

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Tuesday, 4<sup>th</sup> August, 2015**

The House met at 2.37 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****PETITION****MACHAKOS COUNTY YOUTH POLYTECHNIC INSTRUCTORS**

**Hon. Manyolo:** Thank you, Mr. Speaker, Sir, and the house at large. Pursuant to Standing Order No. 194 (b), I beg to lay the following petition to the floor of the house today 4th August, 2015. The petition by Machakos County Youth Polytechnic Instructors. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Petition presented and will be duly circulated. Proceed.

**PAPER LAID****REPORT ON AUTOMATION OF COUNTY REVENUE**

**Hon. Manyolo:** Thank you Mr. Speaker, Sir and the house at large. I am representing my chairman who has attended a funeral service at his place. Mr. Speaker, Sir, I beg to lay the following paper on the table of the Assembly today, 4th August, 2015. Report of finance and revenue collection committee on automation of county revenue. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Paper laid. Proceed

**NOTICE OF MOTION****REPORT ON AUTOMATION OF COUNTY REVENUE**

**Hon. Manyolo:** Thank you Mr. Speaker, Sir, once again. Mr. Speaker, Sir, I wish to give notice of the following motion. That this house discusses and approves the report of finance and revenue collection committee on automation of county revenue. Thank you Mr. Speaker, Sir.

**NOTICE OF MOTION****BANNING OF SAND HARVESTING IN NDALANI WARD**

**Hon. Muthuka:** Thank you, Mr. Speaker, Sir. I wish to give notice of the following motion. Pursuant to Machakos County sand harvesting Act 2014 section 28 (1) that this hon. house discusses and approves banning of sand harvesting in Ndalani ward. Thank you.

**Hon. Speaker:** Thank you. Notice issue3d. Proceed.

### STATEMENT

#### MURAMMING OF KISIIKI-KAMBI MAWE ROAD

**Hon. Muthuka:** Mr. Speaker, Sir. With your permission, I would wish to lay a statement that I could have laid on Thursday but if you allow if can lay it today because of the seriousness of the issue.

**Hon. Speaker:** Proceed.

**Hon. Muthuka:** Thank you Mr. Speaker. I seek to know what urgent measures the department of roads and public works is taking to murrām Kisiiki, that is from River Thika Bridge to Kambi Mawe where we border Murang'a County, a stretch of 16 kilometers. Currently the road is not graded, it is dusty, impassable and a great hazard to the bodaboda operators, local motorists and the residents.

It is therefore my humble plea to the county government of Machakos to take urgent steps to murrām this road within the shortest time possible to prevent further loss of precious lives for Ndalani ward residents. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. The statement will be referred to the chairman of transport committee to file an answer to the assembly in 14 days. Proceed.

### MOTION

#### REPORT ON AUTOMATION OF COUNTY REVENUE

**Hon. Manyolo:** Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, aware that most institutions in the country have been automating their services to enhance the provision of service, efficiency and improve security of handling large amounts of cash, aware that the house debated and approved that the Executive to automate revenue collection and that the committee of finance was directed to submit a report on revenue automation on 4th August, 2015, Mr. Speaker, Sir, I wish to move the motion that this hon. house discusses and approves a report of finance and revenue collection committee on automation of county revenue. Thank you, Mr. Speaker, Sir. I call upon hon. Mueni to second the motion.

**Hon. (Ms.) Mueni:** Thank you Mr. Speaker, Sir. I stand to support the motion as read by the member of the finance committee. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. The report is therefore properly laid for discussion and debate may the report be circulated.

**Hon. Kavuu:** Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I don't think there is a quorum in the house because most of the members are not present.

**Hon. Speaker:** Yes, Clerk. May the bell be rung, we are lacking in quorum.

*(Quorum bell rung)*

Order, Hon. Members. Quorum has been achieved may business proceed.

**Hon. Manyolo:** Thank you Mr. Speaker, Sir, and the house at large. Report of finance and revenue collection committee on automation of county revenue. Mr. Speaker, Sir, On July 29<sup>th</sup> 2015, Hon. Amina Mutio tabled a motion that the Assembly discusses and approves that the County Treasury to adopt cashless policy in revenue collection based on digital forms of cash transfer and to employ revenue clerks on permanent terms so as to protect and increase collection of county revenue.

Mr. Speaker, Sir, the motion was debated and subsequently passed unanimously. The Committee for Finance and Revenue Collection was directed to give a report to the House on the matter on 4<sup>th</sup> August, 2015.

#### Mandate of the Committee

Mr. Speaker, Sir, Standing Order No. 190 (5) states the functions of a Sectoral Committee shall be; '(a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned department; (b) study the programme and policy objectives of departments and the effectiveness of the implementation; (c) study and review all county legislation referred to it; (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives; (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly; (f) to vet and report on all appointments where the constitution or any law requires the Assembly to approve, except those under Standing Order 184 and; (g) make reports and recommendations to the assembly as often as possible, including recommendation of proposed legislation.'

#### Committee Membership

Mr. Speaker, Sir, the Finance and Revenue Collection Committee as currently constituted, comprises of the following Hon. Members:-

1. Hon. Nzeki Munyaka - Chairperson
2. Hon. Hon. Bibiana Nduku - Vice Chairperson
3. Hon. Raphael Mutuku - Member
4. Hon. Nathaniel Nganga “
5. Hon. Edrick Ngunzi “
6. Hon. Alice Nzioka “
7. Hon. David Manyolo “
8. Hon. Philip Ndolo “
9. Hon. Bernadette Mueni “
10. Hon. Peter Nzioki “
11. Hon. Michael Mutuku “
12. Hon. Margaret Ndalana “
13. Hon. Felix Ngui “

#### Revenue Automation

Mr. Speaker, Sir, the committee has been in contact with Department of Finance and Revenue Management on Revenue Automation. The Department informed the Committee that revenue automation was on course and by 15<sup>th</sup> August, 2015, cashless system will be rolled in all sub-counties.

Mr. Speaker Sir, the committee together with that of Budget and Appropriation are in receipt of deliberations made during the County Revenue Automation Conference held in Naivasha on 14<sup>th</sup> to 17<sup>th</sup> July, 2015 in which the Assembly was represented by Chairman, Budget and Appropriation Committee and the Chairman, Labour, Public Service and ICT Committee. Some of the recommendations made at the conference that are quite relevant to revenue automation include:

1. The County governments are required to approach revenue automation using a phased/module approach.
2. There was need for continuous engagement with stakeholders on county ICT automation agenda through various news channels to keep the ICT agenda in the counties alive. This would assist in ensuring that stakeholders are aware about the automation and are ready to use it.
3. That Cyber Security of the County Financial System was a major concern and thus counties to have their financial systems audited and probed for any vulnerability.
4. That Public Finance Management Act should be re-looked at to support online transactions since the current Public Finance Management Act does not allow spending at the source before revenue was appropriated by the Controller of Budget.

Mr. Speaker, Sir, there was a need for stakeholders' consultation when programmes and projects were being initiated. This would enable ownership and make implementation easy. Some critique on the programmes being implemented would inform the implementer of the potential risks, weaknesses and even failures as well as the strong points of the project or programme. This would help the implementer to re-look and re-think about the project or programme.

The County Assembly was not involved in the change of revenue collection from manual receipts to the current use of revenue gadgets. Hon. Members have raised concern with the Department on the functionality of these gadgets and on their ability to store data for a long period of time or to transmit transactions to a central point. The Department has always insisted that the machines could do a better job and were being upgraded.

Mr. Speaker, Sir, the committee thought Machakos County was the County number one in revenue automation but was not among the three counties that showcased revenue automation at the County Revenue Automation Conference in Naivasha on 14<sup>th</sup> to 17<sup>th</sup> July, 2015.

Mr. Speaker Sir, on 29<sup>th</sup> April, 2015, in response to Hon. Kyuli's statement on what the department was doing on failure of the revenue gadgets, the Chief Officer, County Treasury stated that the gadgets would be fitted with two SIM cards, that is Safaricom and Airtel. Further, the department stated that it had recently introduced Mpesa Paybill number 522022 and customers were being encouraged to use it.

Mr. Speaker, Sir, it is three months down the line and no publicity has been conducted to inform users on the Paybill number. The Department promised the committee it would roll out revenue automation by 15<sup>th</sup> August, 2015 and so far no publicity or even consultation with the stakeholders including the Assembly has been conducted.

Mr. Speaker, Sir, there are members who are making loud consultations here.

**Hon. Speaker:** Order.

**Hon. Manyolo:** Mr. Speaker, Sir, automation was more than just acquiring a paybill number. There was need to have a platform on which interface communication was needed for monitoring and generation of reports. There was also need to train the implementers as well as those who oversee the implementation among many more activities. Further, automation like that of Nairobi City County was more than just a paybill number. Mr. Speaker, Sir, the Revenue Automation Conference recommended phased-out revenue automation starting with the most crucial revenues. There was also need to conduct piloting of the automation of revenue so that the process could be assessed on its effectiveness, viability and efficiency.

### Recommendations

Mr. Speaker, Sir, the committee made the observations made above and would like to make the following recommendations to the House for approval.

1. That the committee be given more time to engage the Executive who are the executors on the matter of revenue automation and to benchmark with Counties that have done revenue collection automation such as Kilifi, Kiambu and Nairobi so as to make informed decisions on revenue automation issues.
2. That the Department to submit a comprehensive report on its programme of revenue automation in the next 21 days to the Assembly for approval.
3. That before the programmes of automation are rolled out thorough stakeholder consultations and piloting to be carried out.
4. That the implementation of the motion on revenue automation by Hon. Amina discussed and passed by this Honorable House on 29<sup>th</sup> July, 2015, be suspended until the committee tables a comprehensive report in the House.

### Acknowledgement

Mr. Speaker, Sir, the Finance and Revenue Collection committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings. I wish to express my appreciation to the Hon. Members of the committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report.

Mr. Speaker, Sir, it is therefore my privilege, on behalf of the Finance and Revenue collection Committee, to table this report and recommend it to this Hon. House for adoption. Mr. Speaker, Sir, this was an interim report to comply with your directive but a substantive and a detailed report would be tabled after engagement with the Department of Finance and Revenue Management, benchmarking and engaging experts and stakeholders. Thank You Mr. Speaker Sir. I call upon hon. Mueni to second the report. Thank you.

**Hon. (Ms.) Mueni:** Thank you Mr. Speaker, Sir. I stand to second the report as read by the member of the committee that we discuss and pass this motion as it is so that we may collect the revenue because the county is losing a lot of money. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Hon members, for those who followed the report conclusively together with the mover, I don't find anything in this report. I don't know what the view of the house is. Because looking at the recommendations, there is actually no recommendation. Because recommendation No. 1 says that the committee be given more time. No. 2 says the department to submit comprehensive report in 21 days. Recommendation No. 3 says that before the programme on automation is rolled out through, there be stakeholders consultation. The report simply tells us that we should wait for a comprehensive report from the finance committee. I don't know. I am lost.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker, and the house at large. Mr. Speaker, according to the little English that I know, the recommendations are clear. This committee needs more time. It also needs to get a report from the side of the Executive so we

have nothing to discuss Mr. Speaker, on this report before the house because they are just requesting for more time.

Nothing else, they have not come with a recommendation on how the automation should be done so I don't want to say their report is half-baked but Mr. Speaker, down there, they are saying they only brought this report before the house to adhere to your directive that there should be a report on 4th August.

So Mr. Speaker, I think the prudent way is just to give this committee more time as their request in the recommendations. Thank you.

**Hon. Speaker:** Thank you. Hon. Mueni, you seconded, maybe do you agree with that position.

**Hon. (Ms.) Mueni:** Yes. According to the Majority Leader that the little English we know, it is only that the Executive side is saying that we give them time because they are taking the issue to the public they discuss with them and then they also bring the report to us again,. Thank you.

**Hon. Katela:** Mr. Speaker, Sir, then I think that is the report hon. Mueni could have given. I think she is privy to the point that the Executive needs more time. But Mr. Speaker, Sir, I am not a member of that committee but I think they need a lot of induction and they need to travel to Kilifi, Nairobi and Kiambu so that they can learn more and bring a deeper report because they are saying they are looking for more tangible report and practicals, and if so as the chair ICT, I should also be included so that we can learn more about the report. Thank you, Mr. Speaker.

**Hon. Speaker:** Order hon. members, without wasting a lot of time on this, let us grant them another 30 days. Hon. Manyolo, we will need this matter mentioned before this assembly in another 30 days. See that we get a comprehensive report.

**Hon. Manyolo:** Thank you Mr. Speaker, Sir, for granting us further time for consultation and bench marking for we had also requested to travel to Kilifi, Kiambu and Nairobi to see how they have worked and then we come up with a clear report on how we will use the automation systems. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Let us hear Hon. Muthuka.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, this is a hon. house and I don't think it is in order for the Deputy Speaker, who chairs the proceedings of this house, to happen to be in this house when he is not well-dressed, Mr. Speaker. Thank you.

**Hon. Speaker:** I don't know. Kindly help me in finding the Deputy Speaker.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, he has just sneaked out.

**Hon. Speaker:** I will take it up in person with the Deputy Speaker. Let us proceed.

## MOTIONS

### BANNING OF SAND HARVESTING IN NDALANI WARD

**Hon. Muthuka:** Mr. Speaker, I stand here to move a motion that aware that this Hon. house enacted the Sand Harvesting Act, 2014; aware that sand harvesting in Ndalani has led to deterioration of the environment and the removal of sand results to destruction of underground aquifers; further aware that most of the sand loaders are school dropouts hence affecting their education standards in the community.

Aware that the haulage trucks that carry the sand with time destroy the roads and bridges which have not been constructed to accommodate them, Mr. Speaker, sir, the Constitution of Kenya, Article 42 (b) states that every person has the right to a clean and healthy environment which includes the right to have the environment protected for the present and future generations through legislative measures.

Further aware that Article 69 of the constitution stipulates that the State shall ensure sustainable exploitation, management and conservation of the environment and natural resources and ensure the equitable sharing of accruing benefits, Mr. Speaker, sir, I wish to move the motion that his Hon. House bans sand harvesting in Ndalani ward and the county government of Machakos should move with speed to rehabilitate the affected roads and rivers. I wish to call Hon. Alexander Kathinzi to second this motion. Thank you.

**Hon. Kathinzi:** Thank you Mr. Speaker. I have stood to second this particular motion and it my view and in public interest, some of the places are totally destroyed even the examples like Ndalani, Ekalakala, Kivaa wards and a few more. Mr. Speaker, this is something I have passion with especially in my area. One day, I was patrolling the area with the public and it is with a lot of concern because you find that most of these lorries are coming from as far as Kiambu, Nakuru, Thika and they are coming with hooligans.

They are ferrying this co-called sand brokers and they blocked me on the way that day and they sat down to smoke bhang in the open. Mr. Speaker, the following day I wrote a letter to the office of NEMA in Machakos County which I can produce here in the assembly requesting to be informed which harvesting sites have been licensed by NEMA in this county in my area of representation. The letter I got is that we can only harvest sand in river Tana, in the tributaries where the water is getting up to Seven Forks. So in any other area, I think, it raises a lot of concern and we called for a time out meeting in all schools in my area and we had a gathering of more than 4,000 parents and teachers complaining through a memorandum and it is lying in my office.



This is just to give just but an example. The community is fed up with the bad behaviour and the accompanying issues. In this regard, I am supporting this particular motion because most of the students are primary school pupils who are dropping out of school to engage in this particular activity.

It is also with concern that even our young girls are getting pregnant because of bad behaviour accompanying this particular menace. So, I do support totally but request the mover to allow me to incorporate an amendment that we include Kivaa ward in this particular motion. Thank you, Mr. Speaker.

**Hon. Speaker:** Let us hear the mover.

**Hon. Muthuka:** Thank you Mr. Speaker. I believe, maybe the motion may have come as a shocker to some of us because we know most of the people claim that their livelihood is in sand harvesting but if we sit down and think carefully about our future, you may find that we are heading to doom. Mr. Speaker, Sir, it is unfortunate that a couple of days ago in my ward, we were conducting an exercise nominating the board of management of secondary schools and the qualifications were simple that a member should have a form four certificate.

I am shocked that to all the schools that I went, out of 200 parents we could hardly get five people who have attained form four education. Mr. Speaker, Sir, this is a time bomb because currently we know the way the world is going. Without education, we are heading nowhere. If you compare Ndalani ward and other wards, education standards are the lowest. That is why development in the area is the worst because as we traverse through the ward, even myself I am forced to leave my car away from my home so that I can trek simply because the roads are impassable.

Mr. Speaker, Sir, the destruction is overwhelming because most of the water catchment areas have dried because of the sand harvesting exercise. Three weeks ago, we had the county department of water coming to Ndalani to drill boreholes but surprisingly out of the four sites that they went to, all they drilled were dry boreholes. That tells us the aquifers or the ground water table has been interfered with by this exercise and that is the reason we are not able to get ground water.

On pollution of the water downstream, we have people who reside along river Muti and river Thika. This exercise has posed a dangerous problem where those living downstream like Matangini area, Ndumbani area and Kithyolo are using contaminated water because these trucks get inside the rivers where they pollute the water and pose a health hazard to the people.

Mr. Speaker, Sir, if you come to Ndalani you will be shocked. Little girls are pregnant and also early marriages are always witnessed in the ward. You find that girls who are under- 18 are being married and others are pregnant and that poses a dangerous situation because in future these young girls are not able to educate their kids and they end up increasing the poverty levels in my area.

Another problem is the increase in the generational gap where the youth and the aged, have a visible difference in physique and in mind. We are not able to have a consultative

between the aged ones and the young simply because the gap has degenerated and is so big and even the thinking patterns do not allow them to come to a conclusive point when discussing issues.

Mr. Speaker, there is also the high rate of Hiv/Aids infection due to increased poverty and promiscuity. Hon. Kathinzi has put it that these lorries come with thugs or brokers and by the end of the day, because water is a rare commodity, the young girls and young women get into the lorries and are ferried to the rivers where they can get water. During that period, a lot transpires because that is the reason you find that the lorry is there up to night.

Last weekend we happened to travel there with hon. Muinde and we were shocked to see some small holes or some depressions and they were introduced to us as lodgings which these people use while they are entertaining themselves with our people.

Mr. Speaker, currently we have a big problem in my area because everybody is suffering from respiratory problems which are emanating from the dust. The roads are impassable and are very dusty but you find that all this dust gets into the classrooms, the bodaboda operators are also suffering from the same problem and also the local community. Everybody is crying because of this activity.

Mr. Speaker, Sir, if you take the statistics, Ndalani we have so many deaths. Nearly every week we have a burial because of the same menace. In this light, I am pleading with his hon. house, we may start from somewhere because we must take care of our posterity and I request those of us who may think that their places are safe of the sand harvesting will be able to direct the lorries and the brokers to those sites but at the moment let us have sanity in Ndalani ward and at the same time, I will be pleading to the county government, through the various departments, that they should absorb all the youth that have been playing the role of loaders.

Those boys who have dropped out of school and have been hired as loaders so that they can be absorbed in the county projects especially what we have seen started in the drilling of boreholes and also roads projects and tarmacking of towns.

I am also pleading to the county government that as we ban this activity, it should move with speed so that they can replace four bridges that have been destroyed and 13 drifts that are making the place uninhabitable. They should also consider the murraming of all the roads. We know that the programme is geared to bringing the roads to bitumen standards but at the moment, let us start from somewhere. We cannot graduate until we start from Standard one.

My people want to start from Standard one and if the county government can assist in murraming the roads, we will be starting from somewhere. Finally, I would request the county government to construct sand dams and weirs to rehabilitate the depleted rivers and improve the water table in Ndalani ward so that this water commodity can be available to the people because we know water is life. With those few remarks, Mr. Speaker, it is my humble request that this hon. house will see it prudent to support his motion and have this exercise banned in Ndalani ward and also Kivaa ward. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much Hon. Muthuka but then I was looking at the Machakos County Sand Harvesting Act 2014, I don't know whether you had your copy and I am

looking at section 28 (1) which reads ‘the licensing officer, licensed officer or police officer may order a license holder to stop any sand harvesting activities and close the site if appears the site is posing danger to human life or detrimental to public health.’ I don’t know what your view is after going through that law that is a law of this house.

**Hon. Muthuka:** Thank you Mr. Speaker, Sir. As you know, after passing this act up to date, the act has not been operational because the first role that the transporters took was go to court so that they can bar the county government from charging the monthly or annual cess and at the same time we have not defined who are these licensing officers. This is our law and it emanated from this house and as a public officer too---

**Hon. Speaker:** It has not defined the licensing officer, you say? A licensing officer means the Executive committee responsible for matters relating to natural resources. Hon. Muthuka, don’t you think you may need time to see whether you can reconsider your motion - let me finish because I thought I am properly informed - to reconsider this motion to either amending it because it looks like you can only do a motion when an officer has failed to do a duty then we can have a motion to compel that officer to perform. I don’t know whether you have tried the officer and he has refused to act or something like that.

**Hon. Muthuka:** Thank you Mr. Speaker. This has been a long journey and the issue of sand harvesting in Ndalani has been a thorny issue which even every leader would like to avoid because if you talk of sand you are touching a live wire. I have also called several meetings and consulted from the sub-county administrator and also through the national government sub-county commissioner and all this by the end of the day, we have come to realize that even the size of the sand harvested is not licensed.

Like on Friday, we went to a site where even the grave of those who died long time ago have been exposed simply because people are in the business and everybody is doing whatever they can do so that they can get this commodity for their own benefit.

Mr. Speaker, we cannot in this hon. house and wait to see the end of our generation. Actually that is a curse, as far as I am concerned, and that is why I took the matter personally so that maybe if we start from, Ndalani, maybe the rest will take suit and we will see the light at the end of the tunnel because the place is un-inhabitable. That is all I can say, Mr. Speaker.

**Hon. Speaker:** Thank you. Let us proceed. There was some information. Hon. Katela. Let us hear.

**Hon. Ngunzi:** Mr. Speaker, my concern goes to the operationalization of the act. I am the chairman of natural resources committee and severally have been to the CEC and the Chief Officer over the operationalization of this act. They always talked of no funding to go out to the public to make them aware of the act. It is an act that lies in cupboards and has never been made real.

I still look at the chairman of implementation committee. Mr. Speaker, that was December 2014 when the act became operational. It is still lying in drawers. We see lorries move at night, no committees have been formed at the county level and at the ward levels. If you through the act, it is a nice document and nobody has made it actual.

Can we ask the chairman of implementation committee to make sure that funding is availed to the relevant department to have the act operational? Thank you, Mr. Speaker.

**Hon. Speaker:** Now let me hear the Deputy Speaker now that he has a tie.

**Hon. Nganga:** Thank you Mr. Speaker for the opportunity. Mr. Speaker, before he chairman of implementation committee responds, it is important before the chairman of committee on water to understand that the people who are undertaking the sand harvesting business went to court and obtained an order that suspended the implementation of that law and as things stand now Mr. Speaker, we are not aware whether the county has been able to quash those orders or not.

Mr. Speaker there is need that the very same chairman follows up that matter through the legal department in collaboration with the legal department in the count Executive to ensure that that order.... because the businessmen went to court quashing the section of the law saying that they are not allowed to transport sand in the night and were claiming it is affecting their business and it is against their human rights.

That in itself put the county departments in a quagmire and if this could be lifted, then that means the county Executive can now come into force. In that scenario, it means we don't have an existing county law that is governing matters to do with sand harvesting and with your legal experience, it would proper that you guide he house now whether through a motion this matter can be resolve or we would want to bring about a substantive set of rules and regulations or a bill, for that matter, or which other procedure we would use to make sure such an order is lifted so that the county can start controlling matters to do with sand harvesting. Thank you, Mr. Speaker.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker. I want to inform the mover of the motion and the Deputy Speaker that the case that is before the court by the sand transporters, it is not about the Machakos County Sand act. It is about the Finance bill of 2014/15. That is why they went to court objecting the implementation of the new charges. That is what I know from where I sit and as a representative of the government in this house Mr. Speaker. It is not about the County sand Act Mr. Speaker. Thank you.

**Hon. Speaker:** Let us first hear briefly, Hon. Dominic.

**Hon. Maitha:** Mr. Speaker, I want to be guided by the Chairman hon. Ngunzi because he is saying that the CEC has been saying that the document has been lying, that is the act has been lying in the office waiting to have public participation. Mr. Speaker, I believe this county spent a lot of money to hold public participation.

Before the act was assented by the Governor, it went through all the necessary stages like public participation, first reading and second reading, amendment here and there and then what kind of public participation do we need.

More also, to echo what the Majority Leader has said. The finance Bill is the one which taken to court and not the sand harvesting act. I would to say that we need now to hit the nail on the head. If the sand harvesters are now going to court to fail to implement the Fees and Charges that we are giving them, I will be bringing a motion to this house to seek immediate approval that we totally ban sand harvesting in the entire Machakos County. Let them go and carry sand somewhere else. Our sand remains.

They pay one sticker and they are using the same for almost a week. How are we going to collect revenue? I am happy enough that I have seen an advert that we are going to hold public participation for the financial year 2015/16 and if we pass the implementation of the Fees and Charges and they rush to the court again, we will pass a motion and I will seek the support of this members that in totality we ban sand harvesting in Machakos County until they comply. It is two-way traffic, Mr. Speaker. Thank you.

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

**Hon. Nganga:** Mr. Speaker, I want to bring to the attention of the preceding member who has contributed that that detail I have passed on is not my own information. I was having a discussion recently with the County Chief Legal officer and I was able to gather the details that on top of them having cited sections of the Finance Act, they also cited sections of the Sand harvesting Act that they wanted annulled.

That detail is correct as far as the office of the County Legal officer is concerned. Mr. Speaker, in view of that I think it is a matter that the relevant committee should be able to handle and furnish this house with the necessary details in regard to those issues and also recommendations, if there is no law in place then and the house may be able to make the necessary legislation to contain that menace.

Mr. Speaker, in my own ward I have similar challenges. People draw water from the wells that they dig in these areas where there is a lot of sand mass and with the establishment of the new Standard gauge railway, there is a lot of demand for sand and with the growing real estate business, the demand for sand is overwhelming. If we don't move with speed to contain

the livelihood of our people and their animals, Mr. Speaker, the economy of this county is going to be jeopardized.

However, the total ban on sand harvesting cannot be effected so we need to have a balance in law so that those who want to continue constructing can continue exploiting the resource while at the same time, the necessary safeguards in law are also put in place. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you but then again for purposes of commencement of the act called Machakos County Sand Harvesting Act 2014, this act was assented by H.E. the Governor on 18<sup>th</sup> November, 2014 and the date of commencement was the same date of assent. To date, the assembly has not been served with any court order nullifying this law so for us it is still the law. Maybe we can only be guided if we have a court order or something. Yes, let us hear this guidance here.

**Hon. Katela:** Mr. Speaker, I think I am well-placed because I am a stakeholder in both sides as a sand harvester, transporter and a member of this house to protract the environment. I am supporting what hon. Dominic and the Majority Leader have said.

What happened is that the sand harvesters gathered and went to court to challenge the amount of revenue they were to pay per truck because it used to be Kshs. 40,000 but when they met the Governor, he slashed it half way to Kshs. 20,000 per month. It is only recently they increased to Kshs. 21,000 per month. It was increased by the revenue collectors---

**Hon. Speaker:** Hon. Member, you are addressing the house.

**Hon. Katela:** I am addressing the House; I am not addressing hon. Ngunzi. Mr. Speaker, protect me.

**Hon. Speaker:** Allow him to proceed.

**Hon. Katela:** A truck is paying Kshs. 21,000 per month---

**Hon. Speaker:** That is a conversation that you had with your colleagues or who.

**Hon. Katela:** We had with the Governor. They met with the revenue collectors and the Governor---

**Hon. Speaker:** Hon. Katela, I don't think we are making any headway. Let us hear hon. Mueni. Yes.

**Hon. (Ms.) Mueni:** Thank you Mr. Speaker, Sir. This sand is carried by the rich people and they are leaving our poor people to suffer on the ground. What I am asking this house, because we are here to take care of our poor people who are down there outside, even I would ask my *mheshimiwa*, the chairman for the transport committee to pour down water in the roads which he has already.

The people are suffering there. They are becoming sick now and then and my people there, my parents are an example of that. The chairman of transport committee, I ask him to find some water to go and pour on those roads and the sand harvesting be stopped completely so that the people can know what to do. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Hon. Kitheka.

**Hon. Kitheka:** Thank you Mr. Speaker and the house at large. Mr. Speaker, I think you should protect this house by getting sentiments of hearsay and gentleman promises---

**Hon. Speaker:** I agree.

**Hon. Kitheka:** .....or agreements that did not pass through this house. Mr. Speaker, by doing so, that we will move this house to a higher gauge. On my part, I think it will be prudent for this house, even if is to make a radical move on this issue brought by the hon. member for Ndalani ward, we find a way even if it is restraining the CEC member who happens to be the licensing officer, we call he officer in the committee to answer why he or she has not been implementing this and it is affecting a lot of people.

Even if we sit down and start guessing there is a court order somewhere or we start arguing there was a gentleman's agreement promise which did not carry the day, it will not help us in this house.

So Mr. Speaker, it will be better for us to make a very strong sentiment to the CEC Member to act or the implementation chairman can take action. I don't see why we should just start dragging on trying to argue on the law which we made in this House. Mr. Speaker, I think we can act on the laws which we have made in this House and make sure they are implemented to the latter. Thank you.

**Hon. Speaker:** Let me just guide this House. There is a motion properly on the floor and the House's duty, as presented by Hon. Stephen Muthuka, is to answer the question, that sand harvesting be banned in the land. Let us proceed and make a determination on that question. Let's hear contributors first.

**Hon. Kyuli:** Thank you Mr. Speaker. I want to start by thanking the mover of the motion. I want to support it fully but again I would like to request that he allows Wamunyu ward to be

included in the same because Mr. Speaker, you find the guys that are - and I'm calling them guys, Mr. Speaker because they are funny-looking men - the guys that are doing this exercise are doing it without license, especially in Wamunyu.

There is a great mistake that they have been doing. I have been fighting the same with Hon. Ngui because we share a border of a river called Athi River and Mr. Speaker, if you go down Athi River today where there is a bridge, you will find that they have scooped even under the bridge where the pillars are. So Mr. Speaker, these guys are just as funny as I am calling them. They are not even thinking about the consequences if that bridge falls, for example.

Number two Mr. Speaker, they are used to coming at night because Mr. Speaker, the community down there, especially in my ward, has not accepted this so they find time at night. Mr. Speaker, a week ago I went down where they are doing the ....not harvesting but scooping with the OCPD, Mwala, just to chase the lorries that were doing the scooping and Mr. Speaker, what we found at the riverbeds was funny because you will find that women are cooking food down there, Mr. Speaker.

We were able to go into the bushes around, Mr. Speaker; there is no toilet around that place and imagine what is going on. I am worried, I even wrote a letter to the DPHN, Mwala Mr. Speaker, requesting them to come and check on the issue because for example, Mr. Speaker, if it rains today and the people downstream are using the water that is coming from upstream, Mr. Speaker, and stool is all over the fields, you can imagine what is going to happen. They are doing so because this thing is not even licensed, they are doing it illegally and that is why they are doing it at night, Mr. Speaker.

I have been fighting the same menace with Hon. Ngui from Katangi and Mr. Speaker, we are even forced to move at night to try and stop these people. Mr. Speaker, if the mover of the motion can include Wamunyu, I will be happy when we do it from this House because our word at the end of the day will be adhered to. I am happy the chairman, Implementation, is seated with us here, so whatever we pass, if Wamunyu is included, I expect from today, from tonight Mr. Speaker, because I have been wasting money, I have been wasting energy, I have been spending sleepless nights Mr. Speaker. I can even show you messages of last night in my phone, sent by people asking whether I am going to help them because two lorries have been found in the river, Athi River.

This has been a menace and if the Act that we have is operationalized, if the NEMA people license them, it will not be sand scooping, but sand harvesting which are two different things. Therefore Mr. Speaker, I want to support that Ndalani, and if the mover of the motion allows, Wamunyu and Kivaa also be included, that we stop this forthwith. Thank you so much.

**Hon. Speaker:** The motion is talking about sand harvesting, not sand scooping, Hon. Kyalo Kyuli.

**Hon. Kyuli:** Yes, Mr. Speaker and that is a request of the amendments that if Wamunyu is included, we stop harvesting and scooping, because in Wamunyu, there is a lot of harvesting and scooping. Thank you.



**Hon. Speaker:** Yes, Hon. Deputy Majority Leader.

**Hon. Kasimu:** Thank you Mr. Speaker. I am bringing to the attention of the House that we have done a lot and a lot of motions have passed through this House and they have never been recommended. I'm afraid, Hon. Muthuka, we will pass the motion here, that is possible, and we still go back and it may not be implemented.

Mr. Speaker we have a problem that everything that comes into this House has now become a joke. I wonder why we are here talking about sand harvesting in Ndalani and members are here saying that they want their wards to be included, yet we have an Act that has been signed by His Excellency the Governor, to operationalize the sand harvesting and bring normalcy in that sector; we are now here bringing motions, contradicting what has already been signed. Mr. Speaker, sir, I am thinking that we have a problem with implementation.

**Hon. Speaker:** Order, order Hon. Kasimu.

**Hon. Kasimu:** Yes, Mr. Speaker.

**Hon. Speaker:** This motion doesn't contradict the Act, it complements the Act.

**Hon. Kasimu:** Thank you Mr. Speaker for that clarification.

**Hon. Speaker:** Kindly address on the matters of the motion.

**Hon. Kasimu:** Mr. Speaker sir, I am afraid that the motion, if passed, will just go back to be another, I don't know what to call it, but a monument of some sort because there are so many motions here that have not been implemented. I think we need a Kamukunji with you to know the way forward on the motions that we have brought here, passed and nothing has been happening.

We will just be used as rubber stamps and my Hon. Brother from Ndalani will be a frustrated Hon. Member because we will pass it and nothing will happen; no implementation, nothing happens and it will be thrown away in a month or two. Mr. Speaker, sir, I have a problem with implementation of this House's motions that have been passed here and we need to act like yesterday. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Let us hear a member who has not contributed. Yes?

**Hon. (Ms.) Ndinda:** Thank you Mr. Speaker. I happen to come from Ndithini ward and I remember a few months ago, we lost three lives of young men, two from the same family. Though I don't own the ward, I belong in that ward and it also affected me very much because

when we were doing the burial preparations, we were involved in the contribution of the funds to make sure that they were buried.

I stand to support this motion that we ban sand harvesting because although we know sand is our natural resource, it has not been utilized in a proper way, it has not benefited our people but it has benefited other people. There is something which I just want to say: although we are talking about banning, of which I am supporting 100 percent, most of our youths are the ones who are used to do the loading of the sand, looking for the site and in return they are given a few coins, which they are using to sustain their livelihoods.

In the other way it has also affected school children who sometimes instead of going to do revision, they rush home going to the sand sites where they also scoop and also raise some money, which in return they don't use in the right way; maybe they are introduced to smoking of bhang or opium, they are introduced to taking drugs.

What I can say is, as we are banning, we should also consider what will happen to our people who are relying on that small income so that we can also prepare them and look for a way where we will engage them because even if Hon. Muthuka spoke of insecurity, still stopping them from harvesting the sand will increase insecurity.

As we do this, let us also look for another way so that we can do it gradually, not just at once. There is something which took place the other day when alcohol was banned and I think we are all witnesses of the impact of what happened. Although it stopped, there was the effect on those who were taking the alcohol. There are those who needed rehabilitation, there are those who needed to be taken on medication so that they can catch up because in fact I read in papers I heard through the media that some fell sick because they stopped drinking that beer.

Even as we do this, please let us also have a gradual preparation where we will involve our community because we are in a democratic country so that we may tell them the dangers of why we are banning, then after that we will put things in order and we will see how we shall harvest sand in the river tributaries, not just anywhere because as I have explained earlier, of the deaths which we incurred. They were incurred in a small river where sand was scooped, as *Mheshimiwa* said, and the soil fell on those guys and they were buried alive.

I support this motion but with precaution where we take it gradually. Thank you Mr. Speaker, sir.

**Hon. Speaker:** Let us hear Hon. Munyao.

**Hon. Munyao:** Thank you Mr. Speaker, sir. Mine Mr. Speaker is to object the banning of sand harvesting in Machakos county because by banning this activity Mr. Speaker---

### POINT OF ORDER

**Hon. Muthuka:** I think we need to be guided. My motion is very clear; I am very specific on the area which is supposed to be banned. I know some of us benefit from it because they are transporters. Mr. Speaker with your guidance let us restrict ourselves to Ndalani ward

then from there we will be guided and then we will be able to give the best services to our people. Thank you.

**Hon. Speaker:** Point of order sustained. Restrain yourself to Ndalani. Let's take the information.

### POINT OF INFORMATION

**Hon. Kathinzi:** Thank you Mr. Speaker. As I continue to strongly support this motion, it is in respect that as the mover of the motion requested whether it is possible to include Kivaa ward, but whenever he is addressing the chair Mr. Speaker, he is not recognizing whether he also requested to enjoin Kivaa, Wamunyu and Katangi. The members who wish their areas to continue having this particular activity, we do not have any issue with that, Mr. Speaker, but this is a matter of public concern.

**Hon. Speaker:** Do I take it that the motion is proposed to be amended to the extent that it includes Wamunyu, Kivaa and Katangi?

**Hon. Nganga:** And Ikombe

**Hon. Kasimu:** And Matungulu East.

**Hon. Speaker:** There is a manner of addressing the House, Hon. Deputy Speaker. I don't know why today you are on the wrong side of practice.

*(Laughter)*

**Hon. Speaker:** I give you a minute to hear your concerns.

**Hon. Nganga:** Thank you Mr. Speaker. I wish to also request that Ikombe ward, because it is suffering from similar issues, be annexed together with those that are being banned. Mr. Speaker, even right now, I have just received a phone call from youths from my area that are resisting the vice while there are elderly guys who want to push the same vice to continue.

**Hon. Speaker:** So that means we have the ban, if it is granted, extended to Wamunyu, Kivaa, Katangi, Ikombe.

**Hon. Kasimu:** Thank you Mr. Speaker, sir. And Matungulu East.

**Hon. Speaker:** Yes, and Matungulu East. Now you can proceed, Hon.

**Hon. Munyao:** Thank you. I think Mr. Speaker, when we are addressing issues of sand, we have to face these challenges. Mr. Speaker, I think when we are saying to ban those areas yet we have Acts in this House which guide this Hon. House and the Executive on the ways and means of operating about the sand, I think we are just getting out of the way. Mine is to say, let us continue as how we passed the Act in this House. Thank you Mr. Speaker.

**Hon. Speaker:** Acha tusikie kutoka nyuma kule.

**Hon. (Ms.) Nzioka:** Asante Bw. Spika kwa kunipa hii nafasi. Bw. Spika, ukusanyaji wa changarawe umeleta shida kubwa sana kwenye kaunti yetu. mimi kama mwanachama wa kamati ya fedha, ni mshangao mkubwa wale matajiri ama wale ambao wanafanya hiyo kazi ya changarawe, tunasikia fununu ya kwamba wameenda kortini kusema kwamba wakienda mtoni wakichukua changarawe wakitoka, walipishwe shilingi elfu moja mia tatu ilhali hiyo mchanga ambayo wamebeba, mtu akifika sehemu kama ya Thika, anatoa mchanga nusu ama changarawe nusu anauza kama elfu arobaini.

Wakifika Mlolongo mahali mimi naishi, anauza elfu themanini, elfu mia moja ishirini kwa lori moja na sisi kama kaunti, tunapata shilingi elfu moja mia tatu. Sisi kama kaunti kuna faida gani sis kwetu kubebwa changarawe? Bw. Spika, juzi katika sehemu yangu ya Masinga, hayo mashimo ambayo yamechimbwa,

### POINT OF ORDER

**Hon. Speaker:** Jaribu uongee kwa Kiswahili

**Hon. Munyao:** I think Mr. Speaker we can't speak in Kiswahili yet we are entitled to speak either in Kiswahili or English in this Hon. House.

**Hon. Speaker:** Proceed.

**Hon. Munyao:** I think it is not in order for that Hon. Member to say one lorry of sand is being sold at Kshs. 80,000 yet we know the prices we sell in those areas. Thank you, Mr. Speaker.

### POINT OF INFORMATION

**Hon. Kitheka:** Mr. Speaker, sometimes when we are addressing issues of this nature, some members should declare interest when we are handling such issues, because some members have got interests in the sale of sand so they will curtail the entire process we are trying to make in this House. So Mr. Geoffrey, can you declare your interest in this motion before even we continue, Mr. Speaker.

**Hon. Speaker:** Alright. Geoffrey is only contributing to the motion; he is not the mover of the motion. Proceed.

**Hon. (Ms.) Nzioka:** Bw. Spika, ningependa kumjulisha Mhe. Geoffrey kwamba kiutu, hata yeye mwenyewe kama ametoka hiyo sehemu ambayo kunabebwa changarawe, awe na utu na kuangalia watu ambao anaongoza. Huwezi kuwa kiongozi uwe na faida yako mwenyewe na huangalii wale ambao walikuchagua. Kuna mahali msemu unafika kusema, 'ni heri watu ambao umeongoza kuliko mtu mmoja.'

Juzi katika sehemu yangu ya Masinga, hizo shimo ambazo wachimba changarawe wamechimba, kuliingia watoto wawili; mmoja akaingia akatumbukia akichota maji, mwenzake ndugu yake akamfuata. Bw. Spika hebu fikiria huyo mzazi alishikwa na alikamatwa kiasi gani na hizo vifo. Sehemu ambayo changarawe inachimbwa utakuta mama ametoka nyumbani kuja kufanya biashara ya kupika chakula ili wale ambao wanafanya hiyo kazi awauzie chakula.

Mwishowe utapata mama amejiuza mwenyewe; ameza chakula mpaka yeye mwenyewe ameenda. Sisi kama waheshimiwa wanawake tuna shida kubwa; unakuta familia zimeharibiwa na changarawe; mtu amepata pesa mpaka amesahau alileta chakula anaenda kabisa anatokomea. Baba nyumbani anangoja mama ameenda biashara, kumbe biashara imekuwa ni yeye. tukekuwa na shida kubwa sana.

Wale vijana wanafanya hiyo kazi ukienda sehemu kama Masinga, utakuta mtu amekaa mchana kutwa sababu jana aliua changarawe shilingi mia tano. Haja yake kubwa ni kukaa, ale miraa, anywe pombe na hata haangalii kesho itakuwaje. Bw. Spika, changarawe imetuletea hasara kubwa na hata sisi kama kaunti, hakuna faida yoyote ambayo tunapata kwenye changarawe.

Nasema hata kama ingewezekana, ukusanyaji wa mchanga usimamishwe kabisa ili kama kwamba itaendelea, tusikizane wote, tuje pamoja, tuone tutafanya nini na changarawe. naunga mkono kusema kwamba Ndalani, Wamunyu, Kivaa, Matungulu East, Ikombe na Katangi, ukusanyaji wa changarawe na uuzaji usimamishwe. Asante Bw. Spika.

**Hon. Speaker:** Thank you. Hon. Members, why can't we hear the mover of the motion? Before we hear the mover, my view would be this: that the motion that is properly before the House is to ban harvesting of sand in Ndalani ward. If Wamunyu, Kivaa, Katangi, Ikombe and Matungulu East are aggrieved, then they can take cue and file their own motions. Yes, let's hear hon. Kalunde.

**Hon. Kalunde:** Mr. Speaker, sir, instead of particularizing Ndalani, this motion should have read that sand be banned in Machakos County and that will do us good, not only for

Ndalani but for the entire county. So Mr. Speaker, please reverse your decision that the motion should only discuss about Ndalani. Let us include the motion to discuss about the whole county. Thank you Mr. Speaker.

**Hon. Speaker:** Before I hear any other, Hon. Kalunde, the motion that was balloted was in relation to Ndalani and if your proposal is that it extends to the entire county, then you need to basically move an amendment to the motion.

**Hon. Kalunde:** Mr. Speaker, I now wish to move an amendment that the motion includes the entire Machakos County. Can I ask my brother here, Hon. Kathinzi to second the amendment.

**Hon. Kathinzi:** Thank you Mr. Speaker. Once again I am so happy to be recognized for the second time to second a particular amendment. I support and say it is in respect of the people who elected the County Government of Machakos that kindly we adopt the suspension of selling of sand in Machakos County. In my view I second that particular amendment. Thank you.

**Hon. Speaker:** Let me take the point of order.

### POINT OF ORDER

**Hon. Nganga:** Mr. Speaker, I feel we may be treading on the wrong direction. Mr. Speaker, such an amendment may be touching on the revenue income of this county, Mr. Speaker and it is also touching on the livelihoods of a vast chunk of businesses that are related with matters to do with sand harvesting.

Mr. Speaker before anything, I think it is procedural by the Standing Orders that any matter that is related to the revenue of this county, a substantive Bill be brought and be considered in committee level so that the various aspects that have a huge bearing on the livelihoods of our people can be considered.

Mr. Speaker, passing such a Bill may be a challenge to enforce because there are various legal and technical challenges that we will face, Mr. Speaker, and if members feel that there is an interest to have such a law in place, I would urge that that matter be referred to some committee for further interrogation because we would not be happy to have a repeat of what we saw happening in Makueni a few months ago.

Mr. Speaker we have seen lorries of these sand harvesters being banned and these are people who have gone to the bank to set up their business enterprises and if this country and this county can license anybody to undertake a legal business, then going to contravene ourselves and saying 'we will license you but then we ban you,' Mr. Speaker that is contradicting ourselves and I feel such a motion may be out of order.

A particular area may not have a huge impact like Ndalani and if we annex a few other wards, but banning in the whole county, we may ban something that cannot be ably implemented

and that in itself will be downgrading on the integrity and the standing of this House, Mr. Speaker. I feel that will be treading in the wrong direction and I urge that you offer your direction with respect to that amendment. Thank you.

**Hon. Speaker:** My view was this, that the motion that has been balloted and circulated is in relation to Ndalani ward and that is what the county has notice of, that we are discussing banning of sand harvesting in Ndalani ward. If we keep including other regions and those other regions have not been balloted for and circulated, we will be unfair to the public out there.

That is why I was proposing that for Wamunyu, Kivaa, Katangi, Ikombe, Matungulu, let them come up with their own motions; we are still here and we shall hear them at the appropriate time so that we don't cause a mix up. Let me hear the point of order.

### POINT OF ORDER

**Hon. Munyao:** Thank you Mr. Speaker. My concern is to bring to your attention that this Hon. House has got no quorum, so I think Mr. Speaker, you have to give direction on that matter. Thank you.

**Hon. Speaker:** Another point of order... you would want to implement that order? Is it a point of order on the issue raised on quorum? You are saying there is quorum according to you? Before you proceed, the Clerk may advise.

*(Clerk advises Speaker on quorum)*

**Hon. Speaker:** May the bell be rung for another five minutes.

*(Quorum bell rung)*

**Hon. Speaker:** Deputy Majority Leader, kindly help the House in quorum; we need to finish up this business.

**Hon. Speaker:** Hon. Members when the bell is rung, there is no leave for absence unless with permission of the Chair. The house has no quorum? Clerk? We may proceed. We now have quorum. You were on your feet, yes.

**Hon. A. Wambua:** Thank you Mr. Speaker. I am the able chairman of the implementation committee.

*(Loud consultations)*

Although in my area we don't harvest sand, Mr. Speaker, I stand to support that banning of sand harvesting in Ndalani ward only, because when we include other wards, the revenue collection will be affected. So I am strictly supporting the banning of sand harvesting in Ndalani

only. Mr. Speaker, I want to assure this house that my committee, from next week, will take will bring several reports in this house because every member whenever they stand, they are pointing to the Chairman of implementation committee. I want to assure this house that my committee is committed to implement whatever motion passed in this house. Next week, I will bring some reports. Thank you.

**Hon. Speaker:** Thank you for that assurance and is willing to help you if you have any challenges. Yes.

**Hon. Ngunzi:** Thank you, Mr. Speaker. I would wish to urge the member from Ndalani to allow this house, if he so wishes, to amend this motion to read suspension and not banning. We suspend sand harvesting in Ndalani as we looking into the law to see where we are failing. We cannot totally ban sand harvesting in Ndalani but we can suspend it for some time consult with the law because we have an act. See where we are failing as a County and, with your guidance, Mr. Speaker, give us a timeline when this should be done and reported back to the house. So I propose we amend the motion to read we suspend sand harvesting in Ndalani ward until we are after and trough with consulting with the relevant people concerned. Thank you, Mr. Speaker.

**Hon. Speaker:** I don't know why, why do you have an issue with banning? You can ban today and lift the ban tomorrow.

**Hon. Ngunzi:** Suspension sounds better than banning, Mr. Speaker.

**Hon. Speaker:** Ok. Let us hear Hon. Matheka at the back, please.

**Hon. Matheka:** Thank you hon. Speaker and the house at large. Mr. Speaker, I would like to say first in Kangundo North, there is no much of sand harvesting save for wheel barrows and ox carts and those do not do a lot of damage and I would like to say that I support this motion in totality because as I heard Hon. Muthuka from Ndalani, he laid it blank that schooling in his ward is no more, roads are pathetic, the water table has gone down and this has been evidenced by four boreholes been drilled dry. The rivers have been de-graded and to crown it all, Mr. Speaker, Sir, there is prostitution in the ward brought about by these people who come to harvest sand.

To support it, also from what I heard from hon. Kyalo Kyuli, the business is being done at night and as we all know there is no good business which is done at night. So Mr. Speaker, Sir, I would like to support this motion in totality and urge that we ban it in Ndalani as per your guidance and then any other ward which wants to burn sand harvesting or scooping can take cue from that and bring their own motions because as the hon. Deputy Speaker said, banning the whole thing in the whole county might bring some complications.

First, Mr. Speaker, Sir, there are people who are doing business in sand like in transportation, in building and as we all know, most of the sand which builds Nairobi comes from Machakos County. Mr. Speaker, Sir, I wish to say that we only burn in Ndalani ward then



we can be alternating so as to save on the environment of the other wards. So Mr. Speaker, Sir, I suggest that we ban in Ndalani ward. Thank You.

**Hon. Speaker:** Thank you. Let us now be brief. Let us hear Hon. Member for Muthesya.

**Hon. Nzioki:** Thank you Mr. Speaker. I stand to support the motion of Mheshimiwa Muthuka of Ndalani that sand is banned from his ward. Mr. Speaker, I do this because I myself come from a ward where there is sand harvesting. It is true that sand harvesting has caused a lot of destruction and the business done in a very destructive way. Mr. Speaker, there are so many ways which, if listed, we would go for over two pages on the destruction of sand harvesting but because Mr. Speaker, Mheshimiwa from Ndalani has consulted his people and it will be prudent for us to support his motion.

Mr. Speaker, I am also doing the same I am a neighbour to Mheshimiwa Muthuka in Ndalani and I have been doing the same with my people. There is need for wide consultations particularly when such kind of a thing and particularly when we are banning sand. A lot of consultation is needed because there are so many stakeholders. Mr. Speaker, I believe, given time, for those other wards that we need to ban the same, we can come up with a motion. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Let us hear the mover of the motion. I think my view the motion has been adequately analyzed. Let us hear the mover.

**Hon. Muthuka:** Thank you Mr. Speaker, and the rest of the house at large. Mr. Speaker I am now extra happy and I think my life has been prolonged although I am touching a live wire, I think I will act as the earth wire. Mr. Speaker, I am very specific because it is about the damage. I am reporting a situation and we must address that situation the way it is. Mr. Speaker, all Ndalani rivers have been depleted. Today there is no water. Mr. Speaker, if you can recall when we were constructing the Thika Highway, 90 per cent of the sand that was used to construct that road came from Ndalani ward and what did it leave? It left the people poorer with a place uninhabitable.

Mr. Speaker, my motion is not about the laws that we enacted. It is about the situation at hand and Mr. Speaker, before I brought this motion I had adequately consult with my electorates and that is the voice of the people of Ndalani. M. Speaker this problem traverses from one ward to another but I am going to uphold your recommendation or your directive that we can do this gradually because also it going to affect the people who are going to be displaced from that business and that is why in my motion, in my submissions, I requested the Machakos County Government to absorb most of these youths who normally go to load the sand and because they have no work.

If they can be absorbed in the county projects, we will have sustained their livelihood at the same time; Ndalani may act as a pilot project towards the gradual suspension or even ban of this commodity if it is doing more harm than good to our people. So with that Mr. Speaker, I

thank every member for the contribution and request that in oneness we support the ban in Ndalani then any other ward that the representative feels he has consulted enough and the people want the activity to be banned, I will be there to support so that we can bring sanity in our County and also we can save lives of generations to come. Thank you, Mr. Speaker and God bless this house. Thank You.

**Hon. Speaker:** Thank you very much and I proceed to put to question. Point of information? Yes hon. Kathinzi.

### POINT OF INFORMATION

**Hon. Kathinzi:** Mr. Speaker, once again I just want to inform this house that my greatest anticipation is that we could have included my ward because I have on several occasions been in that area, accompanied by the company itself, the teachers and parents of various schools offloaded sand lorries. On 7<sup>th</sup> July, we off loaded four lorries of sand and on 9<sup>th</sup> July, we offloaded three with two in Kamangulu Primary School and another one in Chief's camp. So this is a request that we consider---

**Hon. Kasimu:** Mr. Speaker, Sir, Hon. Kanthizi is the seconder of this motion. There have been a lot of time with the motion mover and they should have consulted and included his oath. Kindly, Mr. Speaker, Sir, allow us to pass the motion as the Ndalani ward alone and the other members will come with their motions for their wards. Thank you, Mr. Speaker.

**Hon. Speaker:** I am reminded he is indeed the seconder of the motion and in any case the Chair had given directions of the matter. I proceed to put the question that those in support of the motion are presented and articulated by hon. Stephen Muthuka, the motion dated on the 4<sup>th</sup> August, 2015, to the effect that this house by resolution bans sand harvesting in Ndalani ward.

*(Question put and agreed to)*

**Hon. Speaker:** Thank you very much. Yes proceed.

### ADJOURNMENT

**Hon. Speaker:** In the absence of any other business, the house adjourns.

The House rose at 4.23 p.m.