

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Wednesday, 2<sup>nd</sup> December, 2015**

The House met at 2.40 p.m.

*[The Temporary Deputy Speaker (Hon. Amina Mutio) in the Chair]***PRAYERS****Hon. Temporary Deputy Speaker:** Clerk, continue.**BILLS***Second Reading***MACHAKOS COUNTY E-WASTE MANAGEMENT BILL NO.9 OF 2015**

**Hon. Ngunzi:** Thank you, Madam Speaker. Madam Speaker, pursuant to Standing Order number 121 (1), I wish to move the motion that the Machakos County E-waste Management Bill No.9 of 2015 be now read a second time. Thank you, Madam Speaker. May I call upon Hon. Nzoka to second.

**Hon. Nzoka:** Thank you, Madam Speaker. I stand to second. Thank you.

**Hon. Temporary Deputy Speaker:** Just continue.

**Hon. Ngunzi:** Madam Speaker, I wish to present the report of the Committee on Environment, Lands, Energy and Natural Resources on the Machakos County E-Waste Management Bill 2015.

**Introduction**

Madam Speaker, the term e-waste is a general term encompassing various forms of electrical and electronic equipment that are either old, end-of-life electronic appliances, or have ceased to be of any value to their owners, that is according to United Nations Environmental Program. E-waste includes electronics which are destined for reuse, resale, salvage, recycling or disposal. E-waste is the most rapidly growing problem in the waste stream due to its quantity, toxicity and carcinogenicity. Often, the toxic material is improperly disposed and thus poses a threat to human health and the environment.

Madam Speaker, electrical and electronic waste, that is what we call e-waste, poses one of the greatest environmental challenges globally and in particular to developing countries. Increased changes in technology especially ICT, low initial cost, and high rates of obsolescence have resulted in a fast-growing surplus of e-waste generation in Kenya. UNEP estimates the current e-waste generated annually in Kenya at 11,400 tonnes from refrigerators, 2,800 tonnes from TVs, 2,500 tonnes from personal computers, 500 tonnes from printers and 150 tonnes from mobile phones.

Madam Speaker, the above has resulted in e-waste management challenges that call for intervention and policies to counteract this upcoming environmental menace.

### **Brief history of E-Waste**

Madam Speaker, e-waste problem in Kenya was brought through the spotlight during the Eighth Conference of Parties for the Basel conference on Trans-boundary Waste Management, which was held in Nairobi in September 2006. Before this, e-waste was not considered urgent due to the low consumption of electrical and electrical equipment (EEE) and the general trend by households to store, reuse it or dump it along with other solid wastes.

### **Mandate of the committee**

Madam Speaker, this committee 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; land survey and mapping; boundaries and fencing; electricity and gas reticulation; energy regulation; water management systems in built up areas and water sanitation services.

### **Department oversighted**

Department of Environment, Lands, Energy and Natural Resources.

### **Committee Membership**

- |                                |                |
|--------------------------------|----------------|
| 1. Hon. Edrick Ngunzi          | Chairman       |
| 2. Hon. John Sila              | V/ Chairperson |
| 3. Hon. Nzoka Munywoki         | Member         |
| 4. Hon. Wilson M. Kasimu       | ”              |
| 5. Hon. (Ms.) Jacqueline Nziva | ”              |
| 6. Hon. (Ms.) Magdalene Ndawa  | ”              |
| 7. Hon. (Ms.) Margaret Ndalana | ”              |
| 8. Hon. Dominic Maitha         | ”              |
| 9. Hon. (Ms.) Jacinta Luka     | ”              |
| 10. Hon. Alexander Kathinzi    | ”              |

11. Hon. (Ms.) Alice Nzioka ”  
12. Hon. Raphael Mutuku ”  
13. Hon. Stephen Muthuka ”

### **Retreat to discuss the Bill**

Madam Speaker, from 12<sup>th</sup> to 15<sup>th</sup> November, 2015, the committee retreated to Mombasa to do thorough scrutiny of the Bill, present their submissions and also to propose possible alterations in the contents of the Bill.

### **Significance of the Bill**

Madam Speaker, this Bill is intended to:-

1. Promote an environmentally friendly County that reduces health risks associated with a polluted environment.
2. Encourage citizens to take responsibility for their environment.
3. Establish an institutional framework necessary for ensuring efficient e-waste management systems in the County.

### **Public Participation**

Madam Speaker, in the month of November this year, the committee undertook public participation on this Bill in all the sub-counties pursuant to Standing Order 120 (3) which provides that, ‘The Sectoral committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the House.’

Madam Speaker, the exercise of public participation is crucial as indicated in Article 10(2a) of the Constitution which outlines the National Values and principles of governance. Madam Speaker, in any democratic state, public participation is a fair activity that improves transparency and accountability in decision making in addition to increasing public confidence in any undertaking. It also provides an opportunity for the public to influence project design in a positive manner thereby creating a sense of ownership.

### **Recommendations**

#### *Committee Members*

Madam Speaker, the committee members welcomed the Bill as a good document intended to set natural resources. However, they noted some sections in the Bill that need consideration as outlined below: -

- The words *Chief Officer* in Clause 4 (1a) needs to be deleted and replaced with *County Executive Committee member*
- In clause 5 (h) remove the words *assigned to the Assistant director under this Act.*

- In Clause 4 (2) the members found it unrealistic to have Assistant Director heading the E-Waste management unit. Instead they proposed the head to be the Director.
- In the same Clause 4(1d), the specific number of members to be appointed by CEC needs to be stated.
- In Clause 6 (1b), include the words *degree in relevant field*.
- In the same Clause 6 (1c) reduce *ten years experience* to *five years experience*.
- Delete the whole of Clause 19 (3), it is not necessary.
- In Clause 7 (1), change the office period from three years to five years.

### *The Public*

Madam Speaker, the members of the public acknowledged the Bill saying that if passed it would be useful to the society. However they noted that: -

- Designated disposal places in the County be specified in the Schedules.
- Clause 4 (1)(d) is too general and wide. The specific number of members to be appointed by CEC needs to be stated.
- In clause 11, the number of staff to be appointed by the County Public Service Board needs to be specified.
- In clause 12 (2), reduce the fine from Kshs. 2 million to Kshs. 100,000.

### **Conclusion**

Madam Speaker, re-use is a key part of the e-waste solutions toolkit and needs to be campaigned for. It is recommended as a response to the shortening of product life spans that is leading to greater pressure on resources extraction and increased manufacturing burdens and to the burgeoning quantities of e-waste. Re-use alone is not a solution to the e-waste problem in its own right but seen as a means of alleviating or moderating the existing problems until such a time when products will be utilized to a much more optimal level before being recycled in the most efficient means possible. Thank you, Madam Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Chairperson. The floor is open for discussion Members. Yes, Hon. Nzoka.

**Hon. Nzoka:** Thank you Madam Speaker. I belong to this Committee of Environment and we have talked of e-waste, last we talked of pollution. E-waste seems to be even more dangerous because these gadgets are made from some metals which even if you bury them somewhere, after raining, the water can sieve and get to a well where people are taking water and it can be also harmful to them as you know it is metal. Before, we were not aware that we can have such a problem; you know before we had no mobile phones and computers, and you can see the volumes that we now have. We have not been in this system for long; I think it has been less than 15 years or so. If you just check the volumes which are mentioned here, come another 30

years, it will be everywhere. It is the high time to come up with a system whereby we can tame that menace.

When we took it to the public participation, even they were not aware whether it can be that way but they realized everyone who was there had a mobile phone and also he or she has a television or something electronic. These electronic materials are spreading at a high rate and when they are not in use, they are just thrown outside; you do not know what it is made of. Maybe you can step on it barefoot and after it cuts you, it can cause that leg or hand to be amputated.

Therefore, it is something which needs to be taken care of and looked into keenly and we also need to have a budget for such issues so that we can have some people as we have brought to the House with proposals. I do request the House to approve this Bill and then take the right action; otherwise it will cause cancer to our people. We do not know how these things have been made, we just import it and we are still importing so I think it is causing danger. I do request the House unanimously to adopt this motion. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you. Let us hear Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you Madam Speaker. Mine is to support the report by saying that, I think everybody here was having a black television and now nobody knows where it is. It is causing your family to step...your children can step on it anytime and that is why everybody now, you cannot say you do not have cancer or your family is not having cancer. Those things are the ones which are bringing the cancer.

To support it is to say that the County or the Government of Kenya can look for a way to see how those things will be collected, maybe taken back to the Companies or whatever they think they call them and they burn them in a way that is not to be harmful to our people. Thank you, Madam Speaker. I think we can pass the “*nini*” instead of wasting time. You know we want to go for recess even if we are not having money. Thank you, Madam Speaker.

*(Laughter)*

**Hon. Temporary Deputy Speaker:** Let us hear Mheshimiwa Alice Nzioka.

**Hon. (Ms.) Nzioka:** Asante Bi. Spika. Mimi ni mmoja wa mwanakamati wa hiyo kamati ya mazingara. Kuna siku moja nilitaka kujua jambo, unagundua ama unafanya jambo. Wakati mmoja nilikuwa na simu yangu ya rununu na nikataka kujua kwamba imetengezwa aje, nikairusha ndani ya moto. Bi. Spika, hata gari la moshi halitoi moshi hivyo.

Bi. Spika, hizi bidhaa zote ambazo tunazo za elektroniki, kwetu zina tusaidia lakini zikichakaa, pia zinakua ni sumu kwetu. Mimi ningesema sisi kama Bunge na kama Kaunti, tutenge mahali, zile bidhaa za elektroniki ambazo zimechakaa zinatupwa na zikitupwa, tutafute

mtu ama tukodishe mtu ambaye mahali tunaweka, anakusanya anaziondoa sababu pia zina hatari kubwa kwa maisha yetu.

Bi. Spika, mahali ambapo tunatupa taka ama kwa mapipa ya taka mahali tunatupa taka, utakuta hata watoto pia wanatembea na hizi bidhaa zikiwa nzee, motto akikanyanga anaweza patwa hata na ugonjwa wa cancer na huo ugonjwa ni ugonjwa ambao umeleta madhara mengi na pia ugonjwa huo umeua watu wengi. Sisi kama Bunge tukiangalia katiba ya Kenya ya mwaka 2010, wananchi wana haki ya kuwa uhai, wana haki ya kupata matibabu na mengi mengi.

Kwa hivyo Bi. Spika tunasema kwamba sisi kama Bunge tupitische kwamba hizi bidhaa za elektroniki zina mahali ambapo tumetenga zinawekwa badala ya kuchomwa ovyo ovyo. Hiyo moshi, hizo vyuma ambavyo zimetengeneza zina madhara. Tushikane pamoja na tupitische kwamba bidhaa za elektroniki zitafutiwe mahali pa kuwekwa. Asante Bi. Spika.

**Hon. Temporary Deputy Speaker:** Let us hear Hon. Muli.

**Hon. Muli:** Thank you Madam Speaker for awarding me this opportunity. Madam Speaker, let me first applaud the Chairman and the Members of Committee of Environment for the good work they have done. Madam Speaker, this Bill, it is true that it will control and even regularize the impact and also the damages which have been done by electronic items which are within our County.

Madam Speaker, the committee has gone through the Bill very well; they have made several amendments and recommendations and Madam Speaker, I have a concern on issues of public recommendation. On clause 12 (2), that is public participation, *the public recommended to reduce the fine from Kshs. 2 million to Kshs. 100,000* and Madam Speaker, when the committee sat down, within the amendment clauses, it has not been factored and I feel that the fine has been increased whereby the fine of Kshs. 2 million is on the higher side. Therefore Madam Speaker, as we pass this Bill, my concern is that, the fine of Kshs. 2 million is very high. Thank you Madam Speaker

**Hon. Temporary Deputy Speaker:** Any other Member? Hon. Kathinzi.

**Hon. Kathinzi:** Thank you very much Madam Speaker. I belong to this committee which has done this great job of coming up with the strategy and perhaps the Act in waiting that we come up with a strategy of dealing with e-waste material. For instance, it came as a thought first of all to agree that when a person dies, he is either buried or taken to Kariokor for cremation but in most of the cases like what *Mheshimiwa Mueni* has said, most of our analogue televisions, you remember the typewriters which were used by the clerks of the age of Hon. Mueni, I think they are lying idle in our offices.

Therefore, Madam Speaker, if I continue supporting this motion that it is good for this particular Assembly to be in record that it passed an E-Waste Management Bill, it is also important to note that the proposal by the public even when we went for the public participation,

I think it is something great; we need to consider because the community has to put its own injection in this particular matter.

I think this is one of the most important Bills we have and I think Machakos County Assembly is also going to be on record that we are the first Assembly to pass an E-waste Management Bill in this country and checking on the number or the tonnages, the tones which are being given by UNEP that for instance assuming that 11,400 tonnes of refrigerators, I believe these materials are attained per year. Madam Speaker, this is an area we need to consider and say it is important that we adopt this particular matter and proceed so that we can put it to practice after the Governor assents to the Bill.

Therefore, it is important even in our own houses, you can ask somebody like *Mheshimiwa* Kalunde, since he was born how many fridges, how many televisions, how many phones, even the ancient types of phones he has been using, where are they? We need to get some knowledge from these old guys. Where have they been disposing these materials? These materials are still lying in their offices, in their own homes; some of the materials are just squeezed under their beds.

This is where we want to tell them, let us pick these materials and do the effective disposal which is applicable in this particular issue. Madam Speaker, I would like to rest my case and maybe with the leave of the House request that Madam Speaker, you can put the question so that we can proceed.

**Hon. Temporary Deputy Speaker:** Let us hear the Chairperson, Hon. Ngunzi.

**Hon. Ngunzi:** I want to thank those of you Hon. Members who have unanimously supported the Bill. The Bill was long overdue in this Assembly as most of you have said. We have quite a number of electrical and electronic gadgets in our houses that we do not know where to dispose them. We have a black and white television, you have a dead television, you have a dead computer, you have a dead radio that will never function again; you do not know whether to bury it in the sand or whether to throw it and let it go with a flowing river or what to do with it.

So, it is time that we came up with something that will guide us on how to dispose this kind of waste. E-waste is a headache, so Members I want to appreciate you for the way you have supported the report. Members if you allow me Madam Speaker, I hereby propose that the House turns into a Committee of the whole House to discuss the Bill. Thank you, Madam Speaker.

**Hon. Temporary Deputy Speaker:** The House adopts the report and I hereby propose that the House turns into a Committee of the Whole House to discuss the Bill.

*(Question put and agreed to)*

(Then)

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[Temporary Deputy Speaker left the Chair]*

IN THE COMMITTEE

*(Madam Chairperson [Ms. Alice Nzioka] took the Chair)*

MACHAKOS COUNTY E-WASTE (AMENDMENT) BILL, 2015

**Madam Chairperson:** Hon. Members I welcome you to the committee of the Whole House. Clerk.

*(Clause 2 agreed to)*

*(Clauses 12, 13, 14 15, 16, 17, 18, 21 and 28 agreed to)*

I propose the question that clauses 12, 13, 14, 15, 16, 17, 18, 21 and 28 be part of the bill.

*Clauses with Amendments*

*(Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 19, 20, 22, 23, 24, 25, 26 and 27)*

**Hon. Ngunzi:** I move that the amended clauses be part of the Bill.

*(Question of amendment proposed)*

*(Question put and agreed to)*

*New Clauses*

*(Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12)*

**Madam Chairperson:** I propose the question that clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 be part of the Bill.



*(Question of the new clauses proposed)*

*(New clauses read the First Time)*

**Hon. Ngunzi:** I propose that the new clauses be read a second time.

*(Question, that the new clauses be read a Second Time, proposed)*

*(Question, that the new clauses be read a Second Time, put and agreed to)*

*(The new clauses were read a Second Time)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

I wish to move the motion that the Committee do report its consideration of the Machakos County E-Waste Management Bill No. 9 of 2015 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**Madam Chairperson:** Thank you Members for the job well done, you have really participated. I thank you so much Chairperson Environment, thank you so much for the report.

*(The House resumed)*

*[Madam Temporary Deputy Speaker (Hon. Amina Mutio) in the Chair]*

**CONSIDERATION OF REPORT AND THIRD READING  
MACHAKOS COUNTY E-WASTE (AMENDMENT) BILL, 2015**

**Hon. (Ms.) Nzioka:** Madam Speaker, I wish to report that a Committee of the Whole House has considered the Machakos County E-Waste Management bill No. 9 of 2015 and approved the same with amendments.

**Hon. Ngunzi:** Madam Speaker, I beg to move that the House do agree with the Committee in the said Report.

**Hon. Nzoka** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Ngunzi:** Madam Speaker, pursuant to Standing Order 131 (2), I wish to move that the Machakos County E-Waste Management bill No. 9 of 2015 be now read a third time. I ask Hon. Nzoka to second.

**Hon. Nzoka:** Thank you, Madam Speaker, I do second that the Machakos County E-Waste Management bill No. 9 of 2015 be now read the third and the final time. Thank you.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

**Hon. Temporary Deputy Speaker:** Debate arises. Hon. Ngunzi.

**Hon. Ngunzi:** Madam Speaker, I just want to thank Members; they have gone through the report, we have debated and I want to feel that there is no more debate on the Bill and therefore Madam Speaker, I want to thank them profusely. Thank you.

*(Applause)*

**Hon. Temporary Deputy Speaker** I want to give Mheshimiwa Hon. Joseph Kalunde a chance; he has something to tell the House.

**Hon. Kalunde:** Thank you Madam Speaker. Madam Speaker, re-extension of period. Reference is made on the report of the Auditor General on the financial statements and financial operations of Machakos County Executive and Machakos County Assembly and also Machakos, Mavoko and Yatta Water Companies for the 16 months' period ending on 30<sup>th</sup> June 2014.

Madam Speaker, pursuant to Article 229 (8) of the Constitution which states that "within three months after receiving an audit report, the County Assembly shall debate and consider the report and take appropriate action," the report was committed to the Public Accounts and

Investment Committee on 28<sup>th</sup> July 2015. On the 28<sup>th</sup> October, Madam Speaker, I stood here to request for extension of time for 21 days.

Madam Speaker, the committee Members had travelled for a foreign trip and the time lapsed while they were out of the country. After thorough scrutiny of the said report, Members were uncomfortable with some evidence and therefore requested for further submissions which seem to be very key for the comprehensiveness of the report. Madam Speaker, I stand here today to request for 10 more days and due to the fact that the House is adjourning for long recess, I promise that the report shall be tabled on the 1<sup>st</sup> Wednesday after the House resumes. Thank you very much Madam Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Joseph Kalunde. I accept the report.

### ADJOURNMENT

**Hon. Temporary Deputy Speaker:** I adjourn the House until tomorrow in the afternoon.

The House rose at 3.31 p.m.