I would greatly appreciate the work of the committee under the leadership of the chairperson, that is Hon. Moses Mitaa and I will not say it is very shocking but at this juncture, I would now kindly ask the various committees in regard to this report because this report is touching various committees; committee of implementation, committee of land that is environment and the like to go through this report and see where their mandate is supposed to undertake the report that has been brought by this notable committee under Hon. Moses.

Mr. Speaker, if you check on page three that during the discussion it came to the attention of members that Machakos Agricultural Training Center (ATC) which was once a center of excellence in terms of offering extension services to farmers was rapidly declining in performance. So, what does it indicate? It indicates that our farmers are no longer being trained.

The ATC, a center of excellence, is now declining in performance. Those are bad indicators and it is important, as I said, the committee on a fact-finding mission at the center also undertook to see the status and the role of the institution where the potential intervention mechanism to improve its performance is required.

So what am I saying, Mr. Speaker? This is the time; we cannot wait because on the fact-finding mission, the committee saw the declining of the performance of the ATC. If you look further Mr. Speaker, Sir, this is on page 6; 5.1 the station was established in 1959 on 800 acres of government land and 200 acres was leased to ICRAF for forestry research and the station is only utilizing 30 acres of the land. The rest of the land is being invaded by the residents of Kiima Kimwe.

This is a very serious indicator; it is the time now that this Assembly should now come with serious indication of trying to uplift the standard of the ATC as it used to be. As what Majority Leader had said, the question of the title deed should not be a problem because land was devolved; the functions of lands was devolved to the county so getting a title deed for this institution would just be very smooth because it is the committee for lands mandate that they should assist the ATC to get the title deed in the ministry of land because the offices of the department of lands are just here.

It is a question of collaboration of the land department to the ministry of lands which is here; we have a ministry of lands from the central government and we have a department of lands from the county. So, it will be a very easy thing in regard to collaboration for the institution to get the title deed.

So without much ado, Mr. Speaker, Sir, the committee has indicated all the weaknesses and all the strengths we are bound to and as I said, the respective committees, in relationship with this report, should come out so that we may revive this important institution for the purpose and for the benefit of the Machakos County farmers. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Deputy Speaker: I will come back to you. Let me get Hon. Mbevi.

Hon. Mbevi: Thank you, Mr. Speaker, Sir. First, I would want to congratulate the committee for agriculture for this wonderful finding. My comment is that actually the key words here are training and research in it. So, I think this is a serious issue whereby if we are not

training our farmers, for sure it is automatically we will never get out of poverty because we have no other income other than in agriculture and as you are all aware members, even for us to perform here it was through training.

So, if our farmers are not trained, they will not be able to know what to grow where, where to plant what and if I may give an example, like my area in Mlolongo, there are people doing a lot of agriculture down the streams there which are full of chemicals.

So, if these farmers had this opportunity, if this institution was functional, I would bring my farmers and get some training and learn on what to plant there and how to do it because, according to the way and the place they do their farming, you find there are a lot of chemicals and you are all aware we have a lot of challenges in health nowadays which of course you will find that a lot of money is being used on health which probably comes out of the ignorance and lack of knowledge of our farmers who are farming in paces whereby there is danger of sickness.

So, it is very important for this committee and as a House we also give them full support on this to make sure that this institution is in full force and as one of our Hon. Members Hon. Mueni has said, even to the committee that is concerned in this issue of ensuring that if some monies are not properly utilized, this should be the first example of those irresponsible executive officers who are misusing our monies because it is like an obvious case. You get there you find everything is in a mess.

So, I stand to support the motion and say that we need to back this committee and as a House ensure that our members are able to get this training for the benefit of our county. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Let me go to Hon. Katumo.

Hon. Katumo: Thank you, Mr. Speaker, Sir. Mine is first to thank this committee through the chairperson Hon. Mitaa for the good job done; I think this is the way to go. Where you have tangible reports coming to this House for the improvement and betterment of the residents of Machakos whom we serve in this Hon. House.

I was a Member of this Committee in the first Assembly and there is something that happened, we did a bench marking with the country of Israel and reading through this report, training is very key; inculcation of skills is very important for our farmers.

One, it is not the size of the land, it is the quality of the work done in that farm and therefore, I echo the Chairman and the Committee especially when they give very good recommendation here.

I want to begin with the recommendation number 7, on page number 13 or 15 where they say here, research work is one of the avenues which the County Government of Machakos can venture into fighting hunger, poverty and animal revenue for Machakos through this institution.

The worst thing to happen is for this Institution to die or to be out of existence because we have done rounds in this County of Machakos and the way farmers are doing it, it is not very important; we cannot sustain that kind of agriculture because right now, hunger is biting us very hard. Why? Because sometimes we get the wrong seeds or sometimes we time poorly the kind of rain. Rain-fed agriculture is becoming a challenge and we need such institutions that are in our neighborhood to make sure we know very much and our farmers know what to do.

If you go to recommendation number 10, it talks about this Financial Year something happening, fencing the institution in order to secure the facilities therein. I think, I have been a great visitor to that institution and when you go to that institution, you will find there are so

many inroads and what we *panya* routes entering all through; you are not sure whether it is a community land or it is an institutional land and therefore sometimes when you go through you find different herds of cattle grazing from every direction and therefore you do not understand whether this institution has an owner or not.

I think it is the high time that of course as a County Assembly and the people of Machakos, we make sure that this institution is secured for security purposes. Now, most of our colleagues have talked about the money. I was in this Assembly when a report came and we were very energized to budget money for this institution begin with Ksh. 10 million in 2016/2017 financial and then the financial 2017/2018 in this current financial year more than Ksh. 20 million was committed for this institution.

Mr. Speaker, Sir, we must agree as an Assembly that this trait of misusing misappropriation of funds should stop henceforth.

(Applause)

You see, there is no excuse for misappropriation because these monies were budgeted and approved by this Assembly because it was a need, it was a priority and when these monies do not go to do the right thing, then of course, there will be problems. You know, I am a remnant of that first Assembly and most of the residents did not want.....actually towards the end, Mr. Speaker, I should tell you that we could not even go out to visit because we would be chased with stones because we lied to the residents of Machakos.

We do not want the same trait to continue; we could not even go to visit those slots, they would chase us with stones and therefore I am urging these Members to please let us unite and forge forward to make sure we do the right thing. What we had budgeted for should of course go to the right slot. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Hon. Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. I also want to take this opportunity to thank the Committee that has brought this excellent report. Mr. Speaker, Sir, the report is elaborate and the report is very clear.

(Applause)

If what is captured in this report is the exact position, then things are not going the way they are supposed to be going and something has to be done, Mr. Speaker, Sir. When we talk of this Institution, its core mandate is to train farmers and in Machakos County, we are always crying that we do not have food. Our electorates are crying that they do not have food but if they had been trained, I am very sure this problem would not have been the same.

(Applause)

There is something we call backwardness; what do I mean by backwardness? You found your grandfather growing maize, your father is also going maize and you are also growing maize and your child is also growing maize.

(Applause)

That is what we call backwardness and this is the high time because if you ask someone why they grow maize, there is no reason that is going to be given; they will just tell I found my grandfathers growing maize. Somebody will cultivate almost 50 acres and if you ask how much they have harvested, they will tell five bags out of 50 acres.

If these people were well trained properly, if they were advised on the time they are supposed to plant and they are advised on the quality seeds, I am very sure Machakos will be richer than the way it is today.

So, Mr. Speaker, Sir, time has come, other Members were sitting in this Assembly and they did not rescue the situation. We are now in this House, Hon. Members. I will request, this is the high time we should join hands as an Assembly and the Executive, to save the situation---

(Applause)

.....and ensure that our people are well trained. When I was in school, I used to be a scout and I was a troupe leader and we had a very good system of training people, Mr. Speaker, Sir. You do not have to call all the scouts you trained them; we had some groupings that we used to call patrols, the team might be 60, you group them in six and you call them patrols and you give them names. In those small groups the leader is called the patrol leader and there is the assistant Leader. The one in charge is called the Troupe Leader.

So, when it comes to training, you just pick the patrol leaders. If the team is composed of 60 members and you have a team of six each, then you have 10 patrols. So, you just take the patrol leaders and train them then they go and train the rest. If we can emulate that, I am very sure our farmers will get the best information and they will do the best practices of farming, Mr. Speaker.

(Applause)

The other issue that I would like to raise, Mr. Speaker; a mistake is a mistake and a sin is a sin no matter who commits the sin. Even if it is the Father, a sin is a sin; it is very embarrassing and it is shameful if such a noble institution is not discharging its mandate, if funding has been given and nothing is happening. This is very embarrassing and I would request the Hon. House and also the Executive, Members or the electorates would like to see the value of money. If money is allocated to do something, let it do what it has been allocated to do.

The other issue, Mr. Speaker; we have seen in the report about members of Kiima Kimwe invading the farm, there is what we call adverse possession. If we allow these people to continue using the land, one time they will use that exceptional clause of adverse possession. If you allow somebody to stay in your land for more than 10 years, you will never be able to kick him out; what you will do is that you will have to give him a small piece of your land so that you can agree.

Otherwise, if he goes to court and say 'I have been in this land for the last 12 years,' the court will agree with him and you will be forced to allocate a portion to give him. So, this is the high time we should make sure all those quarters all those people who are trying to use that land are evicted.

On title deeds, Mr. Speaker, Sir, there is what we call in law *personalis moritur cum Persona* that says---

(Applause)

That says, the rights of a natural person die with the person. So, what do I want to say? The law recognizes different types of persons. We have the natural person which is somebody like myself and when I die, I will die with all my rights. I cannot sue, I cannot be sued and I cannot make an agreement.

We have other types of persons, Mr. Speaker; we have person who is called an artificial person, that is the public company and that one is recognized as the legal entity and it has rights to own property, it has rights to sue and it has rights to be sued. Then the other one is about corporate and institution. When we talk of corporate, we talk of the State and the Counties. Those are the persons who are recognized by the law.

When we talk of these institutions, according to law this institution is not legal entity and cannot own property. The property, the title deed is supposed to be issued to the County Government of Machakos, not that particular institution. It is good that we advise the right thing. So, according to your recommendation you will say that we have the title deed transferred or obtained to that institution; that is not going to be allowed in the law.

So, Mr. Speaker, I want to support this Motion and I will urge the House once more, kindly let us join hands and save this institution and any other institution which is underperforming. Thank you, very much Mr. Speaker.

(Applause)

Hon. Deputy Speaker: I think I am going to take about a maximum of three more. One on this side and two on that side. So, let me finish with the one on this side. The Hon. MCA for Kiima Kimwe.

Hon. Mule: Thank you, Mr. Speaker. I stand to commend a good work that the Agriculture team did, it is quite commendable and I would like to talk something little about Kiima Kimwe, the residents of Kiima Kimwe. It is not clear and it has been a court battle in and out of this land. People of Kiima Kimwe think and feel they own a portion of that land and the case has been in court and it has really dragged for quite some time. So, if the court processes would fasten and give a verdict of this portion of land it could be good.

I am not defending land grabbers but I would like the court to hasten the process and give them the piece of land that belongs to them and again the institution to fence what belongs to the institution. It is a good institution which is really dilapidated and dying and part of it lies in my area, part of it in Mua Ward, part of it in Machakos Central. So, we share all that good facility that is dilapidated.

I am in support of the Chief Officer to account for the funds that have not been accounted for.

(Applause)

I wish the Agriculture Committee would summon this officer and account for this and maybe, Mr. Speaker, we should give them a time line and re-visit this issue at a later date so that we know where we are and where we are going; let us not stop there.

(Applause)

Again, Mr. Chairman of Agriculture committee, I really want to applaud you for this when you say that we need additional funds for the facility; I really back you on that and I am happy that this report has really come in good time so that we can know, you know our area does not rain properly and through this research, we can know the types of seeds or what to plant in our areas that do not have proper rainfall. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, very much Hon. Caleb. Hon. King'ang'i.

Hon. Muendo: Thank you, Mr. Speaker. Let me first start by thanking the Committee for Agriculture---

Hon. Deputy Speaker: Just a minute. Yes Hon. Francis Ngunga, there is a point of information.

Hon. Ngunga: Yes, Mr. Speaker. I wanted this House to take note of what Hon. Caleb has picked up and probably so that we may be able to save the institution. I am aware that there is a land battle that has been between the residents and the County Government that has dragged for so long and I believe this House that it is the high time that they also requested a statement to get to know the status of that matter because as it is right now, we do not know whether the land that institution rests on, actually including where we have the showground, where we have the Governor's office and all those amenities; whether they are actually in private land because the residents of Kiima Kimwe have been asking and have been agitating that, that is their land.

As it is, a delegation of the residents' leaders from Kiima Kimwe came to my office and they were saying that they have been able to obtain orders to the effect that they are the legal owners of that land. So, as it is Mr. Speaker, I think these House will need to get clarification from both the Department of Lands and the concerned department to get to establish the status of that land. So, Mr. Speaker, let the House get informed. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, for that information. Hon. Mark Muendo.

Hon. Muendo: Thank you, Mr. Speaker. Let me start by thanking the Agriculture Committee under Hon. Mitaa for this report. I think this report was overdue because we all know about the ATC; we all know that without this research and training, there is no much you can do in agriculture. So, first this is a very important institution. It happened that sometimes back I was in the Ministry of Agriculture and most of the time you would find farmers in other areas are trained every year twice through these institutions because that is where you find because of climate changes, these institutions do research for the seeds, for the farmers, they do research on the fertilizer to be applied, they do research to the right seeds which are supposed to be given to the farmers.

For example, in our County you find there is a lot of money given to the seeds and they say we are giving seeds but it is only that institution which can tell whether the seeds are certified by KEPHIS or they are right to be planted in Machakos because seeds come in different areas with the climate conditions which suit the seeds.

So, for me when I look at this because this is not an institution which is far, it is a place where we pass by every day, this is what we used to call Katumani, people who have been there like the Minority Leader, they know how it used to be, they used to do research on sorghum, they used to do research on cassava. I have personally benefited on ndengu from there sometimes about 10 years ago; that is the time we used to say Katumani when we used to have great scientists like Dr. Ikombo from Mwala, and let me say, when you look at an Institution like this going down and since we also go to other Counties.

The one of Makueni which is at a place called Kwa-Kathoka, when you go there you find activities going on, the County is funding fully; it actually like a hotel and when you are in Makueni you can spend a night there, is only Ksh. 1,500.

If this County can actually handle that whole facility we have for research and for training, we can be getting a lot of revenue from that institution. When I was going through the report, Mr. Speaker, you can look at page 13, in 2013/2014, the target collection was Ksh. 2.3 billion but only Ksh. 1.17 billion was raised. That cannot be little money by any language. If that revenue comes to this County, you will see a lot of changes.

So, I recommend that the Committees, including my committee of implementation, we should move with speed, PAIC should move with speed and then also when the budget is coming to this House which is soon, Mr. Speaker, we must look to allocate sufficient funds for that institution, Mr. Speaker.

(Applause)

Like Hon. Ndawa said, these are institutions which contribute much on poverty eradication, on food security. Today we are talking about maize only, today the best nutrition, ugali is from cassava which normally do well here but since the institutions are dead, you cannot know which cassava to plant.

The best nutritional food on let us say carbohydrates is in sorghum. Nobody plants sorghum nowadays, why? Because the institution is dead. That is where we used to go and get the right Katumani Muvya; sorry to say but I am very much feeling bad when I see that institution because even Maasais are grazing animals there.

You cannot tell whether it is Government institution or private land. You pass there, everyday; you will see and the Majority Leader is actually a neighbour. So, I am saying, I was in the Ministry of Agriculture and every district used to have these ATCs and when the devolved Government came in, they took over the institutions, they modernized them, even now most of them are acting like hotels like the one of Makueni for them to get revenue.

So, I am in support of the report which was well done by the Committee of Agriculture and I will say, let us not leave this report, let us follow it up, all the committees involved to get up and then recommend the people who misused this Ksh. 10 million, Ksh. 20 million to make a change and show that this House is not like the first House, we are serious. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Okay, let me have the final comment from Hon. Angela, London.

Hon. Munyasya: Thank you, Mr. Speaker. First of all I would like to congratulate the Agriculture Committee. Apparently, the Agriculture committee is very dear to me, I am not a Member of the Committee but I have been invited to sit in the Committee and I have really appreciated the Membership therein and the leadership.

Training of farmers has been lacking in our County, the facilities are there and the Government has put in place mechanism of ensuring that farmers are trained. We have a challenge in that, our farmers are still backward, I use backwards in quotes, in the sense that, until there are rains, our farmers do not know they can harvest.

They always plant as one of the Hon. Members has said, it is maize and beans, maize and beans, when it rains in April, when it rains in September, October and that is the only time they get involved in farming. What I would like to appreciate about the Agriculture Committee is that they have spearheaded a different mechanism, a different way of making farmers aware that they can do something different.

Chicken rearing; to rear chicken, you do not need a whole piece of land, you do not need the rains. With the little water that we get from the County's water supply units, we are able to rear chicken. We get a lot of rainwater going to waste; if that water is harvested and farmers are made aware then, I am sure farmers can really go far and in collaboration with the training center, farmers can be able to have their attitude changed from their traditional farming of maize, beans, ndengu and whatever else that does not really yield because of the shortage of rainfall that we have.

Then they can be sustained and their economic status can be improved since they can be able to rear many chicken. Like if we had the saccos, we have the youth saccos, we have the women saccos, we have church organizations, we have school parents, we know the tradition of our people in the County.

If you call them, they expect you to pay them but we can do it differently without having to spend money, we can use the schools as our platforms, we can use the churches as our platforms to invite farmers for these trainings and to show them even slides. If some people can be trained and they go to the training centers and they can be paid for, the slides can be recorded and we can use projectors to have the farmers at the grassroots, through the schools, through the churches, these farmers can be trained and they can get to learn different ways of farming.

Poverty eradication is one of our core business as leaders here and I am sure many of us have that as there co problem and I am sure you all promised your electorates how you will empower them from being poor people to be self-sustaining. Self-sustenance can be done through agriculture and I am sure together, if this House continues with this kind of commitment and togetherness, we support motions of this nature---

(Applause)

We support Motions that will elevate poverty in the grassroots then we will be able to achieve and I am sure 100 per cent of the elected Members are capable of coming back if we are united to make the difference. As one person we are not going to do much but if we collaborate the way we are, we are going to make a difference. Let us stop at knowing that our people perish for lack of information. Training is empowering them with information and if we empower them

with this kind of information, we are going to empower them economically and Machakos County will never be the same again. Thank you, Members.

(Applause)

Hon. Deputy Speaker: Thank you, Members for your active participation on this. I will call upon Hon. Mitaa to reply briefly so that we can be able to move on. Hon. Mitaa.

Hon. Mitaa: Thank you, Mr. Speaker. I take this opportunity to thank Hon. Members for their contributions. What I can request is that my colleagues' recommendations that it is time for us now to see what we can rescue; if its resuscitating, we resuscitate and then we benefit our people with resources which we have as a County.

I think as the last contributor Hon. Angela has said, this is the time to make our county move to the right direction and I love the cooperation that we are showing, I love the commitment that we are showing, I love the unity which we are showing and I believe the benefit is to the common mwananchi. Thank you.

Hon. Deputy Speaker: Thank you Hon. Mitaa.

(Question put and agreed to)

(Applause)

Hon. Members before we move on to the next, I just want to put a few comments now that this has been concluded. I think as you humbly discussed and brought forth, agriculture is key in Ukambani and this has been clearly portrayed by the importance with which the Governments of this area are putting key emphasis in agriculture.

If you look at Makueni, the way they are moving in terms of agriculture, putting up factories and dairies; if you go to Kitui, the ndengu issue and you are aware the Governor there has even gone abroad to seek for market for agricultural products. Why? Because primarily Ukambani is primarily an agricultural zone and our people depend on agriculture.

So, the kind of contributions you have put are key in ensuring that our people get the best they can get so that they can be able to do well in agricultural ventures. In Machakos we are lucky because we have the Kenya Agricultural and Livestock Research organization (KALRO) here and we have the ATC, which is supposed to be complimenting KALRO; that shows you the importance with which the Government itself has put emphasis on agriculture in our own area. So, we need to make sure these two institutions are complimenting one another.

Therefore, this report which has been adopted by the House will be utilized by the various committees which have been affected and I am specifically talking about the committee on Lands, committee on Justice; those two will need to come out with a way forward in as far as the ownership is concerned, making sure that we get a report on the demarcation of this land bearing in mind the court cases which he has talked about and lands in terms of making sure that demarcation and separation is done and we have the ownership issued cleared amicably between the concerned parties.

We have the PAIC; you have obviously seen issues which have been raised here of misappropriation of funds. PAIC and Implementation committees should take up this issue of

misappropriation of funds. In Implementation, if the funds were meant for certain projects, they will need to confirm that these projects were either done or not and for PAIC, if it is misappropriation, then the accountability part of it you will take it up.

I believe those four committees working jointly; Lands working with Justice, PAIC working with implementation, we will expect to take this report with you and come up with a report to this House or even a statement in the next 30 days in as far as this issues we have raised. Thank you very much.

I now call upon Hon. Justus Kiteng'u to continue with the next motion.

SUSPENSION OF SAND HARVESTING IN KIVAA WARD

Hon. Kiteng'u: Thank you, Mr. Speaker.

That aware that sand harvesting that aware sand harvesting if not controlled and well managed can lead to environmental degradation;

Aware that sand harvesting in Kivaa ward has led to deterioration of the environment and rivers as the removal of sand results to destruction of underground aquifers;

Further aware that most of the sand loaders are school dropouts hence affecting education standards in the community;

Aware that the average trucks that carry the sand, with time, destroy the roads and bridges which have not been constructed to accommodate them;

Aware that the Article 42(b) of the Constitution states that every person has the right to clean and healthy environment which includes the right to have the environment protected for the benefit of present and future generation through legislative measures;

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

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

Mr. Speaker, I wish to give notice of the motion that this House resolves as follows:-

1. That the sand harvesting activities in Kivaa ward be suspended for a period of five years as they have led to environmental degradation and danger to human life and are detrimental to public health.
2. The County enforcement department in collaboration with national law enforcement agencies ensures that the suspension is implemented.
3. That the department of finance and revenue collection cancels sand transportation permits for any sand transporter who harvests sand from Kivaa ward during the period of suspension.

Thank you, Mr. Speaker. I call upon Hon. Tariq Mulatya to second my motion. Thank you.

Hon. Mulatya: Thank you, Mr. Speaker, Sir. I second this motion.

Deputy Speaker: Thank you, Hon. Kiteng'u and Hon. Mulatya.

(Question proposed)

Members you may debate on this motion. Hon. Nyanzi.

Hon. Nyanzi: Mimi, tulikuwa na wewe kwa County Commissioner na viongozi wengine na tulipokuwa tukiongea kuhusu sand harvesting nikalalamika juu ya Kalama. Changarawe katika wodi ya Kalama inachimbwa kutoka kwa mashamba na shamba ziko na mashimo kubwa sama kama hii nyumba hii. Na environment ya huko hata sijui miaka ijayo watu watalima wapi na wanaendelea kupewa permit kutoka kwa hizi ofisi hapa.

Wakati nilikuwa nataka kuleta motion ya Kalama peke yake, nikaambiwa inaweza kushikana pamoja na hii. Kama ya Kivaa inafungwa hata ya Kalama ifungwe kwa miaka mitano. Mimi nasimama kuunga mkono hii motion. Asante sana.

(Applause)

Hon. Museku: Hon. Caleb.

Hon. Mule: Thank Mr. Speaker. I would like to move an amendment to this motion to read 'the activity of sand harvesting in Kivaa, Kalama and Kiima Kimwe' if it is possible, and I call upon---

Hon. Deputy Speaker: Point of order from Hon. Ndawa.

Hon. Ndawa: I am standing on point of Order 52, which says if a Member wants to amend a motion, he or she has to notify the Speaker two hours before the motion lands in the House.

Hon. Deputy Speaker: Point of information.

Hon. Mulatya: Mr. Speaker, I would like to guide the Hon. Member for Matuu that the same Standing Order 52(2) says that despite paragraph one, the Speaker may in exceptional circumstances, allow a Member to move amendment of a motion before the House at any time during consideration of that Motion.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Members, for that direction and pointing out the Standing Orders. This is an issue which is affecting almost all wards; what I would like us to do here today, because the Motion has been moved by Hon. Kiteng'u, I would like us to ventilate on it, bring out the issues the issues we want pertaining sand harvesting and then I will make a ruling on how the motion itself is going to be done.

Let us discuss the motion on the issues of sand harvesting in Kivaa or sand harvesting generally. Hon. Jeremiah.

Hon. Munguti: Thank you, Mr. Speaker---

Hon. Deputy Speaker: The point of order is to who?

Hon. Munguti: It is to the Hon. Member who has just talked.

Hon. Deputy Speaker: A point of order is supposed to be raised when the Member is in the floor so please sit down. Hon. Rozina

Hon. (Ms.) Kanini: Thank you, Mr. Speaker. I come from Kalama and we still have the same challenge facing the people of Kivaa as Hon. Nyanzi has put it. I want to support the motion by saying that many of the youths who engage in sand harvesting mostly drop out of school to engage in this activity. So, by burning this, we can also rescue the water table. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much Hon. Rozina. Hon. Fred.

Hon. Muthoka: Thank you, Mr. Speaker. I support this motion; this is a great great motion. Thank you, Mr. Morey from Kivaa ward. It is not only in Kivaa ward, even in Mitaboni and I think Machakos County. We have seen our neighbor Kitui, the Governor has stood very firm against this sand harvesting and charcoal burning. We have also seen our neighbor counties, Kiambu; they are feeling bad but we want to protect our society and our youth. This is the high time not only to ban in Kivaa ward but we ban sand harvesting in Machakos County until we put proper legislation, rules and supervisions.

(Applause)

We are not saying sand harvesting is bad but we don't have any laws. Even now, on the roadside, people are harvesting sand; you break down the roads and these youths are not using them properly. Most of the money goes to bhang, *kalikali*, gambling and so, this is the high time Machakos County entirely bans sand harvesting. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Whip.

Hon. Mulatya: Thank you, Mr. Speaker. It is my request to this House that this Motion is moved to the relevant committee so that they can do investigations; because some of our Hon. Members, when we are making this kind of motion which is long overdue, there are also some of us who attached to this kind of business. So, I would request this House; this motion to go to the relevant committee, they do the investigations and ban sand harvesting in Machakos county completely. Thank you, Mr. Speaker,

Hon. Deputy Speaker: Thank you for your contribution. Hon. Nziva.

Hon. (Ms.) Nziva: Mr. Speaker, I stand to applaud the mover of this motion- Hon. Kiteng'u, because it has come timely and it cuts across all the wards. Like in my ward, I am one of the Members who are affected by sand harvesting and I think what we are supposed to do because most of the people do sand scooping not sand harvesting, I think the locals can do the sand harvesting because it is a must we build our churches and schools and the likes. What we

are not supposed to do is sand scooping and selling the sand to various destinations like Nairobi and the rest.

Like my fellow Whip has suggested, I am requesting that the motion can go to the environment committee and they can deliberate on the same and they can benchmark in Makueni and Kitui who are doing well on the same and come up with things which can help this great county. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Constance.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker, Sir. I want to appreciate the work they have done and the Hon. Member who moved this Motion and his committee. It is an overdue motion but as we move on to it, I think we also have a challenge; it is not a small thing to do. As Mheshimiwa said, some of us have those lorries; I don't have but I know people who have, it is also their business and I would also wish Hon. Members to remember, you are also building, so when we are banning this for five years, do we have an alternative because I am sure we are all building or doing something with that sand.

Hon. Deputy Speaker: Point of information from Hon. Tariq.

Hon. Mulatya: Yes, I would like to inform the Hon. Member that we have an alternative of de-silting. We have Masinga dam, Kindaruma dam, Kiambere dam and so the dams are filled with sand. So, we have an alternative; we can block all our rivers and direct all lorries to go there and get the de-silted sand to save our water. Thank you, Mr. Speaker.

Hon. Deputy Speaker: That is a point of information. You may continue; you are the one on the floor.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker. In fact, he has provided an alternative; considering school, churches---

Hon. Deputy Speaker: Point of information.

Hon. Mule: She asked for an alternative of sand; the alternative of sand is quarry dust or quarry sand which is used and it is good.

Hon. Deputy Speaker: Thank you for that information. You may conclude Hon. Constance.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker. I think I am done, because an alternative is coming up and we need to act as soon as possible. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Kamitu.

Hon. Kamitu: Thank you very much, Hon. Speaker. With due respect, I would not even suggest; I would request your guidance in this on the motion on the floor in regard to what is

happening within Machakos County touching on environmental issues and repercussions as a result of sand scooping or sand harvesting whichever way; our land is seriously being affected because areas are being eroded, you have heard Members talking of school going children leaving schools to go for sand harvesting.

My humble request, Hon. Speaker is that there is a Sand Harvesting Act which was passed by the previous Assembly; we should ask the relevant committees to sit down with our secretariat so that we may come up with the best policies regarding this exercise. You are aware, Mr. Speaker that we have Machakos business people who have lorries and businesses and for us to be seen to be following the right policies is that our secretariat should sit down, our legal officers together with various committee should come up with the best policy.

If it is banning it should be banning. Without much ado, I don't want to hinder Members contributing, but that should be the right direction. We sit down and exchange and see, as an Act where did we go right or wrong so that we may now take the right direction for the purpose of stopping and preventing soil erosion. If you walk around Machakos County, I don't think there are areas I do not know; as a policeman I used to work in Machakos and I know areas that were very good for agriculture but now they are drying up because of soil erosion, we have big gullies and the like.

So with that effect, let us go for the best policies then we can see what is right for us the benefit of our land and environmental situations in the county. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Steve.

Hon. Mwanthi: Mr. Speaker, I do support this Motion as it came to the House; we support Hon. Kiteng'u. I have been to Kivaa and seen the situation there; residents there are protecting their rivers from this menace and the issue there is sand scooping and not sand harvesting. These are two different things and this Hon. House should think of and see as it is because when we say we will ban and yet we say the alternative that we have is dams; that means we do not have an option. Banning means, there is not that business.

It is also good and I also support Hon. Kamitu that there is the Act that was passed by the last Assembly in 2014; it is good we go through it through the relevant committee and we come up with a policy. We are not supposed to do something just because another county has done or something like that; it is also good we know why they have done this.

For example, if you go to Kitui, the Governor is talking of sand scooping against sand harvesting. The County will be harvesting, maybe two feet because at the end of the day, I have a case in Makeni, whoever has been traveling if you go to Voi, you will find sand being scooped in Voi and being sold to Mombasa.

Go to River Sabaki in Malindi and you will find in Mombasa they are building using the same sand. So it is good we come with a policy; let us start from the top of the mountains, how the sand gets in to the rivers and educate our residents on how to have gabions and plant trees. That way, we will not get the sand in these rivers; the little that will come to the rivers, we also need to have gabions on those rivers.

When the sand is full, that is when the sand harvesting starts. It should be between the residents who are there to make sure that they don't lose the water but if we just stand and say we ban sand harvesting and the rivers are talking the same sand to; for example, if we talk of Kindaruma dam, it got sand from the top of our mountains, through those rivers and the sand went to those dams.

Why should we allow all these; why can we talk to the residents, educate them and train them on how to protect the sand to reach the rivers, when it reaches the rivers we have gabions to protect all these and that way we will be getting enough water for our people and the surplus may be harvested. I support that we take this matter to the relevant committee so that they may go through it and come up with a good report.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Members, I know this issue is close to many of you but we have to make time considerations. This House operates within specific times and we are nearing the end of that time.

(Question put and agreed to)

(Applause)

I would like to give a direction on this motion; we have several issues affecting all wards, Members have also mentioned we have the Sand Harvesting Act which was passed by the previous Assembly, touching on the same issue. You are also aware that our neighboring counties, Kitui and Makueni, have come up with policies regarding sand harvesting and they have been successful in curbing sand harvesting activities in various areas.

Personally, in my ward, there are very many people who like harvesting sand, boys whose livelihood is harvesting sand and they have resulted into gullies and I normally tell them, I cannot go with them to Makueni because I want them to be alive. If I go with them to Makueni and they see the rivers full of sand, they will definitely faint because they will be saying 'how many *Kungias* (Isuzu CXZ) can we be able to get from here.'

This motion will be committed to Environment committee and Justice and legal affairs committee to look into the issue of banning sand harvesting in the County.

(Applause)

The reason I have talked about Justice Committee is because we have the Sand Harvesting Act which needs to be looked. The Committee is to consider all wards where sand harvesting needs to be suspended, benchmark with other counties including Kitui and Makueni. When looking at this Act, look at the various alternatives as has been suggested by various Members in this House.

We got suggestions like de-silting dams, quarry dust and sand, all those things; you need to put them in to consideration when you are bringing the report before the House. This House expects recommendations to be brought by the 21st March, 2018.

ADJOURNMENT

Hon. Deputy Speaker: With that, Members, the House stands adjourned until Wednesday, 21st February, 2018 at 2.30 p.m. Thank you.

The House rose at 12.23 p.m.