

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

**Wednesday, 4<sup>th</sup> September, 2019**

The House met at 2.35 p.m.

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

**PRAYERS**

**Hon. Speaker:** Good afternoon, Hon. Members. We have our afternoon sitting today and I call upon the Clerk at the Table to start on the Order Paper.

**COMMUNICATION FROM THE CHAIR**  
**CASA GAMES**

**Hon. Speaker:** Hon. Members, under this Order, I have a brief communication and it is on the CASA games. I believe all of you are aware that towards the end of this month, we are going to have the CASA games as it is the tradition of County Assemblies. You remember the venue is Eldoret and the date is 27<sup>th</sup> of September if I get it right. So, what I am calling upon you is to work harder, particularly on practice.

I know a number of you have registered in different disciplines so that we have a representation of this Assembly. I know there is a challenge now that we are in session about the timings we do the practice in the afternoons, so we shall do the balloting of the business in such a manner that Members will be able to transact business in the afternoon and then also do attend to practice in the games because of course if we do not practice then you will not get any trophy. Thank you. Mr. Clerk, proceed.

**STATEMENT**  
**POLLUTION OF RIVER ATHI**

**Hon. Speaker:** Hon. Members, under this Order, we have one business by the Hon. Angela Munyasya. Hon. Angela.

**Hon. (Ms.) Munyasya:** Thank you, Madam Speaker. Hon. Speaker, pursuant to Standing Order 41, I wish to seek a Statement through the relevant CEC on what the County Government of Machakos is doing or has done in regard to pollution of River Athi especially within Mlolongo and Athi River areas where raw sewerage, industrial waste and medical waste are disposed off directly into the river. This results into contamination of the water, hence a negative impact on the

residents who use the water for domestic purposes, and the aquatic plants and animals. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Angela. Hon. Members, this is a statement being sought and the Hon. Member has directed it to the office that she believes needs to address the issue and normally for statements, Members have an opportunity of making comments before the matter is committed to the relevant office. Do we have any Member who wants to comment on this? Hon. Majority, where are you seated? Have you decided to relinquish a seat?

**Hon. Muendo:** No Madam Speaker, I was feeling cold there because in the front bench there is no one.

*(Laughter)*

Thank you, Madam Speaker---

**Hon. Speaker:** *Mheshimiwa* Angela is providing---

**Hon. Muendo:** Of course, of course.

**Hon. Speaker:** Proceed.

**Hon. Muendo:** Thank you, Madam Speaker. Let me congratulate the mover of this statement and let me say those people who live in Machakos, they know and they can see what is happening in our River, Athi River, especially when you are crossing the bridge. Madam Speaker, let me say that we do not have water there; what is in that river is a sewer.

Madam Speaker, it makes me feel as if I am not living in Machakos and I do not belong to Machakos when I see the County Government of Machakos and most of the senior most Executive Officers pass there every day. Madam Speaker, we Hon. Members who come from Mavoko are feeling that our people are going to be dead by 2022 if we continue leaving that river to be in that state. Today Madam Speaker, I was talking with Hon. Kisini and I was telling him that there is not going to be enough votes for him if we continue leaving that river the way it is.

Madam Speaker, you can see a lot of activities when you are crossing the river; there is farming going on. I will urge the County Government of Machakos, the Executive, to move very fast and stop that farming of those *sukumus* being grown around there. The other issue Madam Speaker is, the waste which is coming from industries, although we are saying the industries have employed our people, the death rate is very high. Let me tell you in this House that the Thwake Dam is being constructed and the people of Makueni have started doing arrangements of taking County Government of Machakos to court because of that pollution because they are saying you cannot do a dam of over Ksh. 20 billion and it is polluted.

Definitely Madam Speaker, you are aware even of the irrigation going on around the Kinanie area. It is making our people get sick because they are consuming the same vegetables that are coming from that polluted river. Let me say Madam Speaker, the pollution of River Athi is man-made; we all know and mostly the companies which pollute the River Athi, we must make sure that immediately like yesterday we close those factories. Let me say corruption is also eating our people because you find most of the companies which we know, they sometimes give out money for them to put the waste in our river.

Madam Speaker, let this House be seen they care for their people. I would like to organize a visit of the whole House and issue a statement on the site on the bridge; let us move there all of us and have a statement on the bridge of River Athi so that we can cause a bit of traffic for the people to understand what we are talking about. This river is killing people in Machakos, Makueni and it is killing people in Kitui and it is a concern.

This is a very serious matter. Therefore, Hon. Members, we have to have a day we move there and make our statement because our people are going to die and if they die, you know we lose votes. Therefore, I support the statement and let us move very fast as a House. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Majority Leader. Hon. Kisila.

**Hon. Kisila:** Thank you, Madam Speaker. I would like to support the statement by my sister *Mheshimiwa* Munyasya. In fact, *Mheshimiwa* Majority has dealt so much on upper Athi. Now in the history of River Athi, there are two main tributaries of River Athi. The one coming from Athi River, there is River Juja and there is River Ruiru. Madam Speaker, if you go to my brother's, *Mheshimiwa* Huruma, Mbiuni, through my Ward, the entire River now is completely green and the main reason on top of what *Mheshimiwa* King'ang'i has said, is the discharge of raw waste by factories in Thika including sisal waste.

This morning Madam Speaker, I have land next to River Athi and the fish is dying and our people are actually not fetching the water. You cannot even use that water for irrigation anymore because the minute you use that water for irrigation the soil becomes alkaline and complete waste. In fact Madam Speaker, this is a national disaster and I think the people upfront in the Upper Athi, do not understand what they are doing to our people.

I think it is the high time we take a very strong stand as a County and actually go and seek the highest office in this land, including the President, because our people are going to die. In fact if not dying now and most of the diseases we are facing.....this morning I passed through Chawango Health Centre; we are having very serious skin diseases. There are those people living and using the water for bathing and domestic use.

So, Madam Speaker, this statement is timely and I think we really need to make a very strong statement as an Assembly through you, through the Executive and through all other means including demonstrations because I think that is the language people understand. If we do not do that, then our people are going to die. So, Madam Speaker, I strongly support that statement and I think very urgent measures need to be taken now, not tomorrow. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kisila. Hon. Kamitu.

**Hon. Kamitu:** Thank you very much Madam Speaker. Madam Speaker in addition to the statements made by the Majority leader and Hon. Brian, I want to give a plain picture of exactly what is happening geographically in rivers that are tributaries to the main Athi River. Madam Speaker, I have been the Operation Commander in charge of Nairobi operations when I was in the police and all the tributaries, all the rivers passing through Nairobi call it Nairobi River which passes through Kamukunji, Ngong River which passes through Embakasi and Ruaka River which passes past GSU Headquarters.

We have another river after Ruaraka; all those Rivers Madam Speaker pass through Mathare, call it through Nairobi. So, in the sense, all the rivers within the Industrial Area within

Nairobi are main tributaries of Athi River and that is the lower Athi River which joins the main Athi River or the upper Athi River before Oldonyo Sabuk.

In that sense Madam Speaker, Machakos County has what Majority has said, he has talked about the upper Athi River which is a tributary from Kerarapon in Ngong Hills and during the dry season, the upper Athi River had become dry in the sense that when you are even passing the bridge from Nairobi to Kangundo, the river seems to be dry but when you are crossing the river from Oldonyo Sabuk, it is a flowing river, it is not a stream river. So, it is the river now that carries all the dirt from the Nairobi Industrial area and the likes.

So, my contribution Madam Speaker, is now a coordinated effort of Machakos County and Nairobi County because in the sense, even if we try to curb or we try to check on our upper Athi River, the main tributary of water that now flows through Machakos, Kitui to Makueni, those are the main tributaries that are really being connected by the rivers within Nairobi. So, we have to make some coordinated efforts within Machakos County and Nairobi.

Otherwise, it is a good move by Hon. Munyasya because even in yesterday's news, we heard of the fish that were seen alongside the Athi River Bridge by the Hon. Member and there was a remark that was commenced (??) by the Hon. *Mheshimiwa* from Mavoko. So in that sense or in that coordination, we should start on that and we should move out as an Assembly to ensure that our people are not endangered further than what is happening now. Otherwise, thank you, Madam Speaker.

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

**Hon. Masesi:** Thank you, Madam Speaker. I stand to support the statement by Hon. Angela bearing in mind that we honor that we have been on the media for the last two weeks. I want to believe when the Executive is being attacked left, right, center, we are also being attacked as legislators. I was proposing that if it is possible, we can do a major site visit on Monday for the whole House and give our stand as the County Government of Machakos County Assembly and again let us give priority to the factories which are within our jurisdiction so that at least we can start from somewhere and then we can engage the other counties which we want to believe some of the wastes are originating from their jurisdiction.

Otherwise Madam Speaker, we even risk our residents being sold the dead fish. People are desperate and anyone can go and pick those dead fish and sell to our people. So, it is good and it will be prudent for us to move as fast as possible, Madam Speaker. Otherwise, I stand to support the statement. Thank you.

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

**Hon. Mueni:** Thank you, Madam Speaker. Mine is to say that it is not Mavoko people who are suffering but also the people of Katangi from Mheshimiwa because they are all the time in the hospital suffering from stomach aches. So, I ask we do something even going down to say that everything is in order because even ourselves we are now going outside to go and buy the *sukuma* in the *soko* and they are from there. We are all dying, not just the people; we are also dying before even 2022 and you can hear everybody talking about 2022---

*(Laughter)*

How will you get to see 2022 with all that? So, we ask Madam Speaker so that we can go to Mavoko and do something so that we can be capable of our lives in the future.

**Hon. Speaker:** Thank you. Hon. Kisini; very brief statements from the Hon. Members who wish to express themselves on this. This is not a debate. Remember we are not going to vote; we just want to hear sentiments.

**Hon. Kisini:** Thank you, Madam Speaker. I want to first congratulate the Hon. Member who brought that statement and I want to say that all the sentiments that have been brought here in this House are true. Briefly Madam Speaker as they have said, I want to say that, as a Committee of Environment, we have visited that river twice and there is a report which was to come in this House and I welcome everybody to Athi River since it has been now almost a natural calamity so that we can come and voice about that river. Just to give a small history, yes the problems of Athi River are two: factories which emit effluent to the river and also the sub sewer lines which are as old as when our Hon. Majority Leader was a Councilor there. Those lines are old; those lines have closed up; those lines also emit effluent to the river. So you can see how the menace is.

There is a lagoon which is at Lukenya. It was built when EPZ was being built and they also had built the main sewer line from EPZ which takes the main sewer effluent to those lagoons but because of the EPZ people blocking with rags and misuse, that is one of the reasons why the main sewer gets filled up and then the overflow goes to the main river.

The other problem is MAVWASCO people are the ones mandated to maintain sewer in Athi River. They cannot afford to maintain those small sewer lines to build the sub sewer lines to the whole Athi River Town. They need money, they need to be pumped from the County Government to revive sub sewers and it is the high time you go there and see for yourselves so that you can also bring a report so that we can save our people. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kisini. Hon. Kiteng'u.

**Hon. Kiteng'u:** Thank you, Hon. Speaker. Hon. Speaker, I am here to support the statement. It is timely and I must attest that I remember the times of Hon. Michuki when we had the same issues on Nairobi River and I remember only what the Minister did was he went ahead for extra miles of being serious and executed his mandate proper. What I would like to ask is, we have the Minister of Environment in Machakos, we have the Chairman, Environment, County Assembly of Machakos and we have the entire Hon. House. We all gang up and make sure we save our rivers.

Hon. Speaker, I do remember very well the same rivers we are using the same water downstream to quench the thirst for our livestock and also we are using the same water for farming. If we are not going to take action on these investors who are investing in our county and they are pouring the chemicals to our environment, spoiling our environment and Madam Speaker, we will be in a bad mess in the future because you understand that we have this cancer virus which is spreading in a high level in our county and Kenya. So, what I can be able to say as a House, let us all unite and make sure that we end this problem which is really spoiling our environment and affecting our community. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Kiteng'u. Hon. Musau.

**Hon. Wambua:** Thank you, Madam Speaker. Madam Speaker, River Athi happened to be the pride of Machakos County serving so many residents and doing very good for the people of Machakos but it has turned to be a death trap; it has turned to be a killer to the people of Machakos County. I would wish to thank my sister, Hon. Angela who happens to come very near from the Athi River and we can say the truth, there is a lot of acreage and farming along that river and we used to farm French beans for export. The same French beans are no longer acceptable in the international market.

They have tested positive for precarious metal elements and for lacking such markets, the farmers there are now producing for local consumption. That means, whatever was rejected outside is now being accepted here locally just to kill our people. It is dangerous; if you check the population served by that river all the way from the Athi River through Matungulu, through Mwala Sub County, downstream Madam Speaker, if a step is not taken immediately, we are going to kill our people completely.

I remember one year or two; the National Assembly Committee on Environment visited the area. I was lucky to be with them and nothing despite how worried they were by how we survived down there, no step has been taken to rectify the situation. It is worrisome; the river is killing the people who should enjoy the resources from that river. I support that the Executive tells Machakos County and this Assembly in particular, what it has done and what it is doing because if the situation is not controlled Madam Speaker, we are also going to be affected because we consume the products from that river. Thank you so much.

**Hon. Speaker:** Thank you Hon. Musau. Hon. Kalumu.

**Hon. Kalumu:** Thank you Madam Speaker for granting me the chance. When God created Adam, he gave him the wisdom and power to govern the earth. Having given that power, we are descendants of Adam and unless we protect our environment, we shall be asked by God the way he asked Cain, ‘where is your brother?’ because we are in authority which is mandated to look into problems of people of Machakos County. Our people are having a problem of lack of conservation and protection of River Athi.

What is in River Athi Madam Speaker is not rain water. It is not a river emanating from any forest; it is pure sewage from all the factories of Nairobi, Thika and other areas where industrial productions are made. What we are doing, we are just looking at our people being affected without saying anything for a long period of time. I won’t say today that it is timely because it has already affected; the escalation of cancer mostly in our county can be shown by the deaths which are occurring every day and every death which is occurring in our county is being connected directly to cancer and the reason is, our people are consuming that raw sewage in terms of drinking water. They are also consuming that same sewer indirectly through the planted vegetables that are being irrigated with the sewer.

So, the solution is in our hands and to raise our voices and say no to those factories which directly effluent in to river Athi and if we don’t do that, then there will come a time when this Assembly and all the Members who are present will be questioned by God. Did you protect your brother? Others will say, ‘am I the protector?’ We are the protectors of our people. So I request this House and the Executive to come with a lot of force and close those factories because we cannot afford to look at an economy growing while our people are dying. The market needs met by the population will die and in the future, we will lack where to take those things.

So we need to close those factories, not even tomorrow; if we can send messages today and say let those ones who are directing sewage to Athi River be closed now, because if we don’t do that, our health department will use a lot of money trying to treat diseases. One of the

Kiswahili sayings says, *usipoziba ufa utajenga ukuta*. That is what we are going to do. Let us build on from now and say no to bad water because water is a right; it is not a privilege. So Madam Speaker, I support my colleague Hon. Munyasya for bringing such a statement today. Thank you Madam Speaker.

**Hon. Speaker:** Thank you Hon. Kalumu, Hon. Alice.

**Hon. (Ms.) Nzioka:** Asante, Bi Spika. Ni hivi majuzi ulihudhuria uvumbuzi wa kituo cha ugonjwa wa saratani na kumbuka vizuri kwenye hotuba yako, ulisema waliotoka na hilo wazo walifanya vizuri lakini ukauliza tufanye kuzuia na tujue chanzo cha ugonjwa wa saratani. Bi Spika usitafute mbali, jambo ambalo tunaongea, mto wa Athi ni chanzo kikuu cha ugonjwa wa saratani. Kemikali ambazo zinaingia kwenye mto Athi zinatumiwa kunyunyiza maji kwenye mboga na ndizo tunatumia. Ukiangalia zile mboga utakuta katika soko ya Athi River, utaziona zina rangi kijani kibichi ambacho sio cha kawaida. Hizo ni kemikali ambazo zinatoka katika viwanda vyetu. Na sisi kama viongozi, wananchi ambao wanatumia, hawana njia ila sisi tutafute. Hilo ni wazo ambalo wewe umekuwa nalo kutafuta kiini.

Sisi kama Bunge tuinuke na kuona kwamba tumeokoa wananchi maana sisi ndio macho na wawakilishi ambao tunawakilisha watu wetu na itakuwa haina haja sisi kukuwa hapa na wananchi wanaendelea kupoteza maisha.

Bi Spika najua wewe ni shahidi; umekutana na umeenda wadi za wagonjwa ambao wana saratani. Huwa na maumivu mengi na baadaye mtu anapoteza maisha. Mto wa Athi tangu kitambo umekuwa na shida; kila wakati utakuta maji kijani kibichi ama maji yamepindua rangi. Bi Spika hebu ona kwamba samaki ambao wako hai wanakufa na sisi tunaona, je mwanadamu ambaye anatomia hiyo maji ama vyakula ambavyo vimenyunyizwa na hayo maji.

Sisi kama Bunge tuamke ili kuonyesha wananchi tunawawakilisha na pia Bi Spika, kumbuka adhari ya maji ambayo yana hizo kemikali si kwa wale tunaowangoza tu; hata sisi, maana nitaenda sokoni, nitanunua sukuma na nyanya na hata umekuwa ukiangalia nyanya ambazo zinakuzwa. Utaona sio ile rangi nyekundu ya nyanya; imepindua rangi ina rangi ambayo huwezi hata elewa, kuonyesha kuna sababu mbaya ama maji ama kemikali.

Kwa hivyo, sisi kama Bunge tuamke na kuona kwamba tumeangalia, maana hilo ni janga. Tunazuia watu wasife na tunaona sababu; kwa hivyo tuamke, na kuna viwanda kama sehemu ya juu ya Athi River karibu na kiwanda cha simiti cha Portland; kuna factory ya ngozi ya zamani hapo ilikuwa inaitwa Alfarama na hayo maji yote yanateremka kuingia mtoni. Kwa hivyo Bi Spika, naunga mkono hiyo taarifa ambayo Mheshimiwa Munyasya ameleta. Kwa hivyo sisi kama bunge tufanye haraka tuone wananchi wetu tumewaokoa. Asante.

**Hon. Speaker:** Thank you Mheshimiwa Alice. Mheshimiwa Ngunga, you have decided to forget about your desire to contribute?

**Hon. Ngunga:** No I haven't forgotten Madam Speaker but I thought since this was just a statement, generally the feelings of the Members captured here would naturally capture what we wanted to say but just to say that again, while we are talking about the pollution of Athi River, we can even extend that to think about the other small rivers that we have because we are talking about lack of planning, Madam Speaker. You realize that Madam Speaker, even in Machakos town where we are now, there is a big problem. Even when the rains come, all the rains wash away the dirt that is around and empty that in the rivers downstream.

The other day Mheshimiwa Nyanzi was haggling around with the County Government about even a planned sewer line that they intend to do downstream. That again affects the people that are on the lower side. So, generally there is the general feeling of lack of planning and it is said that if you fail to plan, you have already failed. Madam Speaker, somebody has noted that we are headed to doom as a country because downstream, we are doing a very big dam, Thwake Dam, and somebody actually mentioned that we are likely to be capturing effluent in the form of we are doing water but it is effluent we are collecting downstream.

Naturally after sometime, Hon. Mueni has captured it well, we might be here talking about 2022 that we are not likely to see. So Madam Speaker, I think it is very urgent and I want to agree with Hon. Masesi that as a House, we need to visit there. We also need to see whether it is possible to have an inter-county sitting between Machakos County and Nairobi County and see what urgent measures need to be put in place. One of it for example, we might be talking about development; development that injures the population is actually not development.

When you are talking about these mushrooming industries that we have around the Kinanie area, Athi River area, there is a problem. Who approves those industries? We have authorities who are there that are supposed to be approving this and I think it is them that have failed. Madam Speaker, I think the CEC should be able to come here and give us what they are doing and the House again should also take it upon themselves to also see what measures we also need to put in place to ensure that our population does not die. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Ngunga. Hon. Kaloki.

**Hon. Kaloki:** Thank you Madam Speaker. I think a lot has been said and it is the high time this statement is given the urgency it deserves. I am in possession of a petition that was shared with me by a friend looking for a million signatures; a petition to His Excellency the President of the Republic of Kenya and it is actually talking about the same thing; River Athi, River Chania, River Galana; there are several rivers that have been mentioned. Nairobi River, River Sabaki and the counties concerned are Machakos, Kilifi and Makueni among others.

So it appears like it is a countrywide outcry over the pollution of our rivers. My question is, where has the County Government of Machakos been for this to have reached this far? It is high time we also do a petition, we append our signatures through the relevant committee-Environment; we do a similar petition to the Governor and his CECs, we list down our grievances and we take serious and urgent action on this matter without any further delay. Thank you Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ikusya. Hon. Maitha.

**Hon. Maitha:** Thank you Madam Speaker. I want to thank the Hon. Member who is seeking this statement. It is not only Athi River, Kinanie and Mlolongo wards whose people are suffering because of the sewage water from Athi River but also those wards where Athi River borders. When we cross Athi River from Joska, you find there is no water there, but if you go downstream to Ol Donyo Sabuk, there is a lot of water flowing. Madam Speaker, that water is the sewage which is coming from factories in Ruiru in Kiambu County. Those people from Kiambu and even Nairobi are not drinking water from River Athi, they get water from Sasumua Dam and other areas where the water is purified.

Madam Speaker, the fish we eat from Tala Market, from Kyeleni, from Ol Donyo Sabuk, from Kisukioni, all those market places, that fish comes from Athi River. The fish is



contaminated and it is being sold and people are eating, not knowing that they are contaminated. Madam Speaker, when I was a Member of Parliament, I helped to build Kayatta Canal and Kayatta gets its water from River Athi. In fact the vegetables and tomatoes being sold at Tala Market come from that irrigation scheme.

People are eating contaminated food and it is very important we do what Hon. Majority leader has said that; we go and visit those areas; we threaten them or we tell them the truth that our people are suffering and if that is not helping, then we demonstrate like what one Hon. Member has said here because if we are not going to do that as an Assembly, our people are going to suffer and they will continue being sick. Therefore I support that statement Madam Speaker. Thank you.

**Hon. Speaker:** Members, please remember to be very brief. There is a special reason why I decided to let every Member who wants to contribute do it. This is a matter of life and death for the people you represent and that is why I have given it more time than any other statement we have had if you have noted. So those who are going to contribute, please be brief. Don't repeat what has been said because we have it on record but it is also good that your sentiments be captured. Hon. King'ori.

**Hon. King'ori:** Thank you Madam Speaker. I also want to contribute on the matter because what is at hand is quite unique but after checking what the Kenyan law says and what is passed by the environment laws, there is a gap with NEMA which is mandated to protect our people because they usually give once in a life time license so that if you get a NEMA license today, you will never again be asked to get a new license. That is where we are starting to fail because NEMA is not working for our own people. We need to ask the Executive, when giving licenses, it should also conduct public participation as required by the Act of 2016 which was passed by the National Government and also passed here by our own people; so that we can get it right.

When I asked something about Athi, because it passes through Muthwani, I wanted to know why some areas have water and others don't, and came to notice that the people who are near the sewage line in Kinanie are the ones who are getting water. So we are getting water directly from the sewage which is Kinanie and which also borders my area. That is when I asked, do you know the risk we are going through when we are consuming our vegetables and fruits which are grown in Ngelani and some parts of Kinanie. I understand now that NEMA can't help us because it doesn't have the capacity to do it because they don't have anything else to do.

Until we use our County Government, the area of environment is partially devolved and they are taking our duties slowly by slowly like the way they gave license for dumping of poisonous items in my ward. There is asbestos which was dumped near the river in Kilili area and which is very dangerous and if you consume just a little of it, it is a straight way of getting cancer and that is why we are having so many cases in our area because now the effluent that is coming from asbestos has started to flow back into the river.

So we are killing our people slowly but now, just because the people mandated to guide our Kenyan lives have no capacity to stop those rogue business people; those rogue people who spoil our environment. So the County Government of Machakos should take the lead by making sure nobody should be given licenses until they have been audited for whatever duty they are doing so that we can enforce the law because NEMA can't do it because they have already given them the license to do work and they give it once in a life time. Thank you Madam Speaker.

**Hon. Speaker:** Thank you, Hon. King'ori. Hon. Nyanzi.

**Hon. Nyanzi:** Asante, Madam Speaker.

**Hon. Speaker:** Sorry Hon. Nyanzi; Clerks at the Table, make sure that a Member doesn't have to move from their seat to go and contribute because these systems are not working. Hon. Nyanzi, proceed.

**Hon. Nyanzi:** Mimi nina support vile msheshimiwa ameleta hii motion na imetaja kwamba mnataka county nzima itembee huko. Mimi juzi tuliitwa na serikali, sub county yetu hapa sote waheshimiwa na County Commissioner na watu wa Ministry ya Health, na walisema wametupatia 2.3 billion ya kutengeneza Miwongo Dam na over nine million ya kutengeneza sewage hapa Ikiwe River na nikasema watu wa Ikiwe hawajaeleza sawa sawa kujenga hiyo kitu. Na nikauliza kama wanaweza pelekwa mpaka Nyeri au Kisumu mahali iko sewage vile inatengenezwa na nikaambiwa ni sawa sawa pesa ziko.

Wakaingia mabasi tatu, watu 200 tukaenda mpaka Nyeri, tukaona vile sewage inatengenezwa mpaka vile samaki zinatengenezwa na tukakula na hao watu wote na wakasema watakuja kuambia wananchi wa hapa kwetu Kalama vile iko hata Muvuti sehemu ya mwenzangu hapa. Walipokuja, raia wakaulizwa, mliona namna gani?

Wakasema walikuwa na mikutano usiku. Mzee mmoja alisimama akasema, 'mimi niko na miaka 95 nikikunywa hii maji na sijakuwa na ugonjwa.' Mwingine akauliza kama kuna mtu anaweza kunywa hii maji, akasema 'ndio niko hapa.' Mzee akaingia kwa maji akainama akakunywa mpaka tumbo ikajaa.

*(Laughter)*

Hii takataka na mavi ambayo iko kwa hii town ilikuwa itengenezewe sewage pale na watu walikataa. Nyinyi mkienda hapa, kuna NGO ambayo imefunga hii mto kutoka pale na hio maji inapigwa inaingia huko inalima matunda ile mzuri na samaki iko pale ile inaletwe hapa; nduma mnakula hapa, nyingi zinatoka hapa. Kwa hivyo kabla hamjaenda kuangalia Wakikuyu na Wajaluo huko wasiikule sana maanake ndio wengi huko, mjiangalie nyinyi hata miaka mitatu tutakuwa tumeanza kuwa wagonjwa.

Sasa nilikuwa nauliza Madam Speaker kama tunaweza hii Bunge iende ijionee na macho maanake watu wa serikali wanashindwa vile watafanya maanake wananchi wa hapo wamekataa, ili mjionee na macho yenu, ili tujue tutafanya nini *and I support this motion.*

*(Applause)*

**Hon. Speaker:** Thank you very much, Hon. Nyanzi. Hon. Nick, unless it is a different issue, the Members who want to say something now, can we end it there because there is going to be more discussions. I know Hon. Dan Mbevi your ward may be one of the culprits on sewerage but we know it so we will be visiting there, we will be coming. Let me just end it there Hon Members, kindly.

What we have noted is that, if I may just summarize, the issue of water and sanitation, the issue of agriculture and food, the issue of health are devolved functions. So when you are discussing this matter, it is your punishment (??) and you must discuss it without fear and with a

lot of conviction and remember, the people out there do not have a voice. It is you who must voice their concerns.

I think you have been noting what is happening on the Mau forest. Hundreds of people and even students waiting to do exams are being evicted or under threat of eviction, why? Because there is need to conserve a water tower there. You have a water tower here which is automatically flowing and you are keeping quiet when the water tower you have is being turned into sewerage.

A *Mheshimiwa* talked of you being the custodian of your people. You see it in the Bible and you also see it in the constitution; you are the representatives of the people and if you do not voice their concerns, who is going to see and do it.

Almost all of you, everyday have been passing through that river at the bridge on the road and you see the water turning dark brown and then a bit of greenish and then black and now I don't know the other colour it is going to be. It is a concern and I see the vegetables that are grown downstream because I come from there and I have called various people in offices to ask why we are allowing this, yet at the same time we need the vegetables, the fruits and fish. So what do we do? We must take action. Let us not lose momentum that Hon. Angela has brought by way of a Statement.

We will refer this matter to two committees: the one on Environment and Natural Resources, Hon. Kisini you have a lot in your hands and also the committee on Devolution and Inter-Governmental Relations. Two committees jointly; why? In the contribution of Members, you have seen that there are several offices that will be involved and County Governments.

Machakos alone cannot manage; even if we clean the area of Athi River town and Mlolongo, what about upstream in Nairobi, what about downstream, Kiambu, where we have been told by one Member that you find that some sections of the river have no water but downstream there is water. Where does it come from? Does the water go down and come up again? But then it comes up dirty; if it goes down, it should come up clean.

We will have to involve Nairobi, Machakos, Kiambu, Kajiado, Kitui and Makueni who are consumers. I understand that Makueni is even threatening to sue us, if they have not yet sued us already, and you will have to involve NEMA and the Ministry of Environment. So what we need to do is keep this momentum and I appreciate the idea of the Assembly, all of it, organized by the joint committee, visiting when it is necessary, where and how. It will make a statement and do not lose it and please make noise for your people and for yourselves. It is very worrisome and we must deal with this matter.

I know it is not little and I have seen some high office saying that they may not have the means to clean the all the metals in the river so what do we say? There must be something that can be done. So let everybody know that you are taking that action and that you are going to bring some change; it will be slow but a change must come.

As to the details on what the joint committee will do, please make your contributions there because you still have a lot more to say and let the public also know; the public you represent to make their contribution and remember this is a matter that is going to involve the CEC Member. Hon. Angela is seeking a Statement from the CEC Member on Environment but that is not enough. I mean, there is very little they can do because we have realized it a very big giant that must be slain by very many people putting their hands together.

*(Applause)*

Thank you very much. So let us proceed on that, Hon. Members. Mr. Clerk, proceed.

**MOTION****FINANCIAL STATEMENTS OF MATUNGULU WATER AND SEWERAGE COMPANY FOR THE YEAR ENDED 30 JUNE, 2017**

**Hon. Speaker:** Hon Members under this order we have one business by Hon Joseph Musau.

**Hon. Musau:** Thank you, Madam Speaker.

Madam Speaker, that aware THAT Article 229(7) of the Constitution states that “Audit Reports shall be submitted to Parliament or the relevant County Assembly;”

Further aware THAT pursuant to Article 229(8) of the Constitution, within three months after receiving an audit report, the Parliament or the County Assembly shall debate and consider the report and take appropriate action;

Cognizant THAT the Committee on Public Accounts and Investments is established pursuant to Standing Order 185 and is mandated to examine reports, accounts and workings of the County Public Investments;

Remembering THAT in March 2019, the Committee undertook interrogation exercise of the Audit Report on Financial Statements of Matungulu Water and Sewerage Company for the year ended 30 June, 2017 and subsequently compiled a report;

Madam Speaker, I wish to move the motion THAT this Hon. House discusses and approves the Report of Auditor General on the Financial Statements of Matungulu Water and Sewerage Company for the year ended 30 June, 2017.

I would wish to call *Mheshimiwa* Alice Nzioka to second this motion.

**Hon. Speaker:** Hon. Alice Nzioka.

**Hon. (Ms.) Nzioka:** Thank you, Madam Speaker. I second the motion.

**Hon. Speaker:** Thank you, Hon. Musau and Hon. Nzioka. Hon. Musau, proceed.

**Hon. Musau:** Thank you, Madam Speaker, once again. I will be a bit faster but comprehensive, Madam Speaker.

Madam Speaker, the report of Auditor General on the Financial Statements of Matungulu Water and Sewerage Company for the year ended 30 June 2017 was received in the office of the Clerk pursuant to Article 229(7) of the Constitution that states that Audit Reports shall be submitted to Parliament or the relevant County Assembly.

The report was committed to Public Accounts and Investments committee pursuant to Standing Order 185(2)(b) and (c) that states that “the Public Accounts and Investments Committee shall be responsible for examination of reports, accounts and workings of the County Public Investments and whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices.

Madam Speaker, the Public Accounts and Investments Committee is established pursuant to Standing order 185(1) and (2), that states that there shall be a select committee to be designated the County Public Accounts and Investment Committee which shall be responsible for: -

- The examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit.
- The examination of the reports, accounts and workings of the County Public Investments;
- The examination, in the context of the autonomy and efficiency of the County Public Investments, whether the affairs of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

Madam Speaker, the Public Accounts and Investment Committee comprises of the following Hon Members:

- |                          |                 |
|--------------------------|-----------------|
| 1. Hon. Joseph Musau     | – Chairperson   |
| 2. Hon. Winfred Mutua    | – V/Chairperson |
| 3. Hon. Agatha Mutunga   | ”               |
| 4. Hon. Alice Nzioka     | ”               |
| 5. Hon. Johana Munyao    | ”               |
| 6. Hon. Josephat Kasyoki | ”               |
| 7. Hon. Peter Mutiso     | ”               |

Madam Speaker, Article 229(5) of the Constitution provides that “the Auditor-General may audit and report on the accounts of any entity that is funded from public funds.” Article 229 (8) of the Constitution states that “within three months after receiving an audit report, the parliament or the County Assembly shall debate and consider the report and take appropriate action.”

Article 201(d) and (e) of the Constitution provides that the principles of public finance includes prudent and responsible use of public money and responsible financial management and clear fiscal reporting.

Article 226(2) of the Constitution states that the accounting officer of a county public entity is accountable to the County Assembly for its financial management.

Article 226(5) of the Constitution is emphatic that “If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not”.

Article 232(1)(a), (e) and (f) of the Constitution provides that values and principles of public service includes high standards of professional ethics, accountability for administrative acts and transparency and provision to the public of timely, accurate information.

Madam Speaker, in March 2019, the committee held a meeting with the Accounting Officer of Matungulu Water and Sewerage Company, who had been accompanied by other officers from the company. The invitation was to respond on various queries raised in the Audit report pursuant to Article 226(2) of the Constitution that provides that the Accounting Officer of a County public entity is accountable to the County Assembly for its financial management.

### *QUERIES RAISED IN THE AUDIT REPORT*

#### *Opening Balances*

Madam Speaker, the statement of financial position reflects total assets and total equities and liabilities of Ksh. 27,656,343, respectively as at 30 June 2017. However, and as reported in

2015/2016, the financial statements for 2013/2014 which were audited by private auditors, the records to confirm the accuracy of the opening balances have to date not been provided for audit scrutiny. Consequently, the validity of the opening balances of the assets and liabilities disclosed in these financial statements cannot be confirmed.

#### *Response*

Madam Speaker, the Accounting Officer responded that Procurement of auditors for the previous audits (2013/14 and prior years) was done based on advice received from the company's principal that is Tanathi Water services board. The Board issued a list of auditors they had prequalified from which the company selected from.

However, from the year 2014/15 the management has been dedicated to submit the financial statements to the office of the Auditor General to facilitate audit and certification and also to comply with the public audit act 2003, 2015 and the public finance management act 2012. Further to this the management provided the financial statements audited by the private auditors to the office of the auditor general in the year 2015.

#### *Committee Observations*

The committee observed that, despite the office of the auditor general having been provided with the financial statement of FY2013/2014, records to confirm the accuracy of the opening balances of assets, total equities and liabilities have to date not been provided for audit scrutiny. Further, the weight of the query was on failure to provide documentary evidence to confirm the opening balance. According to the committee's observation, the Accounting officer in her response did not respond on the stated query. Hence the above response was unsatisfactory.

#### *Recommendation*

The Accounting officer should within 90 days bring the stated matter of failure to disclose the opening balance to rest by providing to the Auditor general accurate and satisfactory documentary evidence to confirm the accuracy of the opening balances of assets, total equities and liabilities if at all she is genuine that the response stated is true.

The committee further recommends that failure to provide the requested information, investigatory agencies should take up the task to investigate on why the requested information has remained undisclosed since the FY 2013/14.

#### *Staff Costs*

Madam Speaker, the statement of comprehensive income reflects comparative staff costs of Ksh. 5,408,898. However, the respective Note 6 to the financial statements reflects a comparative figure of Ksh. 4,655,066 resulting in unexplained difference of Ksh. 753, 832. Further, the comparative Note cast to is Ksh. 5, 393,618 and not Ksh. 4, 655,066 as indicated resulting in a casting error of Ksh. 738, 552. No explanation has been provided for these anomalies.

#### *Response*

The Accounting Officer stated that there was an erroneous transfer of staff costs from the previous financial year. The difference of Ksh. 738,552 stated as casting error refers to the amount of salaries received by government employees seconded in the company i.e. the Managing Director and the Technical manager. This amount was not captured in the previous financial year hence it was restated in the financial statements to capture the grants.

*Committee observations*

The committee observed that the response stated by the Accounting Officer was satisfactory. However, notes to explain the Ksh. 758,552 difference was not provided to the Auditor for verification. Further, the officer omitted the stated figure in the previous financial year and failed to add it up in the notes to the financial statement in question.

*Recommendation*

The stated figure of Ksh. 758,552 said to have been salaries received by government employees seconded in the company should be submitted to the Auditor for verification. Further, the Accounting officer in future should be keener to avoid casting errors as well as errors of omission.

*Property, Plant and Equipment*

Madam Speaker, the statement of financial position reflects property, plant and equipment balance of Ksh. 18,530,026 as at 30 June, 2017. However, no fixed Asset register has been provided for audit verification. Further, title deed for the land valued at Ksh. 2,350,000 has similarly not been made available for audit verification. Consequently, the accuracy and ownership of property, plant and equipment balance of Ksh. 18,530,026 as at 30 June, 2016 cannot be confirmed.

*Responses*

The Accounting Officer responded that the Assets included in the financial statements such as land, water kiosks, boreholes and pipeline were handed over from the county council of Kangundo at the time of inception of the company.

The valuation of Ksh. 18, 530,026 provided represents valuations done at that time less accumulated depreciation to date.

The management could not provide a fixed asset register since the company was still doing a follow up on the title deeds which after acquiring them will enable them to engage a valuer to do revaluation of the assets.

Again, at the time of handing over, the management did not receive any title deeds from the defunct council.

*Committee Observations*

The committee observed that the query was sufficiently responded. However, on enquiring the effort done by the company to acquire the title deed, the committee noted that the Accounting Officer has continuously written to the Chief Officer, Department of Lands to assist them but no help has been forthcoming.

The committee was very concerned why the said Chief Officer has not been responsible enough to take up the matter on title deed bearing in mind that this company is an entity of the County and it is offering very crucial service of providing water to the residents of Machakos.

*Recommendation*

The committee recommends that pursuant to Standing Order 181 the CEC, Department of Lands should within sixty days submit to the Assembly a report on how she has addressed the matter on title deed for Matungulu Water Company as required by Article 183 (3) of the Constitution.

*Trade and other payables*

Madam Speaker, as disclosed at note 13 of the financial statements, included in trade and other payables balance of Ksh. 8,064,078 are customers amounting to Ksh. 2,743,660. However, the customers' deposits bank account reflects a balance of Ksh. 1,454,508 as at 30 June 2017. The resulting difference of Ksh. 1,289,152 was not reconciled or explained. In the circumstances, the accuracy of trade and other payables balance of Ksh. 8, 064,078 as at 30 June 2017 cannot be confirmed.

*Responses*

The Accounting Officer responded that the difference resulted because of the amounts which were borrowed by the company from the deposit account from the time of inception of the company in 2009 to April 2013. The borrowing was done because the revenue earned by the company was not enough to finance its operations. The management is currently devising methods to refund these amounts from the revenue earned by the company.

*Committee Observation*

The committee noted that the company, owing to its financial constraints had no option other than borrowing from its own accounts to finance its operation. On this matter the committee was satisfied with the response.

*Recommendation*

As stated in the response, the company should fast track mechanisms of enhancing its revenue collection so that it can refund the borrowed amount to make the deposit account more active. Further, the County Government of Machakos should step in to assist this water company alongside all the others since our water companies are operating under acute hardships.

*Un-accounted for Revenue*

Madam Speaker, available records indicate that in 2016/2017 financial year, the company produced 166,109 cubic meters of water, out of which 95,499 m<sup>3</sup> or about 57 per cent of the total volume produced was billed to customers. The balance of 70,610 m<sup>3</sup> or approximately 43 per cent of the total amount was not billed. During the year under review, the average price of each cubic meter of water produced was Ksh. 140 hence the estimated loss that resulted from unaccounted for water was Ksh. 9,885,400.

The allowable loss limit for the industry set by Water Services Regulatory Board is 25 per cent of production. The abnormal loss incurred by the company from unbilled water (UFW) impacts negatively on the Company's profitability as evident by operating loss of Ksh. 2,325,714 for the year ended 30 June, 2017 and an operating loss of Ksh. 1,140,635 in in the year ended June, 2016 and its long-term sustainability.

*Responses*

The management is devising ways of reducing non-revenue water which has been a challenge to the company for long. Some of the ways include formation of non-revenue water committee which will monitor the pipeline to detect illegal connections and report them to management for immediate action, regular servicing and testing of meters for accuracy purposes to prevent estimates.



The management has reduced the unbilled water from 47per cent in previous year to 43per cent in the year under review.

#### *Committee Observations*

The committee observed that despite the company's hardships in reducing water loss, the company improved its performance by reducing unbilled water from 47per cent to 43per cent.

It was also noted that with the help of the County Government of Machakos and development partners, the company has a potential of reducing the water loss further hence increasing its revenue target.

#### *Recommendation*

The committee requests the County Government of Machakos together with development partners such Water Sector Trust Fund (WSTF) to offer financial and material assistance e.g leak detector and pipe locator.to the company to help it to renew some of its dilapidated water systems which happen to be the main cause for non-revenue water.

#### *CONCLUSION*

Madam Speaker, on 22<sup>nd</sup> October, 2013, the World Bank reported that smooth devolution of water services calls for County Leadership to drive reforms without disrupting services. It was also stated that well performing water companies play an indispensable role in strengthening the legitimacy of Counties and therefore there is need to budget for sustenance of water services. Matungulu water company is one among these upcoming water companies hence the need for County Government of Machakos to intervene to promote its service delivery.

It is therefore my privilege and pleasure on behalf of Public Accounts and Investments Committee to table before this Hon House the report on Financial Statements of Matungulu Water and Sewerage Company for the Year ended June 2017 for discussion and adoption. Thank you Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Musau. Hon. Members, I now propose the question.

*(Question proposed)*

Hon. Members the motion is open for debate. Hon. Musyimi.

**Hon. Musyimi:** Thank you, Madam Speaker. Madam Speaker, I have heard the report and actually they have done what is supposed to be done by way of accounting but Madam Speaker, I may request that the report is reading Matungulu Water Company but according to my understanding, I know the company is called KAMAWSCO which means Kangundo, Matungulu Water Company. So I do not know why they are excluding Kangundo in the report.

The other thing Madam Speaker, I may say is the services done by the company. The company is actually giving poor services to the people. Most of the people of Kangundo are complaining about the poor services they are getting from the company about getting water. The way of neglecting Kangundo in the report is also being noted in the way of serving the water and most of the boreholes which are supplying the water are in Kangundo area mostly in both Kangundo North and Central. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Musyimi. Hon. Musau, do you want to confirm the name whether this is just Matungulu Water and Sewerage Company or Kangundo is also included.

**Hon. Musau:** Thank you, Madam Speaker. Thank you, Hon. Member for your concern. Of importance is to note that the PAC committee gets its reports from the office of the Auditor General and the report we get pertaining the water company in your area is Matungulu Water and that is what we go by. Thank you, Madam Speaker.

**Hon. Speaker:** That is the explanation that they just interrogated the report by the Auditor General and the Auditor General just called it Matungulu but you know as a fact yourself that Kangundo is included. So the mistake would be that of the Auditor General because they are not supposed to alter what the Auditor General has given other than consider and give their views. You understand?

**Hon. Musyimi:** Thank you, Madam Speaker.

**Hon. Speaker:** Thank you too. Hon. King'ori.

**Hon. King'ori:** Thank you, Madam Speaker. The report was good but I have a concern but it may not be related but is the same company. That we are losing a lot of revenue from Ngalalya water whereby they have worked on it but the Kangundo-Matungulu company has not taken initiative of giving the people from Ngalalya which they are supposed to do for it to enhance its potential and get money instead of getting all these. Thank you, Madam Speaker.

**Hon. Speaker:** Where is Ngalalya? Is it in Kangundo? Is it one of the boreholes that Mheshimiwa Maitha talked passionately about?

**Hon. King'ori:** Yes, it is the same.

**Hon. Speaker:** So there is a potential; a high potential but this water company is not exploiting that potential.

**Hon. King'ori:** Yes it is failing to do that because it had been piped up to Tala and even in Kisukioni there is a reserve tank. And all the way from Ngalalya there is another reserve tank from Ngalalya, because I know the area very well and that water has not been used by wananchi. So we are not making use of that capital. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you. Hon. Musau, you noted any incapacity on that company?

**Hon. Musau:** Yes, Madam Speaker. And in response to this Madam Speaker, if possible we need to call upon the input of the Chief Officer, water Madam Speaker. There has been confusion because up to now, we do not know to whom these officers in charge of these water companies are responsible, because for instance, they get orders from Tanathi which is a national body, Madam Speaker, and in this House in 2016, a motion was passed for the water companies to be fully incorporated and adopted by the County Government so that they become purely answerable to the County Government and become fully employees of the County Government, Madam Speaker.

In every meter we move towards unearthing what is eating what, sometimes they hide themselves under Tanathi. They say we are waiting for this from Tanathi. So Madam Speaker, by incorporating the CO and summon him, I think he can elaborate better than the committee, Madam Speaker.

**Hon. Speaker:** Thank you, very much Hon. Musau. The problem, you will appreciate, is in the law itself, the Water Act. Some functions are left for the National Government and other functions are given to County Governments. Water companies are under County Governments and then the Water Services Boards, who are the ones to lay the infrastructure, are under the National Government and other structures so that is a matter that is when you are saying that you can have the COs and CECs if necessary confirm and the implementation committee.

Where is it? Implementation committee, who is the chair? Hon. Rosina is the vice and who is the chair? Hon. Fredrick Muthoka, when you see Hon. Fredrick Muthoka *mwambie* he has a lot of work and this time you see I am even mixing English and Kiswahili? Because it is serious, that is, the PIC/PAC has done its work; it is about implementation now. Hon. Kisini not Kisini, I meant Hon. Kisila.

**Hon. Kisila:** Thank you, Madam Speaker. I think that was a very good report by Chairman, PAC. Madam, we are sitting on a time bomb because we have a lot of boreholes in the county and they are not being managed well. We have water companies at the same time. They are unprofessionally run and ideally the Water Act, 2022, these water companies were actually the ones--

**Hon. Speaker:** 2016.

**Hon. Kisila:** 2016 sorry. These water companies were actually the ones supposed to help us manage these resources. *Waheshimiwa* you will agree with me moreso, the boreholes which counties are doing, no one is even manning them. And again this thing of saying water is free again it is not sustainable and that report clearly says the World Bank is very particular about how do we continue managing water as a resource. In my area Madam Speaker, boreholes are running on autopilot. We have Mwala Water Company. If you talk to the CO, he is incapacitated. He does not have money or a vehicle to go round and he is the one supposed to help us run these resources.

If you look at the report by *Mheshimiwa* Huruma, he is talking about, very clearly, the issue of assets. Even now, we have Wamuya in our sub county and we do not even know whom those assets belong to but we are being told Mwala Water Company is supposed to manage it. So there is a very urgent need for us as a House to call the CECM in charge and CO so that first of all we understand what is the role of these companies and number two, how can we use them? How are we going to use them to help us manage the boreholes and water resources we are having because they are breaking down every day.

The water companies do not have the money, *Waheshimiwa* are the ones taking (money from) their pockets to go and repair those pipes. There is no expansion program at the same time, Madam Speaker. The chairman of budget committee is here; it is the high time as a House we put money to support these water companies because most of them are dying. The issue of unaccounted for water, even the water which is being sold they cannot even account. There is no professional way of accounting for that water but the future is, for us to sustain these water companies we need to empower them.

At the same time, *Waheshimiwa* we need to accept the fact that water cannot be free because when pipes breakdown, they need to be repaired. They are not even employing people to manage the boreholes in our respective areas. So I think that report Madam Speaker, is timely and we need to accept there is a fundamental disconnect between what we are supposed to do and what we are doing and summoning the Chief Officer in fact is the number one action we need to do for him to very clearly state what is the mandate of these companies and how do we support them in the future to enable us run the water resources the way they are supposed to be run.

90 percent of the boreholes in my ward are running on autopilot and they are on the verge of collapsing. At the same time, we cannot continue pumping budgets into repairing boreholes year in, year out, when ideally these water companies are supposed to be self-generating enough...self-sustaining is the word; self-sustaining to be able to in the future repair any breakages including repairing the boreholes.

So I think Madam Speaker, that is one of the best reports I have heard and if we can put more emphasis on, as you have put it rightly, on the implementation committee to come up with a very detailed work plan of how we can fully support these water companies, we will go very far. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Members. I think Hon. Members I just want to remind you sometimes back you formed a committee that you called General Oversight committee, which is a committee of the whole House, and that committee is very powerful because it can also summon the CECs and they will definitely come.

I am not saying that when they are summoned by the other committees they will not come because if they do not come, what are we doing here? So for matters which are so critical especially to the people, like matters of water and matters which will mean life and death, the committees will consider whether you want to be assisted at any time by the General Oversight committee. Think about it. You want to respond to that or to contribute on the motion?

**Hon. Kalumu:** To contribute to the motion.

**Hon. Speaker:** Thank you. Hon. Kalumu

**Hon. Kalumu:** Thank you, Madam Speaker, for giving me the chance to contribute. I would like to say I have heard about the report concerning Matungulu Water and the report was so precise and elaborate concerning the management of the water company. Madam Speaker, in a business because that is a business, there is always an opening stock or an opening balance. The closing balance of the previous year becomes the opening balance of the new year and it is very clear and precise that the FY 2013/2014 there was no provisions for the opening balance and question is, how did they manage to go with the business of 2014 or 2015 without the balances of previous years.

That means there was mismanagement of funds Madam Speaker and you cannot just look down and say that the company is being managed well. That is poor management because when you lack closing balance, how do you support the next financial year unless...another thing is they are saying that this company does not have assets. How do they operate because assets are the ones that bring income to the company? And one of the assets is the boreholes and water which they pump. So for me, the report is elaborate; it has shown a lot of mismanagement.

The other thing is variations; you have heard about certain variations of some money that this year was this amount and the other one was this amount. That also shows imprudent ways of

using funds. Another thing is unaccounted water which we are not sure of if that was surely unaccounted water because that is where the resources of the company get lost because it can for example be staged that the unaccounted for water is a loss while they received money.

So Madam Speaker, I have heard from the chairman that they gave a notice of about 90 days. How do you give 90 days, Madam Speaker, for somebody for a financial report which is five or six years late while he was able and with all those documents to present to the Auditor General for all those years.

If we allow that and we continue giving them such days, we are condoning something; we are condoning corruption. And if we do not deal with it “an eye for an eye” or *omundu khu mundu* we are going to lose the battle.

**Hon. Speaker:** What is that?

*(Laughter)*

You made some noise; what was it about?

**Hon. Kalumu:** That is one on one so we need to deal with corruption and that report has straight shown that the company is not being managed well. So recommendations should be done to the CEC so that he can explain well because we cannot condone that as an Assembly and say that anyone who commits mistakes like those ones should be given more time. No, Madam Speaker, if we follow that channel, then here as an Assembly we will be doing nothing. I beg to stop there. Thank you.

**Hon. Speaker:** Thank you, Kalumu. Hon. Masesi?

**Hon. Masesi:** Thank you, Madam Speaker. Madam Speaker, I am humbled by the kind of a report by the chair, PAIC and Madam Speaker, we agree that reports of water companies have been coming to this House and it is coming out clearly that Madam Speaker, the elephant we have in these companies is the management.

Madam Speaker, you can imagine directors of such companies are staying for over 25 years in one company and I would like to state clearly Madam Speaker, at a time we had a problem with the director of Matungulu Water Company which is the KAMWASCO and Madam Speaker, I'm sure she is a woman, she reports to the Chief Officer for Water, Madam Speaker.

Madam Speaker, we cannot imagine when a company running for over 30 years saying that Madam Speaker, they do not have a title deed. Madam Speaker, they are not even able to disclose the kind of assets they have. Madam Speaker, we need to come up with policies as a House because I want to believe Madam Speaker, water is a devolved function. We need to come up with policies on how to manage these water companies, Madam Speaker, as a house and follow to it that the same is implemented.

Madam Speaker, if you compare according to the report the amount of cubic meters which was produced and the ones which cannot be accounted for Madam Speaker, there is a gap somewhere. You cannot lose close to 50 percent of the amount of water being produced. Madam Speaker, I want to say and support that these management boards, the directors are not being followed closely on their day to day events. How the water companies are run, Madam Speaker, because you cannot tell us the particular company selling water on daily basis cannot say at the end of the day they do not have funds.

Madam Speaker, water is a utility being used on daily basis and Madam Speaker, to be sincere, all you need to do is to work closely and see how these directors of the boards of water companies we need to handle them Madam Speaker, very well.

Otherwise Madam Speaker, the County Assembly I want to believe we can provide free water if we have these solar panels Madam Speaker, the County has a duty to provide clean water to its residents and Madam Speaker, we have a budget and we can always facilitate the small amounts Madam Speaker, for repair. Madam Speaker, what we need to look is, because I want to believe these water companies are dealing with electricity and not these solar panels.

Madam Speaker, we need to sit and watch closely these boards and Madam Speaker, I am sure we will have some proper and positive yields at the end of the day. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you. *Mheshimiwa* Kisila raised a very critical point on management and sustainability of boreholes and also the question of whether the County can afford to give people water for free. Hon. Masesi it is like saying we can give them water for free. It is for members to think about it because there is the cost factor. Where do you get the money to operate? And sometimes even the solar panels like when it has been cold, most of them have not been pumping so they need either generator or something like electricity.

So think about it, perhaps we could be talking of subsidized but totally for free, the country, not just the county, may not be at that level of economic development. Subsidized and quality water, that is what we think about but we have Implementation committee and we also have the Environment committee which is also dealing with sanitation but the thinking around is good. So can I have the mover of the motion reply? Hon. Musau?

**Hon. Musau:** Thank you, Madam Speaker. Allow me to thank the House for their keen listening and very healthy debate on this. Madam Speaker, just in response I would wish to say that here we have water and the water companies which are partly devolved because the other function is with the National Government and we still have free water of boreholes from the County Government which is very free competing the same companies. For example Madam Speaker, in my ward the free water point is just adjacent to the water by Mwala Water Company and therefore unless there is a mechanical problem with dispensing the free water, nobody can go for the cash water.

It is therefore realistic to say if we continue offering this free water, which is not manageable up to now, then these water companies are going to die. Let us agree because it is county competing county and as *Mheshimiwa* has put it Madam Speaker, the management committee is put in place to manage these county borehole free water Madam Speaker. They are not paid, nothing is paid to them, nothing is given as a return to them and Madam Speaker, we will have the water companies collapse and very soon, the borehole water collapses and the entire county may lack water very soon.

So as a House, we should come up with policies, the Executive should help us to come up with policies so that we may find lasting solutions to the water for the people of Machakos, Madam Speaker. Water is a right and not a privilege to our *wananchi*, Madam Speaker. They elected us to be here to provide them with the same and to see that they are provided with the same. Thank you, Madam Speaker, and Hon. Members.

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

*(Question put and agreed to)*

### **ADJOURNMENT**

**Hon. Speaker:** Hon. Members, at this juncture, the sitting of the House stands adjourned to continue on the 10<sup>th</sup> day of September 2019 at 10.00 a.m. Have a good evening.

The House rose at 4.17 p.m.