

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 26th November, 2014**

The House met at 10.57 a.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****PAPER LAID
REPORT ON POLLUTION**

Hon. Muli: Thank you Mr. Speaker, Sir. I am the Chairman of Agriculture and cooperatives committee. Pursuant to Standing Order 190 (5), I wish to lay on the floor of the house report of agriculture and cooperative development and Environment, Land, Energy and Natural Resources committee on pollution. Thank you, Mr. Speaker, Sir.

Hon. Maitha: Thank you, Mr. Speaker, Sir. I wish to inquire from you, Mr. Speaker, that the said paper to be laid on the floor of this house this session was not balloted for the morning session, Mr. Speaker. I am a member of the house business committee and the said papers were supposed to be laid in the afternoon. Is it in order that, motions or issues are being sneaked in the floor of the assembly without having been balloted by the house business committee Mr. Speaker? I stand to be guided on that.

Hon. Speaker: Wait for a moment, I get some advice. With due respect, hon. Dominic, it is agreed that indeed the matter was to be deliberated in the afternoon but the business that was scheduled for this morning was retracted by the member and on a deliberation with the Clerk, we recalled the afternoon business for this one. Kindly, bear with us. Proceed.

**NOTICES OF MOTIONS
REPORT ON POLLUTION**

Hon. Muli: Mr. Speaker, Sir, I beg to give a notice of motion that this hon. house discusses and approves the report of agriculture and cooperatives committee and Environment, Land, Energy

and Natural Resources as laid on the floor of the house today, 26th November, 2014. Thank you, Mr. Speaker, Sir.

CENSUS OF PERSONS WITH REDUCED ABILITIES

Hon. Katumo: Mr. Speaker, Sir, I beg to give notice of the following motion that this house discusses and approves that the county Executive urgently conduct census of persons with reduced abilities in Machakos County so as to know the number and the nature of disabilities and set aside special bursaries or fund to cater for their needs in terms of education, training and facilitation depending on the nature of disability and age group. Thank you.

Hon. Speaker: Thank you very much.

MOTIONS REPORT ON POLLUTION

Hon. Muli: Thank you, Mr. Speaker, Sir. Aware that Machakos County is facing problems of pollution in many areas like Athi River township, River Athi and other major towns, aware that the pollution is emanating from within and without Machakos County, aware that this pollution, if left unchecked, may cause health hazards to our residents.

Aware that the issue of safety on pollution and other environmental issues were devolved to county governments, further aware that pursuant to Kenyan constitution Articles 4, 42, 69 and 70, the county governments are mandated to control pollution within their areas of jurisdiction.

Aware that the county is fast growing and many industries and industries coming up, I wish to move a motion that, this house discusses and approves the report of agriculture and cooperatives committee and Environment Land, Energy and Natural resources committee as laid on the floor of the house on 26th November, 2014. Thank you Mr. Speaker, Sir.

I call Hon. Member from Katangi to come and second me. Thank you, Mr. Speaker.

Hon. Ngui: Thank you, Mr. Speaker, Sir and the entire house. I stand here to second this discussion and the approval of the said report on pollution from the committee on Agriculture. So I second, Mr. Speaker, Sir.

Hon. Speaker: Thank you very much. The report is on the floor for contribution. Let us get those in support of the motion. Take us through the report.

Hon. Muli: Thank you, Mr. Speaker, Sir. I want to present the report which we got after visiting on 22nd to 26th October, 2014 at Mlolongo, Athi River, Donyo-Sabuk, Katwa Nyaa and Kathiani.

Mr. Speaker Sir, pursuant to Standing Orders 190(2) the committee of Environment, Lands, Energy and Natural Resources which was previous under committee of Agriculture, Environment and Natural Resources is mandated to deal with all matters related to the implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisance and outdoor advertising; land survey and mapping; boundaries and fencing, electricity and gas reticulation; energy regulation; water management systems in built up areas and water sanitation services.

Further, Mr. Speaker, Sir, a motion on pollution of various areas of Machakos County was tabled in the house on 26th August, 2014 pursuant to Kenya Constitution Article 42, 69 and 70 on pollution of environment by activities of industries operating within Mavoko Township and other areas was committed to the Committee of Agriculture, Environment and Natural Resources for further investigation pursuant to Standing Orders, Second Schedule which mandates the committee to make policies to regulate and prevent environmental pollution, including soil and water and control of air pollution, noise pollution and other public nuisances.

Consequently Agriculture, Environment and Natural Resources formed an ad hoc committee to investigate the matters and the members of the ad hoc committees visited Mlolongo (Kicheko slums), Donya Sabuk (Fourteen falls), Katwa Nyaa coffee factory, Kathiani (Kalua Coffee Factory) and Athi River town (Kosovo slums, EPZ trench directing waste to Athi River and Mavoko Water and Sanitations) as from 2nd to 6th October, 2014 and the members of the ad hoc committee comprised of;

MEMBERS PRESENT

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|-------------------------|------------|
| 1. Hon Joseph Muli | Chair |
| 2. Hon Philip Ndolo | Vice Chair |
| 3. Hon Geoffrey Munyao | Member |
| 4. Hon Gideon Kavuu | “ |
| 5. Hon Edrick Ngunzi | “ |
| 6. Hon Jacqueline Nziva | “ |
| 7. Hon Peter Nzioki | “ |
| 8. Hon Michael Mutua | “ |
| 9. Hon Raphael Mutuku | “ |
| 10. Hon Wilson Kasimu | “ |
| 11. Hon Joshua Mwonga | “ |

IN ATTENDANCE

- | | |
|------------------|-------------------------|
| 1. Evelyn Kimote | Snr Clerk Assistant |
| 2. Ruth Mutunga | Human Resources Officer |
| 3. Sammy Makau | Sergeant at Arms |

Mr. Speaker, Sir, members visited all the above indicated areas and below are the findings;

Kicheko slums

- A dam at Kicheko slums was being polluted by the neighboring flats as was evidenced by a trench dug draining the water to the dam. It is unfortunate that residents of Kicheko slums were using the water from the dam for domestic and irrigation purposes. This could cause health hazards to the residents. Members were informed that the residents had lived in the slums since 1997 and were faced with many challenges which had never been addressed.
- The slum has very high population and it has no essential facilities like toilets. The community is using bush and flying toilets due to lack of the toilets in the area and which is unhygienic way of living for the residents of the area.

Drainage system

- The residents had already formed a committee to present their grievances to the County Government for action.
- Members also noted that some dumping had been done near the dam which was likely to change the water direction which might flood the slums.

KATWA NYAA (KAUKISWA) COFFEE FACTORY

- Members visited Katwa Nyaa-Kaukiswa coffee factory and established that the management had proper arrangements to control pollution in the nearby rivers and so far there was no pollution from the factory.

KATHIANI (KALUA) COFFEE FACTORY

- Members visited Kalua coffee factory and established that the management had proper arrangements to control pollution in the nearby rivers and so far there was no pollution from the factory.

OL DONYO SABUK (FOURTEEN FALLS)

- Members also visited Donyo Sabuk (Fourteen Falls) to ascertain the state of river Athi. It was noted that the river was highly polluted and the water was stinking and coloured green due to pollution. On further inquiry, members were informed that the river was being polluted from Nairobi County at Tassia estate. It was also established that the same waters were being used by people downstream for domestic and irrigation purposes. The river served Kithimani, Mbiuni, Mwala, Katangi, Kyeleni, Wamunyu, and Kibauni wards and residents depended on it for their livelihood.

Members noted that residents in the aforementioned wards risk water borne diseases, and furthermore the resident served other areas within the County and outside with agricultural produce irrigated from the contaminated water from that river and there was fear this could also affect other innocent citizens.

ATHI RIVER TOWNSHIP (KOSOVO SLUMS)

- Members also visited a slum known as Kosovo in Athi River Township and after investigation, it was established that the residents of the slum were polluting the area because they lacked essential facilities such as toilets and drainage systems. It was also established that a trench dug by the EPZ (Export Processing Zone) directing waste to Athi River was dry and there was no pollution from those industries.
- Further members visited the Mavoko Water and Sanitation water inlet at River Athi and observed that the river was not polluted at the inlet but downstream.

After the investigations, members felt that these issues of pollution needed to be addressed urgently and therefore recommended that;

- Polluting of Kicheko dam need to be stopped immediately for health and safety of the residents.
- The trench dug directing waste to the dam need to be filled.
- Dumping of waste and soil near the dam should be stopped immediately and enforced.
- There was need to construct drainage system at Kicheko.
- There was need to construct a public toilet at Kicheko slums.
- There was need to construct drainage systems at Kosovo slums.
- There was need to construction public toilet at Kosovo slums.
- Members recommended that urgent action need to be taken to address the problem at Athi River before the effects of contaminated water starts affect the health of our residents.
- Members recommended that soils from polluted areas and crops grown from these areas be tested before the produce was sold to the people.

- The County needed to open a tourist site at Fourteen Falls in our area of jurisdiction, rehabilitate the site and collect revenue
- Members further commended coffee factory management both in Katwa Nyaa and Kathiani for preventing pollution to nearby rivers.
- Members resolved to make a further investigation on air pollution by factories within Athi River Township and make a tour of the Athi River from source up to Kibauni Ward.

Report prepared by Evelyne Kimote and presented by Hon. Joseph Muli, chairman for agriculture. I call upon Hon. Felix Ngui to second the report.

Hon. Ngui: Thank you Mr. Speaker, Sir. I stand to second this report that this hon. house discusses the report and approves it. First, I want to applaud the chairman and his team for the good work that they did because Katangi ward is one of the wards that are affected by the pollution of the Athi River.

Mr. Speaker, you realize that our residents from the wards we represent for example Katangi are using the same water for domestic use and our people are to getting infections due to the pollution of the water. So Mr. Speaker, I urge this house to support this report and approve it and the necessary actions be taken with immediate effect. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you very much. Those in support of the motion? I can see *mheshimiwa* at the back. Hon. Itumo.

Hon. Itumo: Thank you very much Mr. Speaker. I stand here to support this report and Mr. Speaker. I will start by defining the word health. It is a term which refers to all the body organs being normal and functioning normally. Mr. Speaker, you find that it is very dangerous for those consuming this water especially Athi River, which is being polluted from Tassia Slums. You realize that this water contains a lot of iron- dangerous metals.

If you visit one day Mr. Speaker, Tala market, the Kayatta farmers have produced a lot of vegetables and they are sold at Tala Market. Yes. You may see them green, but very dangerous. Mr. Speaker, the community that has no health is not productive to this nation of ours. Mr. Speaker, we want action to be taken with immediate effect to see to it that this water is purified and whoever is polluting this water should be dealt with immediately, because sooner or later we are going to have hazards.

Mr. Speaker, we are going to perish if we are not going to stop this kind of pollution. Mr. Speaker, I am very much concerned because my people are at high risk. Mr. Speaker, before I purchase any greens at Tala, I do ask the seller if they come from Kayatta or Katine. Then if one says it is from Kayatta, I just leave that particular seller and I go to the Katine greengrocers.

Because I know Kayatta, the water that is being used to irrigate the vegetables there has been polluted. Mr. Speaker, I ask this hon. house to support this report and then immediate action should be taken. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much chairman. I must say I am impressed by your contribution this morning, but tell us a little bit more, what steps have you taken towards legislation on pollution.

Hon. Itumo: Thank you very much. Mr. Speaker, I would like to ask your office, we are still on that preparation to take the legal team there because I know they are going to be perturbed and then we come again with another report, Mr. Speaker. And this one should be as soon as tomorrow if possible, Mr. Speaker.

Hon. Speaker: Okay. Let us hear Hon. Munyaka, Kimata, Nzoka and Kathinzi

Hon. Nzeki: Thank you Mr. Speaker, Sir. First, I congratulate the chairman for agriculture for a job well done. I was one of the members of the *ad hoc* committee and I can't see my name reflecting here, so Mr Chairman you check on it. First, we moved from the assembly we went to Katwanyaa, the officials were okay. There was no pollution and the factory is very clean and they are doing very well.

We went to Fourteen Falls, where we found there is something we are failing in. We are supposed to have constructed a tourist attraction there although the water is polluted by Nairobians. So, Mr. Speaker, I am asking the county whether it can construct a tourist attraction at our side. From Hon. Nzoka's ward, we can be collecting a lot of revenue from that area.

We went to Kicheko at hon. Rachel's ward and it is polluted. I don't see why we should let the dam to remain there. I suggest that it be covered with soil and let our people stay in a good health. So Mr. Speaker, I support the report and I recommend it to the assembly to be passed. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. We hear hon. Kimata.

Hon. Kimata: Thank you Mr. Speaker for giving me this chance to contribute motion. While I appreciate the importance of this report, I argue totally for this committee to make sure that they implement this report and also visit other areas such as Athi River Mining because there is a lot of pollution in that factory. Not even in Athi River Mining alone but also East Africa Portland Cement, Bamburi, Simba Cement, those are other places where they will get a lot of pollution and also cover other slum areas within Athi River, such as Sofia, Kasuitu, Slaughter and Kanaani.

They will find that those areas need drainage system and the best thing they can do to those areas is to make sure that they construct those drainage areas and build a public toilet within there. With those, I support the committee report.

Hon. Speaker: Thank you very much. We come to Hon. Nzoka and then Hon. Kathinzi.

Hon. Nzoka: Thank you Mr. Speaker, Sir. I do support the motion although I can see my ward has been left out and I don't know why and it is me who bought you lunch that time that time.

(Laughter)

So what we can say is, what is more dangerous is not even the sewage system. We have a river in Nairobi which passes through *Mater Misericordiae* hospital and if you see what is passing there, it is metal. It is heavy oil which is metal. And if the house is not aware, let it be aware that the fish in Athi River were tested and they contain metal. That is a research which has been done.

There are some divers in that Fourteen Falls, and I think you saw them, when they dive in that greenish and oily water, the boys start scratching their skin because it has some effects and the skin becomes rough. Let me draw attention to this house that we complained much when I was with the committee of environment of Senate, led by this lawyer.....led by not Kajwang.... the chairman of environment, my learned friend.

(Laughter)

We visited and we were with NEMA from Nairobi, and I said 'yes we saw the problem but what is the way forward.' Let me assure this house that NEMA has good rules which govern pollution. What there is, there is someone who is sleeping on his work.

So, the laws are there, they are not followed. I think what we can do in legal affairs committee, although I was kicked out of legal committee, we could have used our systems, and then we tackle NEMA. It is the one to implement the laws they have and stop everything.

Otherwise it is dangerous and as one of my colleagues has said here, we grow much. The first irrigation system is in my ward, that is Kayatta irrigation system, which we did at a cost of Ksh 25 million from DANIDA, and another irrigation system is in Mbiuni, Kabaa irrigation scheme. So all the crops which are grown there, most are sold in Tala and they are contaminated. So now we are allowing this contamination to spread to the community.

Finally, there is a time we shall have cancerous diseases and in fact it is not good to lose our people because someone who is not working on the inside. So I support the motion and our legal committee should see why NEMA is not implementing the laws which govern pollution. Thank

you, Mr. Speaker, Sir.

Hon. Kathinzi: Thank you, Mr. Speaker. Mr. Speaker, I would like to start by requesting you in the next session, maybe, to come with a detailed report, a communication to inform this house to inform this house whether *mheshimiwa* Nzoka is a learned friend, because if he is a learned friend of another lawyer, then that means you are informed, Mr. Speaker.

I think that is fair information for this house so that we can be able to understand that condition. Mr. Speaker, I would like also to request the hon. chair that I discussed with chairman for agriculture that he calls me to second his motion but Mr. Speaker, I have been seconding his motions but he does not even allow me to support him after he reads the report. It is a good report. Allow me, Mr. Speaker, to continue, because I am supporting his motion, I don't know why he has been calling---

Hon. Speaker: Proceed, hon. Kathinzi but it is upon his discretion.

Hon. Kathinzi: Yes, Mr. Speaker, this is the 19th time I am supporting his ideas so I do request him to be supporting mine. Mr. Speaker, Wangari Maathai, one time said, nature is very much unforgiving and this issue of pollution, I think it has come at the right time for us as a house to discuss and agree the way forward to save our people. When you go to Kithimani, I wish that *mheshimiwa* from Kithimani was here, he can attest to us that even the groceries which are being sold at that point by farmers are truly contaminated but they seem to be very clean.

It is like seeing somebody affected by HIV/AIDS and wish to marry that lady or a girl and truly, very beautiful fruits but very dangerous. I think we need to have a test whether the source of this material, if they come from Ikombe ward or from the river, so that we can save our people from eating the same fruits. I support this report, Mr. Speaker, which it is of great importance to our people.

I also request when we are going round, I have seen something peculiar from this report that the places whereby pollution is identified as highly contaminated, even the names are wanting. For example, a name like Kosovo. We know what Kosovo meant those times. Kaukiswa and Kicheko. There is also another name I think the chairman skipped like Madharau Street. These names, Mr. Speaker, I think we should come up with a strategy to scrap them from our county.

They are dangerous names. If we continue using these names, I think we can get more details where the source of these names came from. So I support and let us agree that we implement this report with immediate effect. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think we need to appreciate those are very good contributions. Allow us to hear hon. Rachel then hon. Ndolo, the Whip and then hon. Mueni in that order.

Hon. (Ms.) R. Nduku: Thank you Mr. Speaker for giving me this opportunity. I was an invited member to this team and I led them to Mlolongo, Kicheko and again I cannot see my name here.

Hon. Speaker: You say Mlolongo-Kicheko. The word is Kicheko.

Hon. (Ms.) R. Nduku: Yes. The word is Kicheko. I want also to disagree with hon. Kathinzi on names because the names are provided by the people who are living in the place and they know the meaning of that place, so I don't know whatever he will come up with to change the names of those people.

I want to support the motion and before I support, I will support it with some amendments because, like in Kicheko slums in Mlolongo, the chairman and team wrote that these could cause health hazards to the residents in that paragraph and it is not like that. It has already caused health hazard. It is not that it could cause because already people are dying. Last week, we lost two lives and in children we have high mortality rates.

So Mr. Speaker, I am requesting whether we can treat this report with urgency it requires or like an emergency case because we are losing people every day. Like when it rained last month, those people were calling me. They were in floods and I remember, I called the chairman and asked him whether he has done anything concerning that. So mine is to call upon the committee and the chairman and also the house at large to help us to curb this situation and I know the people of Kicheko will appreciate a lot. Thank you, Mr. Speaker.

Hon. Manyolo: Thank you Mr. Speaker, Sir. Mr. Speaker, the issue we are talking about here of waste as health hazard, is a serious issue, Mr. Speaker, Sir. The industrial waste is not recycled and it is deposited straight to our rivers and this causes hazards in our people.

For example, if you go around Athi River, most of the ladies there are suffering from cancer due to iron and it is bringing high rates of death. So it is for us and the committee has done well, to write to the relevant offices, requesting every industry to recycle and not to seek ways of depositing their waste.

Mr. Speaker, Sir, the sewer within Mlolongo and also Nairobi town has burst and they are also causing hazards. It is also necessary to write to them and inform them 'we don't need this at Machakos.' By this we will help and assist our people to attain the best of their health.

It is also through the committee, we request that all members, also tour because it is affecting each ward. We tour Mlolongo and also Nairobi to see how we can assist our people and with that I understand we will come up with the best ways of how we will tackle the health hazards. I stand to support the motion. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think we can hear from the mover first before we further contribute. The mover of the motion, when you were handling these issues, did you perhaps summon the management of the companies that you suspect are contributing to pollution.

Hon. Muli: Thank you, Mr. Speaker and also I congratulate the hon. members for supporting this motion because they feel, if they can imagine how the situation is, especially in Kicheko, it is worse. Mr. Speaker, after we toured the areas and witnessed what is happening, we had to be accompanied by other experts and some of the relevant officers who are concerned with the environment.

I even visited the office of the Chief Officer but before I completed my deal, the committee report was now given to another chairman whom I have already informed on this process which has to be taken, so that we can save the situation.

As hon. Rachel has said, with Kicheko, it is very worse. She called me during the night and that issue of tragedy which happened, where two lives were lost and Mr. Speaker, if it could have rained cats and dogs, wonders could have been witnessed within that Kicheko.

Although the current chairman for environment is not here in the house, it was my request, if he could be here in the house and hear how the situation is worsening and has to take affirmative action on that issue. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. There is a team that will fast track that. Let us hear hon. Kamitu.

Hon. Kamitu: Thank you Mr. Speaker, Sir. One thing, I would like to applaud the team through their chair, who took part in this exercise but I want to put some light on this report and tell the committee that they did a good job. However, they could have taken time to get the officers, the NEMA team.

I am saying this because Mr. Speaker, Sir, when I was a police officer in Nairobi area, I used to tour all those areas that they are talking about. The water which goes downstream to river Athi, geographically, all the rivers within Nairobi area, everybody is aware about Mathare slum. That stream that passes water through Mathare to river Athi has a lot of dirt. All the oil spillage in Nairobi goes downstream to river Athi.

Mr. Speaker, Sir, I kindly request our team, in joining hands with NEMA and after they take the water samples to the Government Chemist so that when we are talking about pollution, we know the content. I am sure the toxic contents of the water downstream in Donyo-Sabuk, Kibauni. The names that have been mentioned where our committee went, out-rightly it will bring the level of percentages of the toxins or the contamination of river Athi water. So we should be talking about a government report from the Government Chemist.

In addition to that, there is one place they missed, because I had given that report to our Chairman, I don't know whether they forgot. This is pollution within Tala. Simply because within

Tala town, we have no sewage line and during the rainy season, the Tala dam, where there is a garbage dump site and when it rains, all that contaminated water goes downstream to river Katine and River Thwake which later join River Athi

So it is my humble request that if these things will be done out-rightly we will come up with a very good report and a documented report. Otherwise, I congratulate the team and I say thanks. Thank you, Mr. Speaker, Sir.

Hon. (Ms.) Mueni: Thank you Mr. Speaker, Sir. I wanted to talk when *mheshimiwa* Ngui is in the house but I hope you will tell him.

(Laughter)

Hon. Speaker: Sorry hon. Mueni, I will send the Whip to whip him in and then you will contribute once he is in. Let us hear hon. Kitheka. The Whip, kindly make hon. Ngui available.

Hon. Kitheka: Thank you very much Mr. Speaker and the house at large. I wish to support the document which is in the floor of the house 100 per cent and further wish to comment on a few sites which might have been forgotten while they were doing their visit to these areas.

Mr. Speaker, Sir, there is the water which is being used in Machakos and also there is that water which is used downstream in Masii where there is a river called Mwanja. This river is just adjacent to the Machakos cemetery. After the rains, the water from the ridge seeps into the graves and trickles down to the river. So I think it poses a lot of danger to the people living downstream.

I also call upon the chairman to check seriously on that river because it is causing a lot of problem. Mr. Speaker, there are a lot of vegetables and other things which are being sold within the Machakos town and other towns. The green colour of the vegetables which are being sold, is not just because of the fertilizers which has been applied to these vegetables. It is because of the iron deposits and other elements which have been deposited and absorbed by the plant while it is growing. So there is a lot of danger in consumption of these vegetables which are being sold within our markets.

Mr. Speaker, it is my appeal to the chair and the committee at large, to consider sitting, one on one, with the NEMA people and coming up with a report after dealing with them seriously because I can see there is a lot of negligence. There is a lot of paper literature which is not helping this house or the public at any given time. We will talk for many times but I think we are not going to get any feedback after we just talk and engage with them, we have to take it serious, and we may even be forced to go to court to compel the organization because it is a government organization which can be sued. We can sue them because of neglecting the entire issues of pollution within Machakos.

Secondly, Mr. Speaker, I have seen a small caption which has been put on the last page which is articulating the issue of air pollution. I think air pollution is almost the major one within the industrial areas of Machakos. I know very clearly about the issue of the inert gases and the carbon gases which are being passed to our ozone and with time, we are going to interfere with the issue of global warming within our environment.

Mr. Speaker, I wish this house will give this committee another chance even if it is for one week to go to Athi River to check on those companies which are not controlling the issue of air pollution within their areas so that at least they can come up with a vivid report on the same about air pollution.

Otherwise Mr. Speaker, I wish also to call upon the same committee to consider the ancient and the colonial installation of the sewage systems which is within Machakos which needs an overhaul for it to perform perfectly because when the population of Machakos was 100,000 people, we used that sewage line and when we are now about 800,000, we are still using that sewage line which is now blocking and is being overwhelmed by the sewer being produced within Machakos.

So I kindly request and appeal for the committee to go ahead and check on whether they can address that issue which has become an issue within Machakos.

I bring to your attention that the pipes and the sewerage lines which are within Machakos County are bursting on daily basis, particularly the one in Kariobangi and other areas within Machakos.

They are bursting and dripping their waste into the nearby river. So please Mr. Speaker, I wish the committee will take that consideration, notwithstanding the issue of coffee factories within Machakos. We have factories which have made the rivers within Machakos to have colored water and that same water is the same bringing about the drying of the trees which are along the rivers, making the rivers dry completely.

So I call upon the Natural Resources Committee to facilitate the issue of making sure that the rivers are cleaned and the factories we see dropping water along the road in Mutituni, something to be done. So Mr. Speaker, we are happy with the report but we need a more comprehensive report touching on all avenues. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much hon. Kitheka. Maybe before we hear hon. Mueni because she is next, I am happy Hon. Felix Ngui is now in the house. I have seen your hand. Maybe before we move on to the next stage, just one thing I wanted perhaps to tell you that this house will not need to go to court, because a resolution of this house is as powerful as a high court order. The procedure is that immediately a resolution is done, the affected party ought to be served and if there is no compliance, then it becomes a criminal offence and a report will be made at the police station and will be charged. So we do not need to labor to go to court. Thank you. Let us hear hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir. Thank you for bringing my *mheshimiwa* to hear what I am going to say so that he can take action. Mr. Speaker, Sir, I happen to have my sister in Makila, the ward of mheshimiwa. Five cows took that water of the river and they died and the children are taken to the hospital now and then. She asks me all the time for money to take the children to hospital. My request to the mheshimiwa is, if he can sink boreholes along that line of Athi about 10, because all his voters are from that side.

If he is not taking care, they are going to die and 2017 he might lose all those votes. So I beg you kindly, go and visit that place. I think you know my sister, she worked for you so hard.

The other thing is, that river from Nairobi, Mr. Speaker, Sir, is very dangerous. Not the way you are taking it as a joke. People are dying now and then even some we don't know them. If a child is born and two days he is given that water, imagine how dangerous it is. It is very dangerous. Thank you.

Hon. Speaker: I think we can give hon. Ngui a moment to appreciate that advice.

Hon. Ngui: Thank you Mr. Speaker, Sir. As I appreciate the comments of hon. Mueni who happens to also come from my ward, but I will say that I am not aware that there are some cows that took water from Athi River and died but I am going to do my own investigation to know exactly whether that is the truth then.

Mr. Speaker, it is very important to know that the reason why I am supporting this motion is because my people are also affected and they are suffering from the same water from River Athi. Not to mention that even the fish that we are getting out from River Athi, people are eating them so much. So the health of my people is in question. I am going to do my own investigations and maybe give a report to the committee on Environment. Thank you very much Mr. Speaker.

Hon. Speaker: Thank you very much, let us hear hon. Dominic.

Hon. Maitha: Mr. Speaker, Sir, I think it will be in the best interest when I contribute when I am here. Thank you Mr. Speaker, Sir. I wish to applaud the committee that brought this report here although in my assessment, they did a partial job. I am really worried about the issue of pollution in Machakos County because if we are not going to take any action soonest, Mr. Speaker, then I think it is going to become a disaster.

Whatever is being witnessed in the upper side of the country, in North Rift where people are being maimed and killed every other single day is a replica of what is going to happen in Machakos County if we do not control the issues of pollution, Mr. Speaker. The larger part of Machakos County is served by rivers that are emanating from critical areas where pollution is quite prevalent.

Mr. Speaker, Sir, I want to start by outlining a few issues that I have gone through here.

1. Dumping

It is becoming a major pollution calamity in Machakos County and there is very little that is being done by the authorities involved to restore the sanity and arrest culprits of dumping. We have people who collect litter from the houses, for example you go to Mlolongo, you go to my ward, and you go to Athi River. People collect waste from their house, they don't have proper disposal mechanisms and they dump it in an area which is not designated as a dumping site, Mr. Speaker.

It is the high time that this house empowers the department of environment and even allocating more funds to ensure that people are taken to court because, Mr. Speaker, you wonder, why would I dispose diapers from my house to a site that is not designated by the county as a dumping site. It proves as an aspect of responsibility. We need to take action and pass a resolution that anyone who has constructed a commercial house, his own residential house and does not have proper dumping mechanism, Mr. Speaker; those people should be taken serious measures.

The major problem that we have, Mr. Speaker, is that our people want to us to take care of them but they don't want to reciprocate. Because if you dump unnecessarily and irresponsibly, what do you expect this house to know, Mr. Speaker? We need to pass punitive laws and measures for those people who are dumping unnecessarily, Mr. Speaker.

2. River Pollution

Mr. Speaker, for example air pollution, when you pass Athi River in the evening, hon. members, those who reside in Nairobi, Athi River, or within the precincts of Athi River in the evening, if you had taken something, you are almost going to vomit. It is pathetic and it is the high time this house takes serious measures against that company that deals with tannery and skin waste. It is the high time we pass a resolution in this house to relocate that factory, Mr. Speaker. That factory, remember sometimes back hon. Wavinya Ndeti, when she was the MP for Kathiani constituency, she brought a motion in the house and that factory was stopped. All of a sudden it is already in operation.

I happen to have passed there last night with my wife, Mr. Speaker, and she almost suffocated. When I am speaking of a fact what is happening in Athi River, it is extremely bad and we need to pass a resolution in this assembly without laughing or taking it as a joke but pass a resolution that we relocate all factories, especially within Mombasa road, that are causing a lot of air pollution especially in Athi River, Mr. Speaker.

We have a lot of idle land and I am not trying to intimidate the people of Masinga and Yatta. We have idle land where the county government can invest and even buy land for those investors to promote them and actually relocate that air pollution from Athi River. It is pathetic.

It was to the extent to my ward, somewhere we call Ngelani and I wish to ask the committee to visit Ngelani. Initially Ngelani was not occupied it was land without human beings. Mr. Speaker, if you go to Ngelani, the sewage coming from Athi River is a disposed in Ngelani which is within my ward, Mr. Speaker.

Hon. Speaker: Are you moving an amendment to the report?

Hon. Maitha: I am moving an amendment to the report. I was almost saying that.

Hon. Speaker: That a few companies be relocated?

Hon. Maitha: Mr. Speaker, I am in total support and recommend that we amend the report and ensure that those factories are relocated, Mr. Speaker.

Hon. Speaker: Can you name them.

Hon. Maitha: Mr. Speaker, I will do because I am a member of the environment committee, through my chairman. I think we are going to do a thorough investigation through your guidance, we go there, have the names of those companies, bring the report before this assembly and I am very sure the hon. member for Athi River is here and might even guide us and give us the needs of those companies he needs relocated, Mr. Speaker, and I would wish when that report comes to the floor of this house, these members should support it in totality because these members through that road on a weekly basis, going to Nairobi in the evening and it is pathetic, Mr. Speaker.

The other thing I also request, Mr. Speaker, is members have talked about the issue of Tasia River polluting river Athi, Mr. Speaker. I think it is in the best interest that with your guidance Mr. Speaker, the environment committee of this assembly holds a joint meeting with Nairobi County Assembly through a request from the office of the Clerk with the Nairobi committee to tackle matters of environment and we come up with a joint resolution that, if they are not going to protect their environment as you have directed, Mr. Speaker, the resolution that will pass here will be legally binding to Nairobi county.

Because Nairobi County is polluting our water and the water is expected to serve our people, then Mr. Speaker, it is the high time the Nairobi County comes up with a resolution or mechanism of how they are going to control pollution in their waters, failure to that Mr. Speaker, I would request the county government of Machakos to take legal action against the Nairobi County because we are

not doing the right thing, Mr. Speaker. Otherwise, we might come to an extent where we might even stop their waste entering into our rivers.

The other thing, Mr. Speaker, I would also want to kindly request this house, if this house wishes to recommend is, waste collection is becoming an issue. Two or three weeks ago, the Governor sacked officials because of failure to implement the garbage collection within Machakos town.

Mr. Speaker, when I try to follow up, the issue was not that the officials who were sacked were ineffective, the issue was the officials who were supposed to undertake that mandate did not have the right equipment to execute the service. So Mr. Speaker, what I am saying is; this assembly needs to pass a strong budget, give the environment committee more money to ensure that we give enough equipment.

For example, Mavoko has got one truck which collects waste in Athi River, Mlolongo, Syokimau, Joska and it cannot serve that whole area so we need to pass more monies be allocated to that ministry so that it can buy more equipment. If that does not come, Mr. Speaker, it is high time that this house considers even outsourcing the service.

You go to Nairobi County, garbage collection is outsourced so Mr. Speaker, for effective service delivery we can even outsource the waste collection and we ensure that is effectively done such that, if the service provider does not meet the requirement of that contractual agreement, then we can terminate that person or take that person to court, Mr. Speaker.

The last but not least, Mr. Speaker, is about streamlining the NEMA department. NEMA is devolved function. It is under the county government. Those people have relaxed. I don't think whether we have ever summoned the NEMA officials in this assembly to even explain to us what they do, Mr. Speaker. They are being paid by taxpayers' money and I always see NEMA cars go round and round using fuel paid by taxpayers' money, but we are seeing very little from them, Mr. Speaker.

So what I am requesting is, the committee of environment summons the Director General of NEMA to tell us what he has been doing for the last one and half years and then we pass a resolution in this house. If they are not going to deliver, then, Mr. Speaker, they will be better off the payroll of Machakos County than having members who are not going to deliver.

Otherwise, I applaud the members and wish to request you, Mr. Speaker, yesterday you gave us a report and told us that quite a number of bills have not been signed by the Governor. The same case applies to quite a number of motions that we have passed in this assembly, Mr. Speaker. Very few of them have been seen getting effected.

It is the high time this motions start getting effected as immediate as today in the afternoon if passed, Mr. Speaker, so that we can resolve the issues of pollution our people are going through because failure to do that, in the next five years and like what hon. Mueni has said, the Lower part of Ukambani, the dry region of Ukambani, Yatta and Masinga, Mr. Speaker, we are going to have voters who will be minimal than we have today. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Good points. I have picked one, particularly on the joint committee for Machakos-Nairobi in relation to pollution of River Tasia and I will urge the Clerk to take active steps towards the formation of the *ad hoc* committee in relation to Nairobi to handle that question. I further direct that this committee summons NEMA and files a supplementary report on the status of pollution in the county. Let us proceed. Yes. Try to tell us on the polluters.

Hon. M. Mutuku: Mr. Speaker, Sir, and the house at large. Let me applaud the committee members and the able chair for Ndithini, Mr. Muli. I happen to be a member of that committee when they were doing feasibility study by virtue of a moved I that motion for water pollution in River Athi, Mavoko Sub County.

However, when we did the feasibility study, the number of days which were allocated to the committee were very few and we were not in a position to undertake the exercise comprehensively. Ideally, the motion I moved for pollution was not concentrated to the water pollution only. It was for the air pollution also but when the committee went, we only tackled the water pollution particularly in Mlolongo and also in Athi River, the Mugoya drainage system in the Athi River.

However, Mr. Speaker, Sir, there are so many ways of pollution, particularly in Mavoko Sub County. Being the only urban sub county within Machakos County, Mavoko sub county is experiencing a lot of normal waste pollution whereby there are no bins to collect rubbish which the owners of the shop normally throw. We do not have bins at strategic points to collect those wastes.

Still in Mavoko Sub County, we are also experiencing human waste pollution because we have so many slum areas than any other sub county within Machakos County. So we are experience human waste pollution especially in slams like Jam City, City Carton, Sophia, Kasoito, and even Kicheko in Mlolongo.

Those areas, Mr. Speaker, Sir, they need to be checked because there are electorates of Machakos county who stay in those areas and they pay tax to the government of Machakos and they want to see the value for their money.

Mr. Speaker, Sir, as far as water pollution is concerned, truly speaking, in Athi River we are experiencing water pollution and as you are aware, River Athi cuts across, all the way to Yatta, which is actually my historical birth place.

Still in Athi River we are experiencing air pollution especially by the companies which operate in Athi River and we have many like, Saj. This has become a notorious company since it changed its production from electricity and they are now using coal.

When they started using coal, they never bothered to put enough mechanism to mitigate the air pollution. So you realize at night, that is when they normally do the worst damage because, in the morning when we wake up and it happens you had left your clothes hanging in the line, you find something like black soot.

Assume now at night, a child of one or three months is asleep, don't you see this child could be breathing such gases? Those gases are not good and can make a small child suffer from cancer. They are dangerous and such a case should be looked into. Not only that company, but we also have other companies like mining, mineral firms among others. So basically what I can say, we are experiencing a lot of pollution.

Still in Athi River, we have a pollution of sewerage leakages because the sewer lines which are there as at now are dilapidated because they were installed when Athi River had very few people. Now Athi River has grown. It has so many estates and by the time those sewer lines were installed, we never used to have so many estates like the way we have right now. So Mr. Speaker, Sir, that is an issue which needs to be looked at.

Also in Athi River, we are experiencing another kind of pollution, noise pollution which members of the public have been protesting about and they want this assembly to intervene in a manner that noise pollution within Athi River and Mavoko Sub County can be controlled. As you are aware, when we talk about air pollution, it really affects the environment within Athi River because some of these companies opted not to undertake corporate social responsibility. They don't even plant trees within their environment and actually it is their mandate to do that so that they can mitigate that kind of pollution.

However, in slum areas, we are requesting this house to pass a resolution such that, those slum areas we can have public toilets to correct the problem of human waste pollution. You realize, many slum areas in Athi River, do not have public toilets.

The other issue not only in Athi River alone, but also we have another river which is passing from Matuu all the way to Yatta where *mheshimiwa* Ngui comes from. We call it Mwitasyano, it is highly polluted and I think there is something this hon. house can do.

Therefore, Mr. Speaker, Sir, I urge through your able office, if this committee can be given more days to undertake the exercise, they can look at the extent of the air pollution within the companies in Mavoko sub county.

During the time we were undertaking the exercise, we did this as a committee but we never engaged the professionals like NEMA and Water Resource Management Authority and I think this time round, if you give us another opportunity to undertake the exercise, we shall be in a position to engage them so that we come up with a comprehensive report.

With those few remarks Mr. Speaker, Sir, I applaud the committee for the work it did. Thank you.

Hon. Speaker: Thank you. Let us hear the mover of the motion particularly on the question raised by hon. Mutuku on whether you need time to bring supplementary report from specific companies that have polluted.

Hon. Muli: Thank you Mr. Speaker. I totally concur with the hon. member because Mr. Speaker, the timeline of four days which we were given, we it found not enough. Mr. Speaker, we found the issue of pollution within our county which covers issues of air pollution, water pollution and other forms of pollution need input of experts, Mr. Speaker.

We need to involve other organs which are relevant to the issues of pollution so that the house can get a comprehensive report which will make sure it mitigates the problem which has been caused by pollution. Therefore Mr. Speaker, I urge if it could be possible we be given more time so that we can now have an extensive report of this issue because it is not the way we imagined it was, but we found it needs more attention.

Hon. Speaker: Chairman, you are saying the report as it is can be adopted but then you have time to file a further supplementary.

Hon. Muli: Yes, Mr. Speaker.

Hon. Speaker: Any further contribution on this. This is an area I think we have perhaps exhausted. Chairman, once more on issues that have been raised about vegetables that are contaminated, you need to engage experts and some chemical analysis to be done to those and then you give us a report.

Hon. Muli: Thank you, Mr. Speaker. As the chairman, I have captured the issue and next round we are going to involve all those experts because I have captured the problems which have been raised by hon. members. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much, we are now rounding up. Yes hon. Kamitu.

Hon. Kamitu: Mr. Speaker, Sir, this is just an addition in regard to livestock that drink water from the contaminated water. In regard to livestock slaughtered in the butcheries, that analysis should also be carried out. Thank you, Mr. Speaker.

Hon. Speaker: Yes hon. Nzoka.

Hon. Nzoka: Thank you Mr. Speaker, Sir. This contamination, mostly it is affecting my area because I can recall it is where there are some cattle which perished. Four of them. There was also a time when even cattle could not take that water when you take them there. It is only that we need to sit and see where that document is. The analysis of fish and vegetables was done.

There were areas like in Nairobi, somewhere I don't know, where, were the vegetables which were there were slashed down because of that. So they have been tested and they are toxic and I

think now we have the able chairman of environment. Now that is the docket no. We sit down and sort out this issue and I shall direct you where this information is. Thank you.

Hon. Speaker: I think now I will pose the question that those in support of the report as presented and debated this morning.

(Question put and agreed to)

Hon. Members, you realize that this is a resolution of the house adopting this report. The chairman on implementation committee should be picking it up immediately and report on implementation and the Standing Orders give him a maximum of 90 days. The chair should take note because we have not seen reports on implementation coming before the floor. I don't know whether the chairman on implementation is here? The vice-chairperson? Deputy Majority Leader (Hon. Kasimu) I urge you to communicate to the chairman.

CENSUS OF PERSONS LIVING WITH DISABILITIES

Hon. Katumo: Mr. Speaker, Sir, that aware that five per cent of the Kenyan population comprises of people living with disabilities, further aware that the persons living with disabilities have a lot of unexploited potential. Deeply concerned that persons living with disabilities have been marginalized for long, cognizant of the fact that Constitution of Kenya 2010 Article 21(3) states that 'state organs and state officers to address the needs of members living in the society like persons living with disabilities,' these hon. house discusses and approves that the county Executive to urgently conduct census of persons living with disabilities in Machakos county so as to know the number and nature of disabilities and set aside special bursary fund to cater for their needs in terms of education, training and facilitation depending on the nature of disability and age of the group.

I would like to call hon. Dominic Maitha to support this motion.

Hon. Maitha: Thank you Mr. Speaker, Sir. I wish to take this opportunity to thank Hon. Justus Katumo who represents the people with disabilities and hon. Jacinta Luka. I wish to support this motion in totality Mr. Speaker, and say that it is high time we really ensure that the constitution is implemented fully by ensuring that the various articles, clauses and schedules are taken care of and respecting the rights of each and every other person as per the constitution.

Mr. Speaker, disability is not a personal will. It is a natural thing that we cannot go against. And bearing in mind Mr. Speaker, that it has been addressed by the constitution it is the high time that this hon. house considers this motion and approves it without further delay. Mr. Speaker, we need to support the disabled people because these people want, demand and request our support.

Actually Mr. Speaker, it is not a request, it is their right to be supported so that they can achieve their livelihood goals. Achieve their dreams and be felt like they are part and parcel of the community and the people of this country. I am in support of this motion and urge hon. members to pass this motion the way it is and even any amendment that can be put Mr. Speaker, by the hon. members is to make sure the aspect of disability in our county is fully catered for the better.

I want to say this Mr. Speaker. Yesterday, you gave us a report regarding the number of employees that have been employed by this assembly. It is quite unfortunate Mr. Speaker, respecting the rights of human beings and the rights people with disabilities, there is no single employee who has a disability apart from the hon. members who have been employed. So what does the institution depict? It does not respect the rights of the disabled.

So I would request the Hon. House to also give a challenge to the Office of the Clerk to ensure that at least we have or some members who represent persons living with disabilities and are given opportunities to experience and also feel that they are part of a legislation that respects the rule of the Law. I totally support this motion. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. The Clerk should take that immediate challenge and I think I confirm the position, I didn't see any employee on disability. Let us proceed.

Hon. Kathinzi: Thank you Mr. Speaker once upon a time, I was elected and I wanted to ensure that I get the exact number of the people living with disabilities because disability is not inability. I partially concur with *mheshimiwa*, as he goes out to log in, that he should not give threats to our Clerk. We respect him but in good manner he needs to pass the message in accordance with the rule of law. This is an Office of the highest level in our County Assembly and it is in fairness that he, as I did to my honorable Clerk, gave a list of my people who are educated because challenges are also accompanied by a lot of disadvantages of moving from one place of education to the other one.

So as I support this motion. Mr. Clerk I can say that in Kivaa Ward, I have like 382 disabled people. Some of them have been locked in some rooms. Young children have not been taken to schools including the ones who are in small homes. These are institutions, even when we are passing bursaries, they are not even considered that these young kids, some of the parents take them to the small homes but they are left there. The parents don't even bother going back to check the progress of these young kids.

So, therefore, Mr. Speaker, I support this motion in totality and also include when we are giving contracts, maybe we can pass the same regulations to our Assembly to instruct the Executive to set aside a certain special jobs especially the supply jobs. At least, we can increase the number to 40 percent from the normal standards of procurement to specifically give them to the disabled people so that they can at least uplift their standards and support the same.

Mr. Speaker as we support the small homes, I would also like to put an amendment and include a special institution for people living with disabilities, may be a special college for them for

higher training, may be IT and such an institution because I think with assistance from *Mheshimiwa* Katumo, as an experienced lecturer in very high institution, we can be able to achieve this Mr. Speaker.

Therefore, I support and totally request *Mheshimiwa* that he needs to withdraw some of his statements as a threat to our officers. We respect and we applaud whatever happens in this institution, Mr. Speaker. Thank you.

Hon. Speaker: Thank you very much. He is not here to withdraw but the record has spoken. We need to hear hon. Raphael and then hon. Nzoka who needs to tell us whether he is the person with disability.

Hon. R. Mutuku: Thank you Mr. Speaker, Sir. I would like first of all to thank my colleague who has moved such a motion. It is timely and as much as I am supporting it, I would also wish to draw the attention of this house that we have an act that was enacted by the Parliament of Kenya in 2003. These acts have very good provisions that are not followed. There is nobody in the national government who is keen to see they are implemented.

And Mr. Speaker, Sir, you realize that we also have National Council for Persons with Disabilities (NCPWD). It was formed with a core mandate; one, to ensure that persons with disabilities are provided with devices because some of them could not walk. Just last few weeks we witnessed in the TV that in some areas where some students were taken with wheelbarrows to schools. It is pathetic.

Mr. Speaker, Sir, the same organization was also mandated to ensure that people living with disabilities go to school, they are educated and they acquire the skills that they can use to earn a livelihood. They were also mandated to fight for the rights of the people with disabilities but this one is not forthcoming Mr. Speaker, Sir. Mr. Speaker, Sir, this is a very sensitive motion and I would urge Mr. Speaker, Sir, if the Committee on youth, Women and Sports because we are also dealing with affirmative action. We sit down, try to look at the whole motion, come up with a report because if we pass the motion the way it is, it lacks some elements which are very crucial to be implemented.

Mr. Speaker, Sir, again I would also like to move an amendment in that motion. We are talking of providing bursaries for the people living with disabilities. This one has been done for a few people but they could not complete school. It is very little so we should come up with a substantive fund to assist the people living with disabilities so that they can complete their education and a enjoy the five percent employment opportunities that is enshrined in the act although most of the institutions, this one is not on us, we are also having a provision that 30 percent of all the government tenders are supposed to be given to these people but this one is not being honored.

Reason is maybe these people do not have registered companies because they lack money; they lack people who can empower them. So Mr. Speaker, Sir, I would urge, this is my proposal if the motion can be referred to the Committee on youth, Women and Sports because dealing with

affirmative action and incorporate all the members in the County Assembly who are living with disabilities.

We sit together try to come up with a very comprehensive report that we can push the Executive to implement it for the better or for the people living with disabilities in Machakos County. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Maybe while there, I think the motion by hon. Justus Katumo is asking for a census. There is nothing that will prevent you from taking up the idea and coming up with a report. But I think the census can begin, that will still assist you. I don't know why you would want to arrest the motion.

Hon. R. Mutuku: Mr. Speaker, Sir, I am supporting the idea of the census but as hon. Dominic has said, most of those people living with disabilities are hidden in the homes. I don't know the kind of mechanism but we could come up with a recommendation on how all these people could be reached because some of them are not even known by the chiefs.

We should first of all look at the mechanism on how the census will be undertaken so that we can have everybody brought on board. Thank you, Mr. Speaker, Sir. But I totally support the idea of having a census so that we may know the population of people living with disabilities in our county.

Hon. (Ms.) Luka: Thank you Mr. Speaker, Sir. I stand to support the motion because Mr. Speaker, as we know, persons with disabilities have been neglected for so long and I think this is the high time that action must be taken because these people need services like any other person. They need to be educated, they need to be employed and if this motion passes, I think some of these challenges can be eliminated and persons with disabilities can have a better life.

Mr. Speaker, I stand to support the motion bearing in mind this will cover the whole Machakos County and will support our people as they are going through many challenges and they don't have any support from our county as it should be. So Mr. Speaker, I support the motion. Thank you.

Hon. Speaker: Thank you very much. I saw your neighbor with her hand up. Let us hear some Kiswahili.

Hon. (Ms.) Nzioka: Asanti sana Bw. Spika. Nimeshukuru sana kwa kunipa hii nafasi. Nimesimama kuunga huo mswada mkono kwamba wasiojiweza wahesabiwe na ni na maono kwamba kuhesabu watu ambao wasiojiweza, kama bunge la Machakos kwetu itakuwa ni rahisi kwa sababu kumewekwa mgao katika kila kijiji. Tuna Nyumba Kumi. Tunaweza tumia kila kiongozi wa Nyumba Kumi kuona kwamba wasiojiweza wamehesabiwa.

Sababu tukiwa na hesabu kamili, itakuwa pia tutapata jawabu ya kuona tutawasaidiaje. Bw. Spika, ni mshangao sana sababu mwaka uliopita nikiwa kiongozi wa maendeleo ya wanawake, mwandishi wa Kaunti ya Machakos, tulizunguka kuona wasiojiweza, wako wangapi katika kila lokesheni ama kijiji. Tulizunguka, unakuta unashuka, mtu amefanikiwa na mtoto. Huyu mtoto hawezi tembea, sasa kwa kuona huu mama sababu hawezi saidia mtoto amemtupa.

Mtoto anahangaika mwishowe anakufa. Utakuta kwenye kijiji, mtu hawezi kutembea, kwa mfano, lakini ana ujuzi. Wengine wanaweza shona, kushona viatu, lakini sababu hawana raslimali, wanahangaika. Unakuta hata wengine katika familia amekuwa mzigo mpaka familia inaona imuwache. Kwa hivyo nataka kusema sisi kama bunge la Machakos na kama sisi ni viongozi kamili, tuangalie wasiojiweza, tuone hesabu imepatikana na tuje na mswada kwamba hao watu wapewe raslimali ambayo inaweza fanya wasaidiwe na hivo tutakuwa tumesaidia na pia tutapata baraka kwa Mungu.

Sababu wakati wanahangaika, na sisi tunaweza tembea, tunaweza kufanya kazi, pia sisi tuna laana. Kwa hivyo nasema kama bunge la Machakos, tupitishie na tuone wasiojiweza wamehesabiwa na pia tuwasaidie. Asante.

Hon. Speaker: Asante sana. Hon. Nzoka, then hon. Nziva, hon. Mueni and the chairman.

Hon. Nzoka: Thank you Mr. Speaker, Sir. I am one of them na najivunia kuwa one of them.

Hon. Speaker: Hon. Nzoka, I think you know the Standing Orders. If you choose Kiswahili, it must be Kiswahili.

Hon. Nzoka: No let me speak English.

Hon. Speaker: Okay.

Hon. Nzoka: I do support this motion. It has come in the right time although somehow it is unfortunate because in the last budget of 2013/14, we set some money for these people and we have not given them. I can recall I was called by that group and there is one who was saying it is me who consumed the money because I am one of them. I told them no, but they will get it. What I can say is, when we are trying to identify these people, when they come up, we shall also know and it will be easy to know what somebody knows and see their talent.

There are some who are still in the house and they are talented. We can improve them a bit and then they take over. So to identify them is very important. There are those who cannot be do anything, there is a way of also assisting them. I recall when I was a town Councilor of Kangundo, Hon. Willy can bear me witness, we said those people with challenges will not pay licenses. We waived the licenses for their businesses and that is one way in which we can do. If they come and we

see this one is doing this, it is the duty of this house to see how we can assist those people through waiving their business licenses.

Also, when they come out, we shall know who should be taken to school and I will request this house, if there are those who are able to study, they can be given free learning throughout. We take care of that free learning in a place like in Donyo Sabuk primary school which is integrated. It is written inclusive. It educates those one who are challenged and if there is something which is needed, it is me who caters for it.

So I do support that way and it should be given, it is just my wish to do so. They should be given as a right to go to school, get uniform, get everything and they should not be asked anything. We shall identify after they come out, what infrastructure we can make for those who are the same, who cannot do much, so as to be catered in a certain area where they fit and we give them the people who can guide them well.

If they come out, we can also see how they can be assisted to be given opportunities of getting contracts. It is their right. So if we know who is who, who can do this, this identification will assist to know who is who, this is who, he can do this, he can that, then it is our duty to see where there is a barrier and how we can negotiate that barrier and then they live life like us. Although not us, I am one of them, like you. We live like you. Thank you.

Hon. Speaker: Thank you very much. Let us hear hon. Nziva and Hon. Mueni.

Hon. (Ms.) Nziva: Thank you Mr. Speaker, and the entire house. I stand to applaud the mover of the motion, hon. Katumo who is also my teacher. In fact, since he is a representative of people with disabilities, the other people wonder why they don't represent them fully.

But I can see time has come, when you are doing the job you were given by this people and even by God. So may God bless you and also support the census. If we do some census, I think we can identify those people who have maybe not gone to school and if they are brought to school, they can do wonders. I have seen many who have excelled in life, who have done wonderfully and even brought development in our county and even in the country.

So I fully support the motion and even ask, if we set aside some money for these people, I think it will be of benefit to our county and even they will also bless us as msheshimiwa Alice has said. In fact there are some who have come up with self help groups and they have done wonderfully. So if we give them some money, I am very sure they will excel in life and even do wonders.

I really support it and that is why we gave hon. Raphael Mutuku, the chairman for youth and sports since it deals with people with disabilities and all these. This is one of them and I am very sure, in conjunction, we will make sure even the MSWEP money goes straight to these people, the women and the other marginalized groups. And at the end of the day, things will be good. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. There is a point of order here from hon. Kasimu.

Hon. Kasimu: Mr. Speaker, Sir, I am requesting that we consider the morning session that has ended and we start another session for the afternoon. Thank you, Mr. Speaker.

Hon. Speaker: The Clerk can advise on time. That point of order is granted. It is now 12:37 p.m. and this is the second session of the day. Let us hear hon. Mueni, Matheka and Geoffrey.

Hon. (Ms.) Mueni: Thank you Mr. Speaker, Sir. Mine was to give the office of the Speaker work before December to ask him if all the 40 MCAs can bring five disabled persons from each ward and you buy wheelchairs as you have heard hon. Alice saying you buy 40 wheelchairs you give them as a present or a Christmas gift so that we can bless them with that.

The other thing Mr. Speaker, Sir, I met the two disabled members in your office having a letter to go outside the country and I heard the office refused. That is very bad, Mr. Speaker, Sir.

Hon. Speaker: You are out of order hon. Mueni, you only heard.

Hon. (Ms.) Mueni: I am sorry but I think you have heard. So the other thing is, Mr. Speaker, Sir, it is very important to respect these disabled people. They are very important, sometimes you can get a curse from them because they see that you are walking with two legs and them they have four. Thank you, Mr. Speaker, Sir.

(Laughter)

Hon. Speaker: Hon. Mueni, with humility, you cannot come to this house with rumors as a decision been communicated to you? I think you need to withdraw that remark.

Hon. (Ms.) Mueni: Mr. Speaker, Sir, I apologize and I still withdraw.

(Laughter)

Hon. Speaker: Thank you for your courage. I am happy with that.

Hon. Matheka: Thank you Mr. Speaker, Sir and the house at large.

Mr. Speaker, I fully support the motion that a census should be done on people living with disabilities. It is not hard to do it, since most of the elected hon. members know the status of their wards.

I know I have around 125 in my ward unless there is an extra, and the census should be easy to do. Mr. Speaker, Sir, I am also wondering, and I like wondering aloud, if this house can approve something and then the leadership of the house cannot practice what has been approved. It is a pity Mr. Speaker, Sir, the hon. members living with disability should be taken good care of.

It is not a rumor. It is a rumor, but Mr. Speaker, Sir your office and office of the Clerk should treat all members with disability equally, if we have to start from somewhere. Thank you Mr. Speaker, Sir and the house at large.

Hon. Speaker: Sorry, you fear something is not happening to the disabled, what is your point.

Hon. Matheka: My point is hon. Mueni has talked about it and I do not need to repeat it. The members living with disabilities in this house, two of them, are frustrated.

Hon. Speaker: Point of order.

Hon. Muli: Hon from Kangundo, I think you heard that this house should not proceed under issues of rumors because you do not have substantial evidence to prove that this issue is right. Thank you, Mr. Speaker.

Hon Speaker: Than matter is closed. Hon. Geoffrey, proceed.

Hon. Munyao: Thank you Mr. Speaker, Sir. I am not concurring with the statements that were made by hon. Alice saying this exercise of census for the disabled has to be done through the Nyumba Kumi initiative.

I think the Nyumba Kumi initiative is the same as the one we call provincial administration and as we represent this people, I think we know how the provincial administration works.

The provincial administration can register a person who is not disabled and they claim is disabled. I am not concurring with that so we have to use the provisions which were made by Hon. Raphael Mutuku that we have regulations and policies to follow when searching for these people.

Secondly, Mr. Speaker, as we represent these people, we know those people in our wards like in Kathiani, I know I have 487 people with disabilities and I know my schools which offer the services of these people in my ward. So I think Mr. Speaker, we are the right people to have a concern in this exercise.

The other thing, Mr. Speaker, is these people with disabilities should be given a free chance in registering these companies, because they have no access of money so they will access the tenders provided. So I say, let them be given free opportunity to register a company freely.

Hon. Speaker: I want to get your point because registration of a company is a function of the National government.

Hon. Munyao: Yes Mr. Speaker.

Hon. Speaker: What do you really mean?

Hon. Munyao: Even if it means the county government to support them to register because they cannot access these funds to register.

Hon. Speaker: I think what is achievable is perhaps they get the tender document for free, perhaps that.

Hon. Munyao: It is a good idea. Thank you.

Hon. Kamitu: Thank you Mr. Speaker, Sir. Mine is only to highlight some of the issue that were not captured because the mover and most of the MCAs who have stood up to support this motion have given out most of the important issues in regard to people with disabilities so my request in this regard to supporting this motion is, if this house can pass some resolutions in regard to facilities that are supposed to be given to people with disabilities.

For example, within our county, when we are constructing bus parks, we should also be considering areas for the disabled people. We have gone out bench marking and you have seen in most of the developed countries, we have areas and facilities which have been constructed for people with disabilities.

This is in regard to toilets, bus parks, and the census that has been mentioned by our MCAs, I would also request that during the census as mheshimiwa Matheka has said, every MCA is aware of the people within his ward, so it will be very easy and it should be a resolution which should be made from this house.

I would also request this house because you remember 2013/14, there is money which was allocated as a community-based fund to people with disabilities. We are requesting this house to take this action so that we may know because this money was budgeted for and it was given to people with disabilities among others like money that was also given to elderly people.

People with disabilities were among that group, so we are wondering where that money went. So, as an aspect of this, the house should also be serious in all cases that are budgeted and passed by this house as legislators. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you very much. I think we will have the two contributors and then we close.

Hon. Nzioki: Thank you Mr. Speaker. I stand here to support the motion. As I stand, I stand having evidence of what disabled people go through. I have a brother who is totally disabled. I take care of him and I know what he goes through.

Like in my home, there is always somebody, day and night to take care of this brother because he cannot talk or walk. Mr. Speaker, I am in total support of this motion and say that funds should be set aside for the disabled and they should be followed up we make sure that these people are assisted.

Mr. Speaker, I have never seen any support for this people and like *mheshimiwa* from Kathiani has said, if we use provincial administration like the Nyumba Kumi, they will give fake results. They register wrong persons and if maybe those funds come, maybe they will go to the wrong persons.

I had to buy a wheel chair for my brother. I requested for wheel chairs all over the country but I have never gotten one for the last 40 years. Mr. Speaker, it is high time we come together and I urge these members that we support this motion and whatever is necessary be done to support the disabled. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Let us have Alice and then conclude with the chairman.

Hon. (Ms.) Nzioka: Bw. Spika, kama vile ambavyo nilisimama na kusema, naunga huu mswada mkono, nina ombi kwa mwenyekiti wa hiyo kamati ya vijana, michezo na kina mama, kama ingewezekana ili tuwe na huwajibikaji kabisa. Mheshimiwa Katumo ambaye ameleta huo mswada na pia mwenzake Mheshimiwa Jacinta Luka, ingekuwa vizuri kama ikiwezekana, wawe wanachama wa hiyo kamati, ili wakishikana pamoja, waone, kama ni mambo ya wasiojiweza, wanaungana pamoja ili kuleta matakwa ya hawa ambao wamewaacha nyuma.

Ni ombi langu kama itawezekana wahusishwe kwenye hio kamati na washikane pamoja na kufanya hio kazi ya kujua idadi ya wasiojiweza na vile ambavyo wataweza kusaidiwa. Pia ningepuliza waheshimiwa ambao wamechaguliwa, idadi ikipatikana itakuwa rahisi kwetu kama bunge la Machakos kukusanya hawa wasiojiweza katika vikundi. Kwa sababu kwenye vikundi, utaweza kuwasaidia haraka na itakuwa usaidizi unaweza kufika.

Kwa sababu tukisema kama bunge la Machakos tutapitisha pesa za kuwasaidia, itakuwa kwetu vigumu kusaidia mtu mmoja mmoja lakini wakiwa kwenye vikundi, itakuwa rahisi kama unaweza kuwatoa wasiojiweza idadi ya kikundi cha watu kama ishirini, unawapeleka mahali kama Kisumu kaunti kuona wale wasiojiweza huko wanafanya miradi gani.

Pia tuwapeleke mahali kama pwani, Mombasa Kaunti, tuone wanafanya nini, pia hapo watapata utaalamu ambao utawasaidia kuishi na pia itakuwa rahisi kuwasaidia. Kwa hivyo ni ombi langu kwa mwenyekiti Mr. Raphael aone ya kwamba amehusisha wenzake wawili kwenye hiyo kamati yake. Asante.

Hon. Speaker: Thank you.

Hon. Muli: Thank you Mr. Speaker, I do not have much because more has been spoken out by the other hon. members but I have an issue to put forward Mr. Speaker. I took census in my ward when we had issues of the fund which was allocated for the social welfare from the Executive. Mr. Speaker, I wanted to recognize that in my ward, I have extensive disabilities. Forget these ones for hon. Nzoka, which is partial, we are having almost 800 and above.

(Loud consultations)

Mr. Speaker, defend me.

Hon. Speaker: Proceed.

Hon. Muli: Thank you Mr. Speaker, for defending me. I realized I have about 800 from my ward. Mr. Speaker, I applaud hon. Katumo for bringing this motion, whereby it needs to be considered heavily, because we have small homes within our wards which cater for the people with disabilities and more so the young ones.

You find they were being sponsored by NGOs previously and many of the NGOs in our country have terminated their contracts and already those small homes are in existence and those are the areas where we have to put more effort so that Mr. Speaker, God will bless us.

Hon. Nzioki from Muthesya can bear me witness, I keep on calling goat-eating forums or contributions on issues of that small home in an area called Ndovoini.

Those small children do not have wheelchairs but they have passion, they even help one another on issues of short calls and long calls. Therefore, Mr. Speaker, I request this house to totally support this motion and this issue be implemented as fast as possible so that we can get blessings from Our Lord. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Then we can hear the mover of the motion. Kindly, hon Katumo.

Hon. Katumo: Thank you Mr. Speaker, Sir and for members, I applaud you for that support you have given to this motion. But I want to highlight two issues here. One, in the definition, I have heard hon. members say people with disability and things like that. It is persons with disabilities as per Article 94 (1).

It is persons with disability not 'these people' or this and that. Refer to us as persons with disabilities. If you cannot do that then you see PLWDs.

Another thing I want to say Mr. Speaker, Sir, if you look at this motion, it is not looking for money or handouts. It is a motion for empowerment. We have seen what has happened, but I am really concerned about this house where we have the representation as per the constitution. But when we pass these laws, we do not see the effects of the same going downward and therefore it is a concern that this house needs to do more and the leadership of this house.

One of the members has said that we refer this motion to the committee and I want to say this committee for youth, gender and sports is not even disabled-friendly. Because you remember in this house, we amended that committee to include persons with disabilities and up to now I have gone to the Speaker, to the Clerk, I have talked to everybody but that has not been done. So it is not a disabled-friendly committee and I wouldn't like.

Secondly, you know of course when we talk about empowerment, I have highlighted three issues here, one is education, training and facilitation. Why? We have different nature of disabilities and therefore according to that capacity, you are able to assess and give the right empowerment.

Why am I saying this, Mr. Speaker, and the house? It is because this is just a condition where you need to improve on it to give a capacity to a person to perform, because the potential is within. I had to do four masters in a row, so that I can be noticed. If we leave people there, they will be beggars and people who cannot do anything will see them as disabled people and people who are in need or dependants.

We need to empower them to change our County. We have schools around where we can at the same time try to refer, of course, I think it is in the house and to the leadership where I brought an issue concerning what we have around here and I think it has not been taken into consideration.

And therefore I want to applaud these members and say, indeed I am happy today that we can pass a legislation that is binding to all to make sure that our members out there will not be looked at as disabled people or persons with disabilities, but people who can do something to Machakos county.

As I have been moving around, they say I am the one who has been eating their money. Actually, one of them confronted me and reprimanded me seriously saying I have been given Ksh 5million. This is very serious and we need to do something.

Those who are responsible to do what they are supposed to do, they should do it with exceptional excellence to make sure that we move forward. So thank you very much and may God Bless all of us as we do this. We will be blessed because of doing this.

Hon. Speaker: Thank you very much. I think that is about the conclusion of the motion and I proceed to put the question.

(Question put and agreed)

Hon. Katumo, I will urge you to approach the Speaker for a few issues that you have raised in the motion to see whether they can be resolved.

ADJOURNMENT

Hon. Speaker: There being no other business then the house adjourns for the whole day.

The House rose at 12.59 p.m.