

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Tuesday, 16<sup>th</sup> February, 2016**

The House met at 2.35 p.m.

*(The Speaker (Mr. Mung'ata) in the Chair)***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members. Let us proceed, clerk.**COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Hon. Members, following the motion that was brought up last week by the Hon. Minority Whip, here follows the communication on the question that was raised by Hon. Kamitu.

**THE COUNTY POLICING AUTHORITY**

Hon. Members, last week on Wednesday during the afternoon plenary sitting, Hon. Alex Kamitu presented a motion to this House on the operationalization of a county policing authority as envisaged in Section 41 of the National Police Service Act, to address security concerns in our County. In the said sitting, I directed that the matter would be mentioned today after further consultation on the admissibility of the motion. Hon. Members recall various issues were raised in this House on the matter of the motion. Following consultations Hon. Members, I proceed to make the following ruling:-

The Constitution of Kenya vests all the sovereignty on the people of the Republic of Kenya. Article 2 of the Constitution states that the people may exercise their sovereign power either directly or through their democratically elected representatives. Where sovereign power is delegated to democratically elected representatives, in the case of the parliamentary arm of the government, it is exercised through the legislative authority vested on it by the Constitution as outlined in Article 94 for Parliament and Article 185 for County Assemblies. In enacting legislation, Parliament and County Assemblies must adhere to the provisions of the Constitution by ensuring that laws enacted are not inconsistent with the Constitution and where such inconsistency occurs, the respective legislation becomes invalid.

Article 6 (2) of the Constitution creates two levels of governments, that is the National Government and the County Government, which are distinct and interdependent, but must

conduct their relations on the basis of consultation and cooperation. In this regard therefore, a function which is exclusively for one level of government can be performed by both levels of government but through a consultative process.

Article 186 of the Constitution provides the functions and powers of each level of Government which are as stated in the Fourth Schedule of the Constitution. However where the functions of the two levels of Government are in conflict in matters falling within the concurrent jurisdiction of both levels of government, the provisions of Article 191 of the Constitution, which set the conditions in which national laws shall prevail over county legislation and vice versa, apply.

Sections 6 and 7 of part one of the Fourth Schedule grants the function of National defense, use of the national defense services, police services including the setting of standards of recruitment, training of police and use of police service exclusively as functions of the National Government.

Article 238 of the Constitution sets the principles of National security which include the pursuance of National security in compliance with the law and utmost respect for the rule of law, democracy, human rights and fundamental freedoms. Article 239 establishes national security organs among them the National Police Service.

Among the objectives of The National Police Service Act is to effect article 243 of the Constitution which establishes the National Police Service. Section 41 of the Act establishes the County Policing Authority in each county which shall comprise of: -

- The County Governor or in his absence, the Deputy Governor, who shall chair the Authority.
- A representative of the National Intelligence Service.
- County representatives appointed by the Inspector General comprising of heads of the national police service and the Directorate of Criminal Investigations at the County level.
- Two elected members nominated by the County Assembly.
- Chairperson of the County Security Committee.
- At least six members ordinarily resident in the county appointed by the Governor from the business sector, Community Based Organizations, women, persons with disabilities or religious organizations and the youth.

The six members must be appointed through a competitive process by the County Public Service Board who then forwards the names of the nominees to the County Security Committee for vetting and subsequently to the County Assembly for approval.

Hon. Members, transparency and integrity are among the National values and principles of governance provided for in the Constitution and it is for this reason that the names of the nominees must be forwarded to the County Security Committee for vetting and the committee must then forward names of the nominees to the County Assembly for approval.

A person appointed to serve in a public office must be bound by the guiding values and principles set out in Section 3 of the Leadership and Integrity Act. In this regard therefore, sub section (7) of section 41 of the National Police Service Act on the disqualification of

appointment as a member of the County Policing Authority should be read together with the provisions of section 3 of the Leadership and Integrity Act.

The County Public Service Board must in conducting the recruitment process uphold the principle of one third gender representation and ensure geographical representativeness of the County. The six members of the Authority ordinarily resident in the county appointed as per Section 41 sub section (1f) of the National Police Service Act shall serve for a term of two years and are eligible for reappointment for one further term.

The Authority must adhere to the national value and principles of governance specifically public participation and transparency. This is by ensuring that the public is informed of the status of their work. This is well provided for in section 41 sub section (10) where the Authority must prepare, publicize and submit quarterly reports of their work to the County Assembly, the Governor, the Cabinet Secretary and the Inspector-General. The functions of the Authority are well stated in subsection 9 of section 41 of the National Police Service Act and key among them include:-

- Development of proposals on priorities for police performance in the county.
- Monitor trends and patterns of crime in the county including those with a specific impact on women and children.
- Promote community policing initiatives in the County.
- Provide feedback on performance of the police service at the county level.
- Ensure policing accountability to the public.

In addition to the functions provided above, the County Policing Authority must establish structures to implement community policing in all parts of the county as provided in section 97 of the National Police Service Act. In order to ensure cooperation and coordination, the Authority may form a joint committee with the County Intergovernmental Forum established in section 54 of the County Governments Act.

The meetings and procedures of the Authority, payment of allowances and funds of the Authority are well stated and provided for in sections 42, 43 and 44 of the National Police Service Act. The Chairperson of the Council of Governors in consultation with the Cabinet Secretary must issue and publish guidelines for the nomination, appointment and removal from office, vacancy of office and filling of arising vacancies by members of the Authority as provided for in sub section (8) of section 41 of National Police Service Act .

Section 14 of the County Governments Act provides that the procedure of the County Assembly, and in particular the orders for proper conduct of the proceedings of the Assembly shall be governed by the Standing Orders made by a respective County Assembly. In this regard therefore, in nominating the elected members of the County Assembly to the County Policing Authority, the procedure as set and provided for in the Machakos County Assembly Standing Orders must strictly be adhered to.

Therefore, Hon. Members, with the knowledge that the County Policing Authority is a rightful authority as laid down in Section 41 of the National Police Service Act, I direct that the

motion be put on hold until the guidelines on the operationalization of the County Policing Authority are published by the Cabinet Secretary in consultation with the Council of Governors.

*(Applause)*

Thank you. That rests the matter as raised by Hon. Kamitu. Let us proceed.

### **PAPER LAID**

#### **NAIROBI WATER TREATMENT AND SEWERAGE SYSTEM AND TALA AND MATUNGULU WEST DUMP SITES**

**Hon. Ngunzi:** Thank you Mr. Speaker. Mr. Speaker, Sir, I beg to lay the following paper on the floor of the House today, Tuesday 16<sup>th</sup> February, 2016: The report on the operation of the Nairobi Water Treatment and Sewerage System and the state of Tala and Matungulu West dump sites. Thank you, Mr. Speaker.

*(Hon. Ngunzi laid the Paper on the Table)*

**Hon. Speaker:** Thank you. The paper is laid, proceed.

### **NOTICE OF MOTION**

#### **NAIROBI WATER TREATMENT AND SEWERAGE SYSTEM AND TALA AND MATUNGULU WEST DUMP SITES**

**Hon. Ngunzi:** Thank you Mr. Speaker. Mr. Speaker, Sir, I as the Chairman, Environment, Lands and Natural Resources, wish to give notice of the following motion: that this Hon. House discusses and approves the report on the operation of Nairobi Water Treatment and Sewerage System and the state of Tala and Matungulu West dump sites. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you, proceed.

### **STATEMENTS**

#### **NUMBER OF FARM TRACTORS AND STATUS OF SUSPENDED EMPLOYEES**

**Hon. Maitha:** Thank you Mr. Speaker, Sir and the Hon. Members present. Mr. Speaker, Sir, pursuant to Standing Order No. 41(2) (c), I wish to seek the following statements:

1. I want to seek a statement on the physical number, in terms of status, the number of farm tractors owned by the County Government of Machakos, Department of Agriculture.

2. I wish to seek statement on the status of employees of the County Revenue Department who were suspended two weeks ago for allegedly forwarding money to unofficial MPESA bill numbers and who have been taken to the CID for interrogation and no action has been taken or report given and they are just being taken round and round and round by the County Government. Thankyou, Mr. Speaker, Sir.

Mr. Speaker, once more with your permission and the leave of the House, I would wish to forward along a matter of great concern that this Hon. House should find it extremely, and I want to say, of great importance, if the House can discuss, Mr. Speaker. Mr. Speaker, you are a practicing lawyer, a seasoned lawyer and an experienced lawyer, Mr. Speaker, Sir.

When someone is in trial, and the prosecution seeks time for further investigations into that matter in order to start the proceedings of that prosecution, then, Mr. Speaker, it becomes quite tricky if you find the Magistrate sitting with the accused discussing matters that are not known, Mr. Speaker. What am I saying? Mr. Speaker, a report was tabled before this House to investigate the suspended County Public Board Secretary. Mr. Speaker, Sir, a ruling has been made by the courts that, the mandate of that suspended officer is under the committee, that is the ad-hoc committee that was investigating the matter, Mr. Speaker, sir. My question is Mr. Speaker, the suspended---

**Hon. Speaker:** Order, order Hon. Maitha. You are out of order, the matter is---

**Hon. Maitha:** Mr. Speaker, Sir. I sought the leave of the House because it is a matter of great concern, Mr. Speaker---

**Hon. Speaker:** That leave is refused. Hon. Maitha you can take your sit.

**Hon. Maitha:** Thank you, Mr. Speaker, Sir but the Hon. Member wanted to seek that because---

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

**Hon. Maitha:** Because that person has been found within the presence of the Assembly and that is hindering justice for the people of the Machakos County---

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

**Hon. Maitha:** Message passed Mr. Speaker. Thank you.

**Hon. Speaker:** On the matter of question number 1, it is referred to the chairperson, Agriculture and on the question raised in number 2, chairperson, Labour committee. Proceed.

ABSENCE OF GOVERNOR FROM OFFICE FOR TWO WEEKS

**Hon. Muthuka:** Thank you Mr. Speaker, Sir and the rest of the House. Mr. Speaker, pursuant to Standing Order No. 40 (2c), I wish to seek the following statement from the Majority Leader. Mr. Speaker, it is well over two weeks that the Governor, Machakos County has not reported to office and Mr. Speaker, I would like to know the following:-

- Why the Governor has not reported to the office for the last two weeks.
- Whether the Governor is in Kenya or not and on whose account is his travels funded from.
- Who is in charge during this period he is away.
- Seeking details of Governor's foreign trips from June 2015 up to date in terms of destination, number of trips, purpose of the visit and the cost to the County. Thank you.

*(Applause)*

**Hon. Speaker:** Hon. Majority Leader.

**Majority Leader (Hon. Mwonga):** Thank you, Mr. Speaker. With the leave of the Speaker and the Hon. House, I would like to respond straight to that statement, Mr. Speaker. Mr. Speaker, first and foremost I am not worried about the statement which has been sought by---

**Hon. Speaker:** Hon. Majority Leader, are you ready on this matter?

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I am ready.

**Hon. Speaker:** Then proceed.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I am not worried by the statement which has been sought by the Hon. Member for Ndalani, that is Hon. Stephen Muthuka. Mr. Speaker, I would have been worried if he was asking for the whereabouts of the Senator or the Deputy Governor (DG), Mr. Speaker.

*(Applause)*

Mr. Speaker, His Excellency the Governor is not a Member of the County Assembly, Mr. Speaker. Mr. Speaker, why the Hon. Member is seeking this statement is only that his political persuasion side did not see His Excellency the Governor campaigning in the just concluded Masongaleni by-election, Mr. Speaker. That is why they are worried, forgetting that the Chap Chap Movement had no candidate, Mr. Speaker. About the issue of expenses Mr. Speaker, I think the Governor has his confidential vote and it cannot be scrutinized by this Assembly. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** Thank you. Let us proceed on to the next matter.

STATUS OF KITANGANI MARKET RESIDENTS PETITION

**Majority Leader (Hon. Mwonga):** Mr. Speaker, Sir, pursuant to Standing Order No. 41 (2)(c), I wish to seek a statement from the Chairperson of Environment, Lands, Energy and Natural Resources Committee on the status of the Kitangani Market residents' petition. Thank you, Mr. Speaker.

**Hon. Speaker:** The Chairperson, Environment, this must be a reminder because this is a matter that was before you and---

**Hon. Ngunzi:** Mr. Speaker, I react directly as the Majority Leader did with Hon. Muthuka.

*(Laughter)*

Mr. Speaker, we, we---

**Hon. Speaker:** Proceed, if you are ready.

**Hon. Ngunzi:** We commenced the exercise for the Kitangani Market just before we closed business in December and we could not proceed over the period we were on recess. We will be in Kitangani, the whole committee will be in Kitangani and the Hon. Majority Leader has been invited on Friday. So Hon. Majority Leader, prepare your people. Thank you.

**Hon. Speaker:** Thank you. I think that answer is satisfactory. Proceed.

**MOTION**

REPORT ON NAIROBI WATER TREATMENT AND SEWERAGE SYSTEM AND TALA AND MATUNGULU WEST DUMPSITES

**Hon. Speaker:** Hon. Ngunzi.

**Hon. Ngunzi:** Thank you, Mr. Speaker. Mr. Speaker, Sir, aware that the Committee on Environment, Lands, Energy and Natural Resources is mandated to deal with all matters related to natural resources, environmental conservation and pollution; further aware that, Article 42 of the Constitution states that every person has the right to a clean and healthy environment which includes the right to have the environment protected for the benefit of present and future

generations through legislative and other measures; Mr. Speaker, remembering that on 17<sup>th</sup> September 2015, a motion was tabled in this Assembly by Hon. Magdalene Ndawa alleging that Nguluni dump site in Matungulu West is located adjacent to a Primary School affecting the health and moral behavior of pupils;

Mr. Speaker, Sir, informed that on 18<sup>th</sup> January, 2016, the committee received a letter from McKay Advocates on behalf of residents of Tala threatening to initiate a process to enforce their rights if the menace in Tala dump site is not addressed in 14 days; Mr. Speaker, sir, appreciating that Hon. Members of this Assembly vowed to abide by the Constitution and represent their electorates fully by fighting for their welfare, I now wish to move the motion that this Hon. House discusses and approves the report on the operation of the Nairobi Water Treatment and Sewerage System and the state of Tala and Matungulu West dump sites. Mr. Speaker, I call upon Hon. Jacqueline Nziva to second the motion.

**Hon. (Ms. Nziva):** Thank you Mr. Speaker. I wish to second the motion that this Hon. House approves the operation of Nairobi Water Treatment and Sewerage System and the state of Tala and Matungulu West dump sites, knowing that environment is what surrounds us and if we do not have a clean and healthy environment for the benefit of the present and future generations, then we are going nowhere. So, I wish to support that motion. Thank you, Mr. Speaker, sir.

**Hon. Speaker:** Thank you. The motion is laid properly on the floor for debate. Ngunzi are you ready with the motion? Are you ready with the report?

**Hon. Ngunzi:** Mr. Speaker, I am on.

### **Introduction**

Among the most urgent concerns for the future is to have enough water to sustain a human population. The United Nations Millennium Development Goals recognizes that access to water and sanitation is essential to economic development and poverty alleviation. However, global consumption patterns indicate that the waste that pollutes water supplies generally remains an unmitigated hazard. Waste water treatment is a desirable process for mitigating the hazards of agricultural, industrial, and municipal by-products.

### **Mandates of the Committee**

Mr. Speaker, Sir, 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.

The composition of the Committee has thirteen (13) Members as listed for those who have the report.



**Composition of Members**

1. Hon. Edrick Mutua Ngunzi - Chairman
2. Hon. John Sila - V/ Chairperson
3. Hon. Nzoka P. Munywoki
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**

Mr. Speaker, on 6<sup>th</sup> to 7<sup>th</sup> November, 2015, the committee retreated to Nairobi Water Treatment and Sewerage works at Ruai, Tala dumpsite and Nguluni dumpsite in Matungulu West. The aims of the retreat were:-

1. To see the process of Waste water treatment in Ruai and learn on its implication in Environmental, economic and social wellbeing of people in Nairobi and the surrounding areas.
2. To see the location of the alleged illegal dumpsite in Tala and hear comments from the affected members of the public.
3. To see the location and the state of Nguluni dumpsite in Matungulu West which Hon. Magdalene Ndawa on 17<sup>th</sup> September, 2015 brought a motion to the Assembly to have it closed alleging that it was located adjacent to a primary school affecting health and moral behaviour of pupils.

Mr. Speaker, this motion was approved by the Assembly and on 18<sup>th</sup> September, 2015, a letter from the office of the Clerk was written to the Chief Officer, Health and Emergency Services advising him to implement the approved motion.

**Ruai Sewerage and Treatment Works**

Mr. Speaker, Sir, all water supplied to Nairobians for domestic and industrial use turns to waste water which is collected through the sewerage system to main sewer truck which finally delivers the water to the treatment plant at Ruai. Mr. Speaker, Ruai treatment plant treats about 80,000m<sup>3</sup> per day of waste water equivalent to about 80 per cent of waste water generated from Nairobi city. At the physical treatment facility, this is where large organic solids are physically

removed both manually and mechanically at the stages of course bar screens, cup screens, grit trap and classifiers.

Mr. Speaker, after this the waste water flows to the biological ponds where it is retained for 5 to 10 days in anaerobic pond, 35 days in facultative pond and five days in maturation pond.

Mr. Speaker, the treatment plant has been faced by challenges such as:-

1. Regular breakdown of machines and equipment at the mechanical treatment facility due presence of heavy loads.
2. Reduced effectiveness of the pond performance due to floating materials.
3. Proliferation of different species of algae growth and other water weeds
4. Reduced performance of the biological micro-organisms due to presence of heavy metals, oils and grease
5. Reduced lifespan of the biological ponds due to faster buildup of inorganic solids
6. Poor final quality of effluent due to high algae growth.

Mr. Speaker, it was encouraging to note that those ponds contain a wide range of biological diversity such as;

1. About 200 species of birds, pink flamingoes being the commonest.
2. Wild water weeds
3. Algae
4. Wild animals such as crocodiles, hippos, tortoises and alligators
5. Fish like Catfish and Tilapia

### **Tala Dumpsite**

Mr. Speaker, the committee members were able to visit this dumpsite, accompanied by the Sub-County Administrator, Mr. Victor Mwanja, the Officer in charge of solid waste and members of the public from the area and the following were noted:-

1. The dumpsite is located adjacent to Tala livestock market and Tala dam.
2. The dumpsite is big with all sorts of solid wastes with livestock scavenging from it.
3. The dumpsite is on Mr. Musyimi's land and this is very unfair and an injustice to the owner of the land.
4. The surrounding area is inhabitable with a lot of foul smell originating from the decayed wastes and this is a health hazard. Cases of diarrhea, stomach pains and skin diseases have been reported to the area Member of County Assembly (MCA).
5. When it rains, the wastes are channeled to the adjacent river which the residents depend on for water.
6. The issue had been communicated to the Chief Officer, Environment and Natural Resources and no response so far has been witnessed.
7. The area MCA, Hon. Alexander Kamitu informed the members that NEMA visited the place and recommended for relocation of the dumpsite.

Mr. Speaker, on 18<sup>th</sup> January, 2016 a letter written by McKay Advocates on behalf of residents of Tala was received in the office of the Clerk. The letter required that:-

- The rubbish or the waste in Tala cattle market be cleared.
- That no more dumping should be done on that place.
- Compensation of residents of Manza be done due to health expenses incurred.
- A designated dumpsite be allocated
- Recycling measures for non-biodegradable waste be put in place

Mr. Speaker, the residents gave 14 days to get the response, failure to which they promised to initiate a process to enforce for their rights.

### **Nguluni Dumpsite In Matungulu West**

Mr. Speaker, this is a new site which was identified for dumping to curb the problem of illegal dumping which is taking place in Tala. Mr. Speaker, the committee visited the site accompanied by Sub-County Administrator, Mr. Victor Mwanja and one supervisor for cleaning and the following were the findings:-

1. The place identified for dumping is very good with sufficient land and space. It is far from Tala market, it is a quarry site and no school was identified around. Also the area is not habited and only two homesteads were spotted about 1km away.

Mr. Speaker, Sir, this contradicts the Motion brought to the Assembly by Hon. Magdalene Ndawa on 17<sup>th</sup> September, 2015 that the dumpsite is adjacent to a primary school whereby health and moral behavior of pupils have been threatened and that the dumpsite needs to be closed.

2. The dumpsite is not being utilized. The officer in charge of cleaning informed the members that the dump site was used for about a week and stopped due to transport challenges.
3. Transport to the dumpsite is a real menace. No roads to the place and people rely on foot paths. In fact the committee was forced to leave their vehicles a kilometre away and went on foot to the site, struggling through muddy, black, cotton soil and swampy grounds since it was a rainy season.
4. The site is very rocky and flat and hence the waste tends to be scattered away by wind.

### **Recommendations**

1. Mr. Speaker, Standing Order 103 (1f) states that “*conduct is grossly disorderly if a member deliberately gives false information to the House.*” Hon. Magdalene Ndawa, through a motion on 17<sup>th</sup> September, 2015, gave false information as per the committee investigation. The committee therefore has no option other than recommend a serious disciplinary action on the said Hon. Member for misleading the House.
2. Mr. Speaker, Sir, in Article 42 of the Constitution, every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures.

Dumping waste on private land is destruction of one's property and so no further dumping should be done on Mr. Musyimi's land.

3. Since the route to Matungulu dumpsite is not accessible due to lack of roads, the County Government should prioritize making a murrum road to the site. This is because without a road to this new site, dumping in Tala will just continue.
4. The County Government of Machakos should make use of the available machines to dig the rocky site in Matungulu to make a dumpsite. This will eradicate the environmental menace being experienced in Tala.
5. Following the negative environmental impacts posed by the Tala dumpsite, the committee recommends that the dumpsite be closed and all the wastes transferred to the new site in Nguluni in Matungulu West.
6. The land chosen for the new dumpsite needs fencing and the County Government of Machakos should take care of that.
7. The committee intends to visit the Committee in charge of Environment in the County Assembly of Nairobi together with the Cabinet Secretary to get the plans they have to prevent pollution in Athi River which we very much depend on as a County.

### **Conclusion**

Mr. Speaker, political goodwill is key to the ultimate success in the implementation of the various waste and pollution management initiatives. The waste management agenda is still not awarded the priority or the importance it deserves, thus our counties are still a long way in achieving sustainability in management of their wastes. It is therefore high time leaders should innovate modalities and policies to counteract this challenge. Thank you, Mr. Speaker. I now wish to lay the report for discussion and adoption. Thank you, Mr. Speaker

**Hon. Speaker:** Thank you, Hon. Chairperson. Members, you have heard the report as laid. I would urge you to contribute if you have understood the report but I remember chairman, when we referred this matter to your docket, the expectation of the chairperson was that before you present the report you will have met your counterparts in Nairobi and understood the sewerage problem in Ruai vis-a-vis Nairobi river and perhaps come up with a more conclusive report. I do not know but that is perhaps what I was expecting.

**Hon. Ngunzi.** Mr. Speaker, we are in the process of moving to Nairobi; we wanted to table what we had so far before we moved to Nairobi to do the final part that includes the untreated water that is getting its way into the River Athi and that, Mr. Speaker, we promise to do before the end of the month. Thank you.

**Hon. Speaker:** Then this basically means that this is an interim report? Okay. I do not know but my feeling was that we give this committee time to deliver a more comprehensive report because my imagination was that in view of the subject that was being handled, we needed

a report that would even generate regulations on how we can share the two resources between ourselves and Nairobi in terms of sewerage disposal. Let us hear Hon. Kitheka at the back.

**Hon. Kitheka:** Thank you Mr. Speaker. I think in one part or another, you might have read my mind. I was of the opinion that we request the chair to give a concrete reason of the visit to the Ruai water and sewerage treatment area if the intention was not to replicate the same in Machakos County. Secondly, Mr. Speaker, I was on the issue that we have a straight plan on how we can come up with a solid waste management Bill so that we can address all these issues in oneness in the same committee, if we can address the issue of solid waste management Bill.

Thirdly, Mr. Speaker, I feel so much disturbed to learn that a Hon. Member acts as if she is in diaspora to get information from the ward while she is living in Nairobi not knowing what is happening in the ward. Mr. Speaker, in the near future we should desist from sending people to go and get reports for us because they may land issues in this Assembly which are not founded, because if the Hon. Member had just sent people to go and see what is happening and it is contrary with the chairman of environment, it gives a bad picture to this House and the outside world will see as if we are acting on hearsay. So we should desist from such information which is coming out from those members who are acting as if they are in diaspora and they are sending people to go and collect information for them in their wards. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. I have taken note of that; indeed the Hon. Member was to have the first opportunity to respond because the allegations against her are grievous. But in the meantime before we debate this report, I wanted us to resolve on whether to proceed with this report or do we have it come back as a more comprehensive report that offers solutions, because I feel that much more ought to be done. Yes, yes...

**Hon. Nzoka:** Thank you Mr. Speaker, I belong to that committee of Environment. Yes, I agree with you we should bring some comprehensive report but there are other matters that are touching much which have forced us to come and table that report like Tala dumpsite and Nguluni dump site. Those are the challenges which have forced us to bring this report first because if you go to Tala dumpsite, even the neighbor, the owner, there is an old man who passed away through an illness which could not be identified. I think you are aware we have a problem with our hospitals lacking equipment to deal with some illnesses. So if you just go there in person, you will feel pity for that home. The homestead is just adjacent---

**Hon. Speaker:** That is okay Hon. Nzoka but the chairman says that he only needs an extra one month?

**Hon. Nzoka:** Yes.

**Hon. Speaker:** To come up with...

**Hon. Nzoka:** I agree. We have pinpointed that there is something that is hatching in Tala; that is my point. Thank you, Sir.

**Hon. Speaker:** Yes, let us hear the chairperson for planning committee.

**Hon. Nduva:** Thank you, Mr. Speaker. I support what the Hon. Chair for lands has done so far and according to Hon. Nzoka, there was need also to put to the attention of this House the urgency of bringing this report to the House but all together Mr. Speaker, I think it will be the right direction if the committee is given time now to meet with the Nairobians, the Assembly of Nairobi and the department of sewerage to know what they can do to save the lives and the people who are living along River Athi so that when we deliberate the matter here in the House, we will have the full details of the measures that need to be taken to cater for what is happening in River Athi. Thank you. Mr. Speaker.

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

**Hon. Kasimu:** Thank you Mr. Speaker. I think the Ruai sewage and treatment works is what we need a comprehensive report on but the issue of Tala and Nguluni Mr. Speaker, I think the committee has concluded its work. There is an emergency in Tala dumpsite as a member of Matungulu sub-county and having grown in Tala market, it is a very urgent matter and Mr. Speaker; we have seen it in black and white that Hon. Magdalene Ndawa has a case to answer.

Mr. Speaker, I stood in this House, I said I was the chairman town planning committee in the former Kangundo town council and Hon. Nzoka was the chairman of environment committee. Mr. Speaker we consulted NEMA when we located that dumpsite. We tried to explain that in this House, Hon Ndawa said we were bought. That was the time people were talking about chicken and we feel Mr. Speaker, that our justice, something must be done in this House. Hon Members must respect one another and when you come in this House to give a report, kindly do the research, go to the area of representation yourself before you come into this House and bring hearsay. Mr. Speaker, sir, I think disciplinary action must be taken and Hon. Ndawa to come into this House and apologize to all the members of this House. Thank you. Mr. Speaker.

**Hon. Speaker:** Thank you. Let us hear Hon. Member for Athi River Township.

**Hon. M. Mutuku:** Thank you Mr. Speaker, Sir. First and foremost, let me applaud the chair for bringing the interim report. However, I would like, in my opinion, if the committee can be given an extension because other than the areas which they have mentioned in the report, we have hotspots; the urban areas, Mavoko, that includes Athi River and Mlolongo where every place is like a dumping site. Mr. Speaker, Sir, I would wish if the committee can be given more time and also the scope be extended to include Mavoko sub-county because that is where the

major problem is. We can also go to an extent to establish the water pollution and also the air pollution within the Athi river town. Thank you. Mr. Speaker, Sir.

**Hon. Speaker:** Yes Hon. Manyolo.

**Hon. Manyolo:** Thank you Mr. Speaker, Sir. I first congratulate the chairman and the committee for Environment for what they have done. I know it is a hard job for them to come up with this report. Mr. Speaker, Sir, as we had earlier said, it is good for us to get all information after our committee meets the committee of Environment in Nairobi and also they have to include the other markets like Matuu. The dumping site has been relocated near earth dams which are used to by the residents. It is good we get reports of all dumping sites within the county and I understand with the time the chairman has requested, he will come up with a comprehensive report which the House will be able to discuss.

The other issue Mr. Speaker, Sir, let Hon. Members accord themselves in seriousness. It is not good for a Hon. Member to mislead the House that we have this and this and yet the committee went and found that she had just misled the House. So Mr. Speaker, Sir, let the House and Hon. Members stand to be Hon. Members but not misleading the House in their personal wills. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Yes Hon. Kasoa.

**Minority Leader (Hon. Kasoa):** Thank you Mr. Speaker. First and foremost let me thank the committee for coming with a good report so far and I second that this committee should be given some more time to come with a comprehensive report. Secondly, Mr. Speaker, I have read the recommendation from the chair that the Hon. Member of this House gave false information to the House. Since this member belongs to the minority and I am the leader of minority, if you give me a go ahead to discipline this member...

*(Applause)*

Mr. Speaker, it will be prudent enough so that such mistakes are not repeated in future. Thank you. Mr. Speaker.

**Hon. Speaker:** Thank you but Hon. Kasoa you do not need permission to discipline your own member, but the report is yet to be debated and adopted so she is not yet convicted. Yes.

**Hon. Kamitu:** Thank you very much Mr. Speaker, Sir. First thing Mr. Speaker, Sir, is that I stand here to applaud our environmental chair with his committee for a job well done. However, Mr. Speaker, Sir, I am with the same sentiments that you have said that the committee has to go out and do further research, give out a comprehensive report and I stand here Mr. Speaker, Sir, just to give some highlights in regard to Tala dumpsite. I wrote a letter Mr.

Speaker, sir, on 5<sup>th</sup> May, last year, that is 2015, touching on the same, that is Tala dump site. What I am trying to highlight is that in fact Tala dumpsite was not a gazetted dump site; it is an illegal dump site so that is one of the corrections I should bring into this House. Tala is not a dump site. The gazetted dumpsite is in Nguluni; that is the gazetting done and as you heard Hon. Willy Mukewa talking about, it is a dumpsite that was bought and gazetted by the former Town Council of Tala and Kangundo.

In that regard, Mr. Speaker, Sir, I would also like to, maybe, add and we get an advice from your office or from the chairperson that on the same move, if we could look into the areas of sewer lines because it is in the same office that most of the towns in Machakos County, the upcoming towns, we cannot stand in this House and say there is any town that has a sewer; that is in regard to sewer lines. So Tala, Matuu, Mavoko, as you have heard from the Hon. Members who were here, we also need a report and maybe on this point, Sir, I request the chairperson to also call upon the Waste Management Board in Machakos County so that they may go out and come up with a budget because in future, if we are not going to do this as an Assembly, we need to move out to save the image of our upcoming towns and it is on that strength, Sir, that I may also kindly request you, if I can give you the letter that I had written to this Assembly and to the chief officer, Energy, Environment and copied to this committee. But I am happy some of the sentiments I had written to the same have been cited in this report.

So let me take this time Mr. Speaker, Sir, to urgently urge you, if something can be done because as we are saying, as I am standing here, the Tala illegal dumpsite, the exercise is still on because they are dumping the same garbage at night and Mr. Speaker, Sir, I am telling you that the residents, because I represent them, they told me that one of these days they are going to burn the lorry or the tractor that takes garbage to that illegal dump site. It is on this strength Mr. Speaker, sir, that I sincerely request that something should be done as an urgent issue and again if something also through this House can be done in regard to maybe write a letter to the advocate who had written a letter to this House so that not even showing them, telling them that we have a concern because for us to be taken to court, we should be seen to be doing something.

It is on the same strength, Sir, that I request you that something should urgently be done in regard to that Tala dumpsite and it is at this moment that I request one of your Serjeant at Arms to give you the letter to show you the seriousness that I have in regard to Tala dumpsite. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Let us hear...Point of information? Let us take the point of information.

### POINT OF INFORMATION

**Hon. Manyolo:** Thank you Mr. Speaker, Sir. May I draw to your attention that the Hon. Member who is in question is in the House? Who misled the House, Mr. Speaker, Sir?

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



### POINT OF ORDER

**Hon. Kitheka:** Mr. Speaker, you posed a question to the debate of this motion and report. Might you have opened the chance for debate because we are ready to debate and yet we are not in tandem on what we are supposed to be doing right now because your question has not been answered and we are still partially debating, not debating. Why can't you open the floor?

**Hon. Speaker:** Order. That member is in order. Indeed Hon. Members took it out of me because the point that I raised was on the question of enlarging time for this committee and maybe to come back to that issue, I will ask the chair to address the House on that question. Let us hear the Hon. Member who would want to inform the Speaker.

### POINT OF INFORMATION

**Hon. Nzioki:** Mr. Speaker, I do not want to inform the Speaker but I want to inform the committee while we are on that matter, Mr. Speaker.

**Hon. Speaker:** Yes.

**Hon. Nzioki:** Mr. Speaker, first I applaud the chairman for Environment on this report and Mr. Speaker I want to inform the committee, while they are visiting and while they are discussing with the committee Of environment in Nairobi, I would want to inform them it is not only Ruai sewerage system plant that discharges waste on Athi River. There are other channels like factories in Nairobi town and in Nairobi industrial area and some slums in Nairobi which are discharging dangerous fluids and raw waste into the rivers that also join the Athi River. Mr. Speaker, while they are doing that, they should consult and see how they can solve the matter. Thank you, Mr. Speaker.

**Hon. Speaker:** Let us hear the chair. Let us have some direction here maybe if the chair can perform a further report. Maybe before the chair addresses the House, what was my expectation in my mind was that you come up with recommendations of identifying dumpsites, proposal of legislation, gazetting of particular dumpsite and the dumpsite called Tala dumpsite needs to have its own rules that govern it. Something like that towards legislation, Hon. Chair maybe.

**Hon. Ngunzi:** Mr. Speaker, we stand guided on those issues that we propose new dumpsites but we have already proposed the new dumpsite for Tala because we have a challenge with the citizens who have now gone to seek redress through the advocate and that is within 14 days. That is why we felt we needed to present the report. However I agree that we still have a lot to do on the pollution of the River Athi because we only visited the Ruai treatment works and

we still have a section of Nairobi County that is emitting their effluent into the River Athi and that we felt we needed to visit together with the committee on Environment in the County of Nairobi but Mr. Speaker, on the dumpsite we felt there was need that this House addresses the dumpsite in Tala that is posing a challenge and that would lead this County to the court. Some could leave the section on pollution of River Athi and discuss the rest on dumpsites so that we come up with either interim measures or something. That is my direction, Mr. Speaker.

**Hon. Speaker:** Maybe before I am informed, let us first adhere to the proposal given by the chair. The chair feels that we proceed with the report as interim as it is but still permit him to file further reports perhaps in the coming times. So I will open debate and in our interrogations, I think we have almost exhausted the issues in the report but I will welcome additional debates but in the meantime allow me to allow Hon. Magdalene Ndawa, she has gone through this report, she is adversely mentioned and we want the House to understand what really happened.

**Hon. (Ms.) Ndawa:** Thank you Mr. Speaker. I have gone through the report, I am a member of the committee of Environment and Mr. Speaker I am very impressed, let me say, because I can see my committee is interested more in the fact that the dumpsite is a kilometre away from a school. Mr. Speaker, when I came to this House with a proposal that that dumpsite be closed, it was the demand from the citizens of Matungulu West ward; a demand from the people of Machakos.

Mr. Speaker, a scenario which happened yesterday, not even before *El-Nino*, that was yesterday, the CEC member was called. The reason why Tala dumpsite is still full with a lot of garbage and Tala market is very messy is because the people of Matungulu West have said no; No dumpsite in Matungulu West ward. They have said no to that dump site. Yesterday the CEC member was there, the sub-county administrator was there and they were chased away with the tipper which was carrying the garbage. Mr. Speaker, it is no joke about this dumpsite because when it rains, because the land is actually flat, the garbage is carried away by a stream which is passing near the school. Mr. Speaker, when you saw those photos---

*(A Hon. Member speaks off the record)*

Excuse me, Hon. Member. I am on the floor of the House, Mr. Speaker. I should be protected.

**Hon Speaker:** Let me take the point of order, particularly from the chairman.

### POINT OF ORDER

**Hon. Ngunzi:** Mr. Speaker, unless the Hon. Member for Matungulu wants to lie to this House or wants to mislead this House, Mr. Speaker, the dumpsite is in an area that is almost uninhabited by people and unless somebody is fuelling the people, we interviewed the people

from that area and not even a single one had complaints over the dumpsite. So unless Hon. Magdalene Ndawa is instigating the people against that dumpsite, then Mr. Speaker, we found no problem, we were escorted by the people there, we were shown that place by the residents and nobody lives near that dumpsite. Mr. Speaker, we should stand corrected.

**Hon. Speaker:** Thank you. I should say that is also what I get from the report Hon. Ndawa.

**Hon. (Ms.) Ndawa:** I believe I am still on the floor?

**Hon. Speaker:** Just finalize. Let's hear you.

**Hon. (Ms.) Ndawa:** Mr. Speaker, I am very shocked because if the committee interrogated people from my ward, we should have their speeches and we should have photos of the dumpsite. Don't just bring a report to this House without evidence, we need the evidence---

**Hon. Speaker:** Order, Hon. Ndawa, there is a point of order.

#### POINT OF ORDER

**Hon. Kitheka:** Mr. Speaker, when the Hon. Member started addressing this House, if I can remember vividly, she said that she is a member of that committee.

**Hon. Speaker:** Indeed.

**Hon. Kitheka:** And if she is a member of that committee and it is the committee which was investigating, now that is the kind of monkey business we should not entertain in this House. Yes, Mr. Speaker.

**Hon. Speaker:** Order, Hon. Member, we should use more palatable words. Yes, Hon. Member.

**Hon. Kasimu:** Thank you Mr. Speaker. I want to bring to the attention of this House that Hon. Magdalene Ndawa, on 17<sup>th</sup> September, 2015, said the dumpsite is adjacent to a primary school. Can you, please Hon. Ndawa, tell us which primary school is adjacent to that dumpsite. Thank you, Mr. Speaker.

**Hon. Speaker:** I agree with you. Hon. Ndawa, maybe before you address us further, kindly deliver that answer.

**Hon. (Ms.) Ndawa:** Mr. Speaker, I understand that Hon. Member has a lot of interest.

**Hon. Speaker:** Order Hon. Ndawa. Do you have the answer? Is the answer available or not available?

**Hon. (Ms.) Ndawa:** There is a school.

**Hon. Speaker:** What is the name of the school?

**Hon. (Ms.) Ndawa:** Musini.

**Hon. Speaker:** Musini Primary School. Just proceed, Hon. Ndawa.

**Hon. (Ms.) Ndawa:** Thank you Mr. Speaker. You know, Mr. Speaker, I am surprised because the Hon. Members who claim I did not visit the dumpsite when the committee was going there because that same day I had a patient in Nairobi Hospital so I did not attend the committee when the committee visited there. Mr. Speaker, it is very clear my people do not want that dumpsite there. I am here to represent them; I speak their voice and they have shown it clearly when they chased the minister away and the sub county administrator. Mr. Speaker, the committee should have gathered enough evidence; photos of the garbage. It is scattered in almost the surrounding neighborhood.

**Hon. Speaker:** Hon. Ndawa, you are a member of this committee and you are also equally obligated to gather that evidence.

**Hon. (Ms.) Ndawa:** I already brought my information to this House; I brought pictures, I brought everything that was captured on the ground.

**Hon. Speaker:** Order, order, order. Hon. Ndawa, let us hear the chairman.

**Hon. (Ms.) Ndawa:** Mr. Speaker, just a minute.

**Hon. Speaker:** Hon. Ndawa, can you take your seat.

**Hon. Ngunzi:** Mr. Speaker, I want to remind Hon. Ndawa that garbage from Tala will not be taken to Mwala. Garbage from Machakos here will not be taken to Makueni. It has to be dumped somewhere within that town. So Mr. Speaker, when Hon. Ndawa claims and these are lies to this House, that dumpsite and that area has very few homes; they are scattered and much of it is land that is not inhabited by people. I wonder, we spent a whole day there, we were with Hon. Nzoka and Hon. Kamitu and the residents. I am saying if Hon. Ndawa feels that we cannot dump garbage on that site, then can she give us an alternative and give us the funds to secure another piece of land where she feels---

**Hon. Speaker:** Hon. Ngunzi.

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

**Hon. Speaker:** As the chairperson, I would think that this report was developed in consensus of all the members.

**Hon. Ngunzi:** She sat with us this morning and she never gave those comments that she has today.

**Hon. Speaker:** And if there are members who do not agree with the report, then there ought to be a minority report.

**Hon. Ngunzi:** This is a majority report. I have my members here; the whole committee was present in the morning including Hon. Ndawa when we went through the report and she never gave complaints. It is now that because she is fixed, she feels that the report should be rejected. This is her opinion and not the opinion of the committee.

**Hon. Speaker:** Let us give Hon. Ndawa some time to clear herself from this.

**Hon. (Ms.) Ndawa:** Mr. Speaker, when I raised this issue in this Assembly, the members of Matungulu sub-county were all called for a meeting, by *waziri* Luka. Mr. Speaker, we agreed with *waziri* because the situation was unbearable, he sends an excavator at least to cover that garbage which was on the site. When I brought the papers to this House and we discussed, we met in Kangundo Municipal; Hon. Kamitu was there, Hon. Willie was there and we talked about it, we discussed it, they clear the area...

**Hon. Speaker:** Let us hear the point of order from Hon. Kyalo Kyuli.

### POINT OF ORDER

**Hon. Kyuli:** Thank you Mr. Speaker. I am just wondering whether the Hon. Member is in order to deviate from the issues at hand, Mr. Speaker. Whether the Matungulu members met or did not meet Mr. Speaker, we have an issue before us. Can I be told whether she is in order when she is deviating from the issues at hand? Thank you, Mr. Speaker.

**Hon. Speaker:** I agree. That point of order is sustained. Hon. Ndawa, why I gave you initial permission to address the House was to give you an opportunity to exonerate yourself from the advance comments that have been made against you in the report and I would expect

you to address and answer these hard issues. Did you give false information and if you did, are you going to tender an apology?

**Hon. (Ms.) Ndawa:** Mr. Speaker I did not give false information because I was on the ground, the photos I brought to this House were on the ground. That is exactly what I found myself. The committee visited a month later when we had already discussed about the issue and...

**Hon. Member:** Point of order, Mr. Speaker

**Hon. (Ms.) Ndawa:** Protect me, Mr. Speaker.

**Hon. Speaker:** She is protected. Proceed.

**Hon. (Ms.) Ndawa:** So, Mr. Speaker, if my people have decided there is no dumpsite in that area, they are my electorate; I cannot go against them. It is very clear that the people of Matungulu do not want a dumpsite there. The Governor is aware about it; it is a matter of this House to come up with a solution because if the people of Matungulu do not want a dumpsite there, it is very clear.

*(Loud consultations)*

**Hon. Speaker:** Okay. Thank you. Hon. Members, we are going to become emotive over a matter that I think is clear. I had initially directed that we need a more comprehensive report. Let us hear the member for Kangundo.

**Hon. Matheka:** Thank you Mr. Speaker. I can hear some murmurs from the members not from Nguluni, but I seek the leave of the Speaker to talk about Nguluni because I come from Kangundo and Nguluni is part of the larger Kangundo.

**Hon. Speaker:** Nguluni dumpsite?

**Hon. Matheka:** Yes Mr. Speaker, Sir. Before we say not Nguluni, we should ask ourselves some questions. One, is the area isolated, Mr. Speaker, Sir? I say yes. I know the area very well and it is isolated. The other thing we should ask ourselves, is the area ideal for a dumpsite? To my own opinion I say no and the much I know Nguluni, Nguluni is flat area and being a flat area, it has quarry stone which is normally used to do ballast and you cannot dig and you cannot do anything. If you want to dump at Nguluni, you will just dump at the service and if you dump at the service, when it rains, Hon. Ndawa, is right; all the litter is scattered everywhere and it is taken to the rives and it will spoil the rivers and it will do anything. Mr. Speaker, Sir,

you know what is dumped; all sorts of unhygienic things. We do not need to mention some of them here. Mr. Speaker, Sir, the area is isolated but it is not fit for a dumpsite.

Mr. Speaker, Sir, I also agree with Hon. Ndawa in another aspect; the people there have rioted. The other day sub-county administrator Kangundo went and dumped in Matungulu East which is owned by Hon. Willy Mukewa, maybe he is not aware, and yesterday, the minister was there and the sub-county administrator and the people there said no, because they cannot dump in Matungulu East, they cannot dump in Tala ward, they cannot dump in Kangundo North. All those wards border and they said no, those are areas they cannot dump and they said they will look for somewhere else to dump. They also promised the same thing which they promised in Nguluni, they will look for an excavator to come and put soil on top of those dumping sites.

Mr. Speaker, Sir, we cannot mention what was dumped there; children were playing with some other funny things which were dumped there; they thought were balloons. Mr. Speaker, Sir, those are health hazards and we should as a House, think of what we should do with the dumpsite in Kangundo and Matungulu sub-county. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Hon Members I think I am now saying this for a third time; I had initially directed that we have a more comprehensive report, particularly now as we discuss Nguluni and I will ask the chair whether they engaged any services of an expert.

**Hon. Ngunzi:** Mr. Speaker the dumpsite was there before the counties came into being and Hon. Ndawa claims that somebody was sent to cover the garbage, that is false information, and I want to request this House---

**Hon Speaker:** You are saying this dumpsite was there?

**Hon. Ngunzi:** It existed before the counties came into being; it is only that it is inaccessible that getting into the dumpsite is a problem. So Mr. Speaker, I want to close by requesting that we go your way that we get time, get the minister, and get the health and environment experts to move to Tala. We will also meet the people as we met them because the debate here will not come to an end. We go back there, we come back with a more comprehensive report that will be more involving. We will involve all stakeholders to our meeting. Thank you.

**Hon. Speaker:** Let me take the word of wisdom

### POINT OF INFORMATION

**Hon. Katela:** Mr. Speaker, Sir, as much as I support the motion, I want to inform the chairman, Environment that the fact that the dumping site was there does not mean it is the right place to dump because we cannot go repeating the mistakes of our grandfathers. Where we are sitting now as an Assembly is a gravesite; people must have been buried here a long time ago.

Do we still continue burying here because it is a gravesite? We can't do that. And he should go further to Muthetheni and Miu markets; our towns are growing and we have no dump pits because our people are also paying for dumping sites in small towns but there is nowhere to dump. It is an enormous thing, it is not just in Tala and Kangundo; it is everywhere. The county is crying. Mr. Chairman, wake up and do your work.

**Hon. (Ms.) Ndawa:** Mr. Speaker, you know the matter in front of this House belongs to my ward.

**Hon. Speaker:** Yes.

**Hon. (Ms.) Ndawa:** Speaker, the people of Matungulu, the larger Kangundo, know their rights. Mr. Speaker, the issue of that dumpsite was raised even before the former councilors started dumping there because it was greedy councilors who bought that piece of land knowing very well that is a residential place. Mr. Speaker, the minister herself was there yesterday and she confirmed to me, it is impossible to have a dumpsite in that area. When it rains Mr. Speaker, even in Koma location---

**Hon. Speaker:** Order Hon. Ndawa, what is giving me some discomfort on your contribution is because you are a member of this committee and those are the contributions you ought to have given in the committee. That gives me some discomfort because I am not seeing any of your comments in this report.

**Hon. (Ms.) Ndawa:** Mr. Speaker the reason why I did not comment and get involved in the writing of the report is because everybody was against me and this was because---

**Hon. Ngunzi:** Mr. Speaker, Mr. Speaker, Mr. Speaker, Hon. Ndawa is a liar; we cannot sit here Mr. Speaker to listen to lies from Hon. Ndawa.

**Hon. (Ms.) Ndawa:** Mr. Speaker, protect me.

**Hon. Speaker:** Order, order, Order Hon. Chair, order Hon. Kitheka.

**Hon. (Ms.) Ndawa:** Protect me Mr. Speaker.

**Hon. Speaker:** I will stand with Hon. Magdalene for now. Proceed.

**Hon. (Ms.) Ndawa:** Mr. Speaker, the reason why I did not participate in the writing of this report is because when waziri Luka, the minister Luka called me---

**Hon. Speaker:** Order, let us handle the issue here.



**Hon. (Ms.) Ndawa:** Yes I want to tell you how it happened that I did not participate in this. Waziri Luka called and told me, since the rains have dried a bit, I am sending an excavator there at least to cover the garbage. That was before the committee visited the area. He promised that there will be no more dumping on that site, Mr. Speaker. The whole of my area, I have four locations in my ward, three locations are flat and you cannot tell where rain water will pass when it rains.

**Hon. Speaker:** But Hon. Ndawa you ought to have prepared a divergent report even if it is your own report alone.

**Hon. (Ms.) Ndawa:** Mr. Speaker I brought my report to this House.

**Hon. Speaker:** That was a motion; it is not this report. You ought now to prepare a report...

**Hon. (Ms.) Ndawa:** I will prepare a report to this House concerning that dumpsite but Mr. Speaker I assure you, the people of Matungulu West ward have said there will be no dumping in that area because of the risk caused by that dumpsite.

**Hon. Speaker:** You know Hon. Ndawa, your people cannot refuse dumping; they must be governed.

**Hon. (Ms.) Ndawa:** Okay. I talked with waziri yesterday and when we talked about that dumpsite Mr. Speaker... Mr. Speaker protect me.

**Hon. Speaker:** Just proceed but I was just saying this: when you elect a government, then you surrender your rights to be governed, isn't it? So they cannot say that there cannot be dumpsite. It can be compulsorily acquired and made a dump site.

**Hon. (Ms.) Ndawa:** Mr. Speaker, the issuing of buying the dumpsite is not an issue here because if it is a health hazard to the community, then there is a problem. I have talked with waziri because I knew the committee, when we talked about the whole issue, they were against it because what they found on the ground is not what was there before. We talked with waziri and I told waziri very clearly that if she wants to dump there, we must be in search of a new dumpsite as we speak. Meanwhile, I told waziri we can build a perimeter wall with a gate, we have a gated dump site for the time being as we search for a new dumpsite. Meanwhile, the community has said no to that dumpsite as it is.

**Hon Speaker:** Let me get the information here.

### POINT OF INFORMATION

**Hon. Nzoka:** Thank you Mr. Speaker, Sir. Let me give the genesis of this area; where she is talking about where the excavator did the work of covering the waste, it is not there; it is a place where we hired when we were councilors, at a cost of Ksh. 128,000 at Nguluni and people complained much. That one was bought by the previous council and when we went there, the tractor could not access because of road; the tipper could not access because of the road and the area is too big.

What I agree, it is flat and we also recommended it be fenced because there is a lot of wind and when you dump, waste will be flown by wind. It is the duty of the county to make a wall around so as to avoid these flying objects. So what I am saying is, the place of dumping is the one which we talked of and which you cannot excavate; it is rocky. The one which was covered is at Nguluni and it was for hire and those people have stopped leasing.

**Hon. Speaker:** Hon. Nzoka, the point you are making is that they are talking about two different locations.

**Hon. Nzoka:** She is talking of a place which is owned by others which we had hired.

**Hon. Speaker:** Let me hear Hon. Kitheka.

**Hon. Kitheka:** Thank you Mr. Speaker. Once more I reiterate my words that right now if what she is talking is valid, we should be talking about mitigation of the same as pertains protection of the area. Secondly Mr. Speaker, if she might not be knowing the area she is addressing because she might have been away for some time and the way she is trying to address it, there are some people addressing different places and on the same site, we may be lost in a way and we should know who is making us get lost.

*(Loud consultations)*

Thirdly, Mr. Speaker, because she is a member of the committee, what we expect, instead of making a lot of talk in this House, she should go straight and come with a minority report. We should talk in this House holding a minority report so that at least when we are arguing, we can talk on valid issues which are in black and white. Now that they are just talking and nobody is saying the correct thing, one person is saying that there is a school adjacent to the dumpsite; another is saying it is one kilometre away. It seems even these two groups don't even know the size of a kilometre or even a meter. So Mr. Speaker, can you shed some light for us.

**Hon. Speaker:** I hear you. Order, Hon. Members... Hon. Katela you are now out of order. The directions I will give in this matter, because it appears that there is serious conflict between even members of the committee, they don't appear to agree on facts, Hon. Chairperson, as I give you permission to still come up with an additional report, I will defer this debate until tomorrow

morning. Consult and we will continue with the debate in the morning. Yes, let us hear what burns with Hon. Kyalo Kyuli.

**Hon. Kyuli:** Thank you, Mr. Speaker. I wanted your directions on this as you are giving, before you give you directions Mr. Speaker that this particular committee, there is also another committee of Public Health which seems to be left out. Mr. Speaker, the committee on Public Health, because it is there, could it also be included because there are issues that are going to emerge even when you are looking at the bigger picture of the same, because apart from the dumpsite, there are also effects that even the member from that particular area is insisting that there is a school adjacent to it. So Mr. Speaker, I was just requesting that as you issue your directive Mr. Speaker, if the committee on Public Health could also be included in this so that we get a report from the two committees. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Kyalo Kyuli, this is a report that is midway done and it will be more confusing to include another committee when this is work underway. My strong view is that we will have the chair bring up this matter again tomorrow for further debate; Hon. Ndawa is at liberty to file a minority report. The Chair will put the chairman to task tomorrow on whether the report was consented to by all the members. Then I will urge that debate will be deferred until tomorrow morning. Yes Hon. Katela.

**Hon. Katela:** Thank you Mr. Speaker for allowing me. Because this Hon. House goes for the straight and the right things Mr. Speaker, it seems like there are some vested interests between the members from Kangundo and they are not coming out clean. Mr. Speaker, why can't the House set a team and send a team there to bring facts about the whole place because it's like people have some interests which they are hiding. Why can't the House set a special team?

**Hon. Speaker:** Hon. Katela, this House has its Standing Orders which allow members to declare their interests; we all belong to this county so we may have our kind of interests so we will urge members who are interested to declare their interests as the debate proceeds.

**Hon. Katela:** Thank you.

**Hon. Speaker:** I hope the Minority Leader has heard that. If your interests have extinguished, you also say that I had interests but they extinguished. Hon. Members let us prepare and develop this story further tomorrow in debate. Yes?

**Hon. (Ms.) Ndawa:** Mr. Speaker, I believe I have haters here; some Hon. Members are haters here.

**Hon. Speaker:** Sorry for that but I will urge them to develop some love for you.

**Hon. (Ms.) Ndawa:** Yes, kindly. Mr. Speaker, I would urge, if you allow me ---

### POINT OF ORDER

**Hon. Nganga:** Mr. Speaker, I feel perturbed by the Hon. Member using the word that this House has haters, Mr. Speaker. Members might be just expressing their opinions and that does not qualify them to be haters. I feel that word is too deep to be allowed or admitted into this chamber. I think the member should just withdraw that word.

**Hon. Speaker:** Thank you Hon. Deputy Speaker. I heard the word haters and took it on a light note and the matter is now acquiesced. Just proceed.

**Hon. (Ms.) Ndawa:** Mr. Speaker, you see I was right. Mr. Speaker, I just want to inform this House I will bring members of the public from my ward who are complaining, especially Musini Primary School---

**Hon. Speaker:** Hon. Ndawa, there is a procedure if your members would want to attend, there is gallery. If they want to communicate to the Assembly, there is a procedure by way of a petition.

**Hon. (Ms.) Ndawa:** Mr. Speaker, I want to bring the members to the committee because they are parents of Musini Primary School. I am surprised when Hon. Nzoka and Hon. Willie...

**Hon. Speaker:** Order, order. You are a member of that committee and I am sure they are welcome.

**Hon. (Ms.) Ndawa:** Thank you Mr. Speaker, Definitely.

### POINT OF ORDER

**Hon. Ngunzi:** Mr. Speaker, I want to inform and it is unfortunate that I have to inform this House that, Matungulu West ward is led by a foreigner, who does not know her constituency. She does not know the particular part of that ward we are addressing. There is no Musini Primary Mr. Speaker---

**Hon. Speaker:** Order, Order. Order chairman, you are out of order. I will urge you to apologize.

**Hon. Ngunzi:** Mr. Speaker, before I apologize, I will apologize but when we address an issue over Matungulu West ward, she doesn't know the particular place we are talking about; that is why I am saying she is a foreigner to her own place.

**Hon. Speaker:** Hon. Chairperson, I think you have good command of your English. That point would have been brought up in a better language. So you must apologize.

**Hon. Ngunzi:** A newcomer to her own place.

**Hon. (Ms.) Ndawa:** Apologize.

**Hon. Ngunzi:** No apologies to make when you do not know a particular place. You have no mastery of your place, then you are a foreigner to that place.

### **ADJOURNMENT**

**Hon. Speaker:** Order. Hon. Members we refer to my ruling I had made earlier. Let us defer debate until tomorrow. Thank you and the House adjourns.

The House rose at 4.13 p.m.