

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 17th February, 2016**

The House met at 2.31 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
VISITING CHILDREN****Hon. Speaker:** Hon. Members, I can see we have visitors. I can see children in our gallery, kindly appreciate them.*(Applause)*

Proceed.

PAPER LAID**VIOLATION OF HUMAN RIGHTS IN STEEL MANUFACTURING INDUSTRIES****Hon. Itumo:** Thank you Mr. Speaker. Mr. Speaker, Sir, I would like to request you to allow me to bring the report in the coming week, Mr. Speaker.*(Laughter)***Hon. Speaker:** Hon. Itumo, kindly lay the paper first, then you can tender your request, there is nothing before us to adjourn, Hon. Itumo.**Hon. Itumo:** Thank you Mr. Speaker. Mr. Speaker, Sir, I beg to lay the following paper on the table of the House today, Wednesday, 17 February, 2016: report on the report of violation of human rights in steel manufacturing industries in Machakos county.*(Hon. Itumo laid the Report on the Table)*

Hon. Speaker: Thank you. The paper is laid.

NOTICES OF MOTIONS

ESTABLISHMENT OF MOBILE POLLUTION MONITORING UNIT

Hon. Maitha: Thank you Mr. Speaker, Sir. I beg to give the following notice of motion; that this Hon. House discusses and approves that the county government of Machakos establishes a mobile monitoring pollution unit in order to monitor and control air, water and noise pollution in Machakos County. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you, the notice is issued. Proceed.

VIOLATION OF HUMAN RIGHTS IN STEEL MANUFACTURING INDUSTRIES

Hon. Itumo: Mr. Speaker, I would like to request the report to be deferred to next week, Mr. Speaker.

Hon. Speaker: Hon. Itumo, give notice of your motion first.

Hon Itumo: Mr. Speaker, Sir, I wish to give notice of the following motion that this House discusses and approves the report of justice and legal affairs committee on the violation of human rights in steel manufacturing industries as laid today, 17th February, 2016.

Hon. Speaker: Thank you. The notice is issued, proceed.

Hon. Itumo: Mr. Speaker---

Hon. Speaker: Hon. Itumo, kindly allow us to go through the Order Paper.

STATEMENTS

UNSATISFACTORY ANSWER TO STATEMENT BY HON. MUTHUKA

Hon. Speaker: Hon. Members, on the matter of statements, there was a statement that was raised yesterday by Hon. Muthuka and notice has been drawn to me that answers were not satisfactory. By perusal of the HANSARD and memory of the question were raised, I am persuaded that a formal statement should be delivered and I urge the Majority Leader to make this statement available to the House on Wednesday in the coming week.

(Applause)

Thank you. Proceed.

MOTIONS

VIOLATION OF HUMAN RIGHTS IN STEEL MANUFACTURING INDUSTRIES

Hon. Speaker: Yes hon. Itumo, it is now your moment.

Hon. Itumo: Thank you Mr. Speaker. Pursuant to Standing Order 47---

Hon. Speaker: Hon. Itumo, maybe you can introduce yourself to the House and for the benefit of the gallery, I will allow you to greet the children.

(Laughter)

Hon. Itumo: Thank you Mr. Speaker. I didn't know whether the gallery had some pupils but my names are Hon. Joseph Itumo, representing Kangundo Central ward and chairman, Justice and Legal Affairs committee. I proceed, Mr. Speaker? Pursuant to Standing Order 47, I wish to move the motion that this Hon. House discusses and approves the report of justice and legal affairs committee on violation of human rights in steel manufacturing industries in Machakos County.

Hon. Speaker: Are you ready to lay the motion? I thought you had indication that you were not able.

Hon. Itumo: Mr. Speaker, I am not able to table the report today. I will have to request you to defer the matter to next week, Mr. Speaker.

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

POINT OF ORDER

Hon. Muthuka: Thank you Mr. Speaker, Sir, and the rest of the house. Mr. Speaker, it is the high time we take the business of this House very seriously. Mr. Speaker, you know there is the House Business Committee that ballots the business of the week. Being a member of that committee, we give priority as per readiness of any committee for any member who wishes to table any report or motion. It is so unfair to this Hon. House to find that some committees, even given the first chance for the last three years, they cannot be ready to table a simple report. So, Mr. Speaker, unless we are convinced, unless the chairperson legal affairs committee convinces this House the reasons behind why he should not table the report, I think we should dismiss that report and continue with the business of today. Thank you.

(Applause)

Hon. Speaker: Hon. Itumo. Sorry about that, you should have an application for an adjournment. Proceed and argue your application for adjournment. Basically, what are the reasons, why you are not ready? Proceed and tell us.

Hon. Itumo: Mr. Speaker, the reason behind why we are not ready, is that we had some legal experts who were to appear before our committee as far as what we did by visiting the various industries is concerned, but they could not do so in the arranged time, Mr. Speaker. Since they said Monday is the time they were going to avail themselves, then we will be able to come up with a well-cooked report Mr. Speaker, by the time we present this report, I know at the end of the day, the Hon. Members will conclude it is a half baked report, Mr. Speaker.

Hon. Speaker: Thank you. Let us hear Hon. Manyolo at the back.

Hon. Manyolo: Thank you Mr. Speaker, Sir. I am worried by the chairman of legal affairs committee because once the papers are brought to the House Business Committee for vetting, it shows that they have completed everything. I don't see how the member can assume the House by saying that he was waiting for the legal affairs to come and try and see. Mr. Speaker, Sir the Hon. Member is not properly seated. He is not, according to the House (inaudible)

So, Mr. Speaker, Sir, it seems that the chairman and the committee may be misleading the House. While they were in the committee, they discussed and harmonized everything in the committee and then they brought the paper to the House Business Committee for vetting. How come they are saying they are not ready, they are waiting for legal officers and I understand they had time to meet the legal officers, Mr. Speaker, Sir?

Hon. Speaker: Thank you. Let us hear the Majority Leader here.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker. Mr. Speaker, for the first time I have to agree with Hon. Member for Ndalani.

(Applause)

Mr. Speaker, members should take the business of this House with the seriousness that it deserves. I wonder why the chairman, justice and legal affairs committee is taking this House for a ride Mr. Speaker. He sits in the House Business Committee and he was present when we were balloting the business of this week, Mr. Speaker. Unless he has other reasons Mr. Speaker, I think he we should continue with the report. Thank you, Sir.

Hon. Speaker: Thank you. Let us hear Hon. Nzoka.

Hon. Nzoka: Thank you Mr. Speaker, Sir. Let me come to rescue Hon. Itumo.

(Laughter)

The matter before the House needs technical people for advice, and might be they sat, they discussed, and they went and viewed the industries and came up with a report which is not technical. So, I advice the committee to go again and sit with the technical people.

(Loud consultations)

Hon. Speaker: I offer protection to Hon. Nzoka.

Hon. Nzoka: Yes. Thank you, Mr. Speaker.

(Laughter)

In fact, we should not allow a motion which is not backed by technical personnel because whenever you come with it will be challenged.

Hon. Speaker: Let me here the point of order. Yes Hon. Kathinzi.

Hon. Kathinzi: Thank you Mr. Speaker. I think the Legal, Justice affairs committee has never presented any report in this assembly. That is something for us to indicate it is in need of instructions that is either the chairman to tell us whether he is capable of carrying this committee to the next level, because we need to see people who are hard working. Mr. Speaker, you cannot sit in the House Business Committee as a chairperson then you come and start looking for adjournment of that particular motion whereby you had all the time to sit down with your members and agree.

If you put that issue in the House Business committee and you are given that chance, this is a worrying situation. Mheshimiwa Itumo should be done what we did in the morning with Mheshimiwa Ndawa that things must move. This is a serious House, Mr. Speaker.

Hon. Speaker: Let me hear Hon. Ndeto at the back.

Hon. Ndeto: Thank you Mr. Speaker for this opportunity. In ethics, we are what we call the lesser evil. When you are given two situations were both are evil to choose one. In this case, the Hon. Member who is the chairperson has just put it very clear, he knows that at the end of the of report, if we discuss, it will be thrown out because of reasons maybe he has seen. Then I don't see what harm it makes, if he is given time convene his committee back and maybe amend what is wrong. So here is a situation which is better for the report to be thrown out or for the report to be given more time.

Hon. Speaker: Hon. Member, I have heard what you said and Hon. Ndeto it is that Hon. Itumo is only asking until Monday and my ruling is that we give another opportunity and that the matter is referred back to the House Business Committee for balloting.

(Applause)

Yes. This matter has been concluded, Hon. Chairperson. Let us move on to the next item

ESTABLISHMENT OF MOBILE POLLUTION MONITORING UNIT

Hon. Maitha: Thank you, Mr. Speaker, Sir. Aware that pollution of any form contributes to environmental degradation and has adverse effects on human and animal health, aware that pollution includes harmful emissions in the air by motor vehicles, industries, any diesel and petrol engines, open burning of tyres and uncontrolled burning of garbage, Mr. Speaker, Sir cognizant of the fact that this harmful emissions have been evident from industries in Mavoko sub-county, and acknowledging that there has been a lot of water pollution emanating from poor draining systems, industrial waste, residential house effluent and even poor garbage done along water bodies in the same sub-county as witnessed in Athi River through a report which was tabled in this Hon. House on 11th November, 2015, by the environment, Lands ,energy and Natural resources committee, Mr. Speaker, Sir, I wish to move a motion that this Hon. House discusses and approves that the county government of Machakos establishes a mobile monitoring pollution unit to monitor and control air, water and noise pollution in Machakos county. I wish to call Hon. Ngunzi to second my motion Mr. Speaker.

Hon. Speaker: Thank you. Hon Ngunzi.

Hon. Ngunzi: Thank you Mr. Speaker. I stand to second the motion.

Hon. Speaker: I think the motion is properly laid on the floor. Let us hear the mover.

Hon. Maitha: Thank you Mr. Speaker, Sir. As we all understand, Mr. Speaker, we retreated to Mombasa at the beginning of this year and the main aim was for us to generate business for this House as well discuss and see the ups and downs, the achievements that we had through last year and one of the issues that went through, Mr. Speaker, we found that we were supposed to generate business in this House. Mr. Speaker, this motion as it is, it is self-explanatory. It is a motion that, it is actually directly proportional or more or less touching the issues that we were discussing in the morning about issues to do with environmental degradation in terms of pollution Mr. Speaker.

Mr. Speaker, a motion and a report was tabled here by a Hon. Member for Athi River sometimes last year, about the magnitude of pollution especially in Athi River. Mr. Speaker, anyone who uses Athi River/Mombasa Road especially at the main river, especially in the evening and very

early in the morning, the pollution down all emanating from the industries, the leather industries from that place, Mr. Speaker, is quite worrying. Mr. Speaker, the same, same water which is in Athi River is the same water that is boiled all the way to Donyo Sabuk where we received a report about people who are growing foodstuff especially in Matungulu and people are diagnosed, and it is already contaminated.

Mr. Speaker, a report was even tabled here once again, that there is an area where fish in a certain area of the river was seen dead because of pollution, Mr. Speaker. If you go straight from Athi River going upwards to Ngong Hills, there is a lot industrial effluence which is being directed to the river Athi. And not even in Mavoko, even in Machakos County itself. If you go round there is a lot of(inaudible) coming from nowhere. People burning waste and it has got a very big impact in terms of our environment, Mr. Speaker.

That compelled me to bring this motion in the floor of this House and request this Hon. House to establish the mobile monitoring unit such that, Mr. Speaker, it is like an emergency line. Whenever we shine somewhere, where we feel there is environmental harm that is taking place either a number can be given so that those people can be called to go there and establish exactly what is happening, Mr. Speaker. I want to give a practicable example that happened last night in my house Mr. Speaker, as I went home immediately after the session, someone decided to pump waste from the septic tank next to a piece of land which is next to my house, Mr. Speaker. I was so much Mr. Speaker, disturbed about that issue.

Actually it took me almost about six hours to get the local police station to come and arrest that person and take that person to be charged there in Mavoko, Mr. Speaker. The time I arrived at my house it was around 6:30 to 7:00 p.m. in the evening. The policemen arrived at around midnight which is a stone throw away because they did not have any means to come and arrest that person, a car to ferry the machine which was pumping the water, so it was a problem, Mr. Speaker. When I contacted the Public Health Officer in charge, it was a problem for him to come at that time because he did not have any means of transport until he resurfaced this day in the morning.

Luckily enough, Mr. Speaker, they have managed to arrest that person but on matters of humanitarian grounds and being a politician, Mr. Speaker, we had to settle the matter at an amicable solution that person agreed to clear that place and that has been done as at now, but if we had a mobile monitoring unit, Mr. Speaker, and at that time it exactly happened, I would have called those guys and they would have come to my rescue. So, Mr. Speaker, why am I saying this? If we do not take precautions, Mr. Speaker, our environment especially in Machakos County and especially in Mavoko, where I come from, Mr. Speaker, we are experiencing serious pollution issues. So we need to have an emergency body within the department of Environment that takes charge of this.

People should stop burning tyres anyhow, people should stop directing industrial effluent to our main rivers because to date, the only river that cuts across the entire Machakos County, the only river that can provide the entire Machakos County with water is only river Athi, Mr. Speaker. The report which was tabled here last year shows that the water passing through Athi River is completely polluted. So, Mr. Speaker, I wish to request this House to support this motion so that we can establish that unit so that, that unit can be fully in charge like the emergency unit that is having the ambulances in the County Government so that we can control pollution.

If we do not do that, Mr. Speaker, we are going to do a lot of injustice to our people and we can see the effects. Right now as you are seated here, everybody is almost sweating because it is

quite hot. Our trees are drying up. If you go down to the other side of the area, Mr. Speaker, the dry parts of Masinga, you will see the effects, Mr. Speaker. So, we need to control this so that we can see the future generations enjoying the fruits of this motion. Thank you, Mr. Speaker, Sir. I beg the House to support it. Thank you.

Hon. Speaker: Thank you. Yes Hon. Muinde.

(Laughter)

Hon. Muinde: Thank you, Mr. Speaker. For sure, I was scratching my head but I am happy that you have given me the chance. Mr. Speaker, as I support this motion you realize that there is one national body charged with the responsibility of taking care of our environment, NEMA. Mr. Speaker, NEMA is a toothless authority that does not have a policing unit in industries, and people are destroying our environment at.....(inaudible).

Mr. Speaker, if this County Government of Machakos can form a policing unit specifically to deal with pollution, Mr. Speaker, I think, the waters of River Athi will be saved and the people using the water especially the people of Kyanzave area, Yatta and anybody who consumes products from that river will be saved, Mr. Speaker. It is not just about the waters of River Athi but the environment as a whole. Therefore Mr. Speaker, I do support the motion that, the Machakos County Government forms an authority in charge of the responsibility of taking care of our environment. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Yes, yes Hon. Veronica.

Hon. (Ms.) V. Mbithe: Thank you, Mr. Speaker and the House at large. I stand here to support this motion because I live in Mavoko and I know what it means when you hear the Hon. Member, the mover of the motion, speaking with a lot of passion, it is because our people's future is threatened because of pollution and I believe that the people who have the responsibility to make sure that our people are living well, is this Hon. House and I believe that, once we support this motion and have this units formed, people of integrity, not another channel for people to be bribed and make medicines, I believe that, the environment will be well taken care of and our future generations are going to be beneficiaries of this.

Mr. Speaker, Sir, the area of Mavoko is a place where even when you think about it, rearing children there has become a real problem. Children there are affected with different diseases because of the pollution, not only of the river but even the air pollution, Mr. Speaker, Sir. And because these people who have got the factories, they use a lot of money to bribe. You find that, the same problem recurs year after year. Our people are dying, our people are having many problems yet the people who are affected are the poor and they do not have even medical cover or money for medication. So, it is a very serious situation whereby which our Hon. House needs to address. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Yes, Hon. Matheka.

Hon. Matheka: Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I think I am on the floor and I can hear some other voices and I need your protection.

Hon. Speaker: You are protected Hon. Matheka.

Hon. Matheka: Thank you.

Hon. Speaker: I am on the lookout now.

Hon. Matheka: Mr. Speaker, Sir, as much as I want to support this motion, I have some two issues which I want to raise. Mr. Speaker, Sir, we have two directorates in this County. There is the Director of Hygiene and Environment, something like that if my mind serves me well. I remember we gave that money in the budget and there is a Director of County Image. Mr. Speaker, Sir, I will just go back to what the Hon. Member was saying, I will wonder---

(Laughter)

Why should we create another directorate? The Director of Hygiene and Environment should take care of that. The only thing we need to do is to give her teeth new teeth to bite. The Director can go round policing all that, the burning of tyres or the emission in the factories and River Athi. I do not think it will be wise to have another burden to our strained budget to create another Directorate while we have one in existence.

Mr. Speaker, Sir, to me doing that, it is just digging another bottomless pit in our budget and we will never fill it. We can think of just expanding the Directorate of Hygiene and Environment and they will take care of that. Thank you, Mr. Speaker, Sir, I support the motion but I am requesting you think of incorporating that. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Point of information. Let us take this. Let us take the point before we hear the mover.

POINT OF ORDER

Hon. Muinde: Mr. Speaker, I think the immediate member did not read the motion properly. The author of the motion is not proposing a creation of an Independent Authority separate from the CEC structures. He is talking of a unit. In fact, this County Government has an Inspectorate team, we have the two directorates, as Hon. Matheka has said but with the CEC structures, a unit which is empowered, which has a means and, of course, we also need a*(inaudible)* to give them the teeth to bite. That is what the Hon. Maitha is proposing. He is not creating an authority that will have a burden or already bloated wage bill. Thank you, Mr. Speaker.

Hon. Speaker: Okay. That point of order is sustained. Hon. Matheka I think, take note of that. Yes, let us hear the mover also.

Hon. Maitha: Mr. Speaker, this is a House of order. Mr. Speaker, the constitution is very clear. When you go to the constitution you will be hearing Article 69 that is what I wanted to refer to Hon. Matheka. We are not creating a new entity. We are creating a sub article or a sub-department, unit in that. That is why there is Article 27 (3) of the constitution. That is what I want to mean. So, we are not creating a new entity, we are creating a sub unit in that department such that, when we finance that department, then next year we can have the teeth to bite and ask questions about that department. We gave you Ksh. 15 million, what have you done about the Ksh. 15 million that we gave yet we are talking yet Mavoko is highly polluted and the entire county becomes polluted. Thank you, Mr. Speaker and I have to share these concerns.

Hon. Speaker: Okay. I think Hon. Matheka, let us move on, let us move on. I think the point is made. Have you finished your contribution?

Hon. Matheka: I have but still wondering.

Hon. Speaker: We will go to the Chairperson, Hon. Munyaka.

Hon. Nzeki: Thank you, Hon. Speaker. I congratulate the Member for Muthwani for bringing this motion. First, he is talking of a monitoring unit whereby we can even poach from our decentralized unit, that is the officers who are working there who are very much idle.

(Applause)

We give them some work to be working. Again, we have Fees and Charges for smoke-emitting vehicles, industries and any diesel and petrol engines. So, Mr. Speaker, Sir, that unit can be dealing with those people who are either driving vehicles which are smoky. So, I support Hon. Maitha and that unit can be formed with haste. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Hon. Alice

Hon. (Ms.) Nzioka: Asante Bw. Spika kwa kunipa nafasi. Nimesimama kuunga mkono kwamba sisi kama Kaunti tuwe na kikosi maalum kitengezwe kutoka kwa kikosi ambacho tunacho cha kuangalia mazingira. Bw. Spika, ni wiki iliyopita kuna mwanabiashara mmoja Mlolongo alinipigia simu usiku, akaniambia kwamba kikosi cha kutoka kwa Serikali ndogo ambayo tumepatiana ameshikwa, kwamba amechafua mazingira. Nikamuuliza imetokea nini akasema alikua anatoa maji na mashimo kutoka kwa nyumba yake kumwaga barabarani.

Nikafuatilia zaidi nikakuta kumbe huyu mtu mwenye hio ploti ameingiza mashimo kwenye choo na huo uchafu wote wa choo amemwaga barabarani. Na hapa kuna wakaazi wako kwenye hio ploti kuna wengine wanatumia hio sehemu ya barabara, Bw. Spika imekua shida kubwa sehemu kama Mlolongo kama wakati kulikua na mvua, wakaazi wa Mlolongo na hasa wenye maploti wamekua na tabia ya kufungulia maji machafu kutoboa barabarani.

Badala ya kutafuta gari ambayo inavuta hizo choo, mtu anafungulia choo. Kwa hivyo ni kuharibu mazingara. Kila wakati utasikia watu kutoka Mlolongo wameharisha, wana ugonjwa wa typhoid, ugonjwa wa malaria, Bw. Spika mimi naunga mkono---

Hon. Speaker: Naam.

Hon. (Ms.) Nzioka: Kama hao maaskari hawangeona huyo mtu angeharibu mazingara kwa hivyo, kikosi kiwekwe kutoka kwa kile ambacho tunacho na wawe wamepewa hiyo kazi. Bw. Spika ukiangalia kama mto Athi River, utakuta viwanda karibu na mto, wanafungulia maji asubuhi, kitu saa kumi na mbili, yale maji machafu yote yanaingia mtoni. Sasa sisi kama Kaunti tukienda kuangalia, hautajua nani amefanya hio kazi.

Lakini kukiwa na kikosi ataangalia na kutambua na wale ambao wanafanya hi kazi, Bw. Spika waathiriwe. Kwa hivyo naunga mkono na pia kikosi chenyewe tukipe nguvu ili mazingira katika Kaunti yetu iwe safi. Asante.

Hon. Speaker: Asante. Yule hajanena. Yes.

Hon. Muli: Thank you, Mr. Speaker. Let me first applaud the author of this motion. Mr. Speaker, I would like to say Machakos County is growing rapidly and the more the growth, the higher the pollution is being created Mr. Speaker. Mr. Speaker, unless a unit is created to monitor this issue, maybe within a certain time, there will be havoc within our County, Mr. Speaker. I would like to set an example whereby within my Ward, that is in Ndithini and the Upper Masinga dam, there is an issue of infection of the fish, our species of fish, a species of tilapia whereby the fish is being seen floating on the water, Mr. Speaker and Mr. Speaker, I have tried to follow up with the unit which is concerned with pollution at the national Government level, even NEMA, and Mr. Speaker, until now I have not succeeded.

I believe, Mr. Speaker, if we could have a unit which had been created to monitor those things it could be efficient and also easier to deal with such situations. Therefore, Mr. Speaker, I totally support this motion. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Yes Hon. Matheka.

Hon. Matheka: Mr. Speaker, Sir, I want to go back to my point. I am not saying that it is a bad motion, it is a good motion. Well-intended but my point is very simple. We have a directorate in place already; hygiene and environment and that is every member is talking of that hygiene and environment. They are talking of sewage being dumped on the roads and they are talking of environmental degradation. That is the waste from the factories being discharged into rivers which causes havoc to health in these rivers.

Mine was to say that we just revamp the existing directorate. We give them teeth to bite and we give them policing powers so that they can do the work and it will be within the law while they are doing that. I was not opposed to that but we should revamp the existing directorate other than creating another one which will create more burdens to our strained budget. Thank you. Mr. Speaker, Sir.

Hon. Speaker: Thank you. Maybe to offer guidance, Hon. Matheka, what I understand from the motion, is that we only need to be like a policing unit that will facilitate offences that revolve around pollution and I think that is the intention of the mover of the motion. So let us move on. A member we have not heard. Yes, Hon. Ndawa at the back.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker, Sir. I am not opposing this monitoring unit. I am not opposing the motion but my question is; the biggest pollution we have in Machakos County originates from River Athi which is actually crossing over in almost every sub-county, Mr. Speaker. The solution to River Athi pollution does not lie or cannot be solved by Machakos County alone. This is a problem we have with other counties starting from Nairobi, Kajiado, Makeni, and Kiambu, everywhere where that river flows. Each and every county has factories which are draining their waste to river Athi.

Mr. Speaker, I do not know if this monitoring unit will have a boat or something to run across the river and stop these factories because some of them, like in Mavoko Sub-County have big pipes which are draining the waste direct to the river. They normally open these at night. If you pass through Mavoko while driving, you will smell because most of the time they open around 3 o'clock in the morning and they drain this waste to River Athi. As a county, as an assembly, how are we going to settle this? I believe we should come up with a policy and invite other counties. This is not something we can solve as a County Government alone without the other counties. Mr. Speaker, protect me.

Hon. Speaker: Order, Hon. Members, allow me to follow the member who is on the floor.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker. As the people who come from Matungulu, we have a problem with the sewage which is in Ruai---

Hon. Speaker: Order, Hon. Ndawa. Perhaps as you address us and so far through experience, we all know now that delivering a motion in this house, debating and passing it, that is already a policy that we are creating. So what we are doing is we are now developing a policy that maybe followed by a report and subsequently a bill or some law regulating. So we must start somewhere. So I would say that with due respect, Hon. Maitha is on the track.

(Applause)

Just proceed with that remark.

Hon. Nzoka: Point of order.

Hon. Speaker: Order Hon. Nzoka. Allow me to finish with this member now. Yes.

Hon. (Ms.) Ndawa: Thank you, Mr. Speaker. I am not against the motion, what I am saying is we should involve other counties. Because the main problem we have with pollution originates from River Athi, Mr. Speaker, and without other counties, Machakos County will now be alone because other counties have to see this as a problem and come in and the three counties come up with a team which will sit down and come up with a solution, Mr. Speaker. Because the reason why I am saying this is the people of Matungulu where the sewage is in Ruai, when it overflows, actually it does not overflow, they open it and drain the waste to River Athi.

Hon. Speaker: Now I will take the point of order.

POINT OF ORDER

Hon. Muinde: Mr. Speaker, the author of this motion is not creating an authority, only policing the waters of river Athi. We are talking about a unit that will take care of pollution; noise pollution, air pollution and water pollution. So issues of River Athi are part of the entire work to be done by this unit and the fact that the problems of River Athi are mega, does not prohibit us from setting up this unit. Can we confine ourselves to the motion of creating a unit so that, if the motion passes now, the House can create a law and in trying to create the law, then consultations can be made where other counties will be brought into the fold so that this unit will be able to work with other counties or other bodies within our counties to ensure that shared resources, like River Athi, are well protected.

So it is not about River Athi alone and it is not about the workings of this unit. That will be addressed when we come to the law expansion. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think it has been well said, Hon. Ndawa, let us move on with debate. Let us hear your neighbor, Hon. Mutuku.

Hon. M. Mutuku: Thank you Mr. Speaker, for granting me the opportunity. Mr. Speaker, I stand to support the motion. However, I would like if an amendment can be done, because when you look at the motion keenly, you can see it is targeting Mavoko Sub-County. If you read it is about, we are establishing a mobile unit to check pollution in Mavoko Sub-County. I think if it can really cushion---

Hon. Speaker: Sorry. Order, Hon. Mutuku. Yes I agree, Hon. Mutuku, you are out of order. There is no mention of Mavoko in this motion.

Hon. M. Mutuku: It is here, it is here---

Hon. Speaker: Let us hear---order, Hon. Member for Mavoko, you are out of order. I have a copy of the motion.

Hon. M. Mutuku: Can I read it?

Hon. Speaker: Sorry, Hon. Members, but let us first hear what he is saying I can see Mavoko here sorry.

Hon. Maitha: Yes.

Hon. Speaker: The last paragraph. Let us hear the information.

POINT OF ORDER

Hon. Maitha: Mr. Speaker, I do not want to repeat what someone said the other day that do not follow me I am lost. It is clear, I do not know which English is being written here unless it is Latin English; ‘cognizant of the fact that these harmful emissions have been evident from industries in Mavoko Sub-County,’ that is an example. Cognizant of the fact that, which other English do I speak?

Hon. Speaker: Point of order is taken. Hon. Mutuku, you are out of order on that score. Let us proceed and conclude. Majority Leader, it was your chance.

Majority Leader (Hon Mwonga): Mr. Speaker, I was just to tell the Chair that Mavoko Sub-County is mentioned in the motion. You will see that it is mentioned.

Hon. Speaker: It is mentioned. Thank you, I got it. It is mentioned but in way of an example. Yes Hon. Kathinzi.

Hon. Kathinzi: Thank you Mr. Speaker. For the first time in 2016 I am agreeing with the Hon. Muthwani but, in fact, he should buy me a bottle of water if not wine, for when we were passing a report for the chairperson of finance committee, in the column of pollution, we had collected zero in the financial year 2013/14. So this gives a way into knowing how we can be able to capture the people who are polluting, the people who are throwing waste when driving so that we can, at least, fill that column with something.

So I agree and support this particular motion and say that, it should trickle all the way down to the area along Masinga Sub-County along River Tana there is also hefty pollution and the other issue, Mr. Speaker, I agree that this should be done as soon as possible so that we can rescue our people from dangers as most of the members have highlighted. So, I support it fully as soon as possible for that particular case. Thank you.

Hon. Speaker: Thank you. Hon. Members, in my assessment, the matter in the motion has been exhausted. Can I hear any opposer? Any opposer who has perhaps not been heard? Then let us hear the mover of the motion in conclusion.

Hon. Maitha: Thank you. Mr. Speaker, I wish to applaud the Hon. Members for the support and 100 percent manner in which this thing is going to support us. Mr. Speaker, just to add a few issues, I want us to be guided by the recent establishment of the so called National

Transport and Safety Authority (NTSA). Initially we only had Kenya Motor Vehicle Inspection Unit, who used to be stationed in specific sections or parts of the road. There was massive violation of the traffic act. As time elapsed, we devised new means of curbing accidents, maybe illegal transportation of goods and we came with mobile police patrols. Through that, police could erect mobile police checks in areas where they thought that accidents were so much prone due to reason of over speeding.

So when the over speeding issue came up accidents reduced. When the issue of NTSA has come, in terms of drinking, right now very few people are drinking because they fear to be arrested by the tax section. We are not creating a different body. It is a body within the transport ministry or within the environment ministry that is going to be vested with the powers of enforcing that law. Mr. Speaker, the other day the show in Nairobi, the director in charge of pollution in Nairobi happens to be my neighbor. The other day we saw it on TV, he was moving from one bar to another within the night clubs and bars in Nairobi and controlling the rate of noise pollution.

Mr. Speaker, those people, those Hon. Members and I am sorry to call them those people, those Hon. Members who reside in Machakos County and who reside within and I do not want to quote within Hornbill, which is known as Kwa Munuka down the other side, Mr. Speaker, even at 2 a.m. at night, there is every noise pollution emanating from that. Imagine the Hon. Majority Leader, has come from this house, he cannot afford to sleep because of Hornbill making a lot of noise and he needs to come and report issues regarding his Executive. Do you expect him to deliver a good report? No, Mr. Speaker.

So that is the kind of thing we are talking about, noise pollution. If you go to Mlolongo today, Mr. Speaker, there are so many night clubs that are not licensed to operate at night. The kind of music that emanates from that deprives other workers, that freedom of sleeping up to tomorrow morning and be able to work. Imagine babies who were born the other day, some of them are developing hearing problems because of this noise, Mr. Speaker. Protect me Mr. Speaker.

Hon. Speaker: Order. The member on the floor is protected.

Hon. Maitha: Thank you, Mr. Speaker. I was giving an example of why we need, Mr. Speaker, to consult. We are not consulting about water pollution---

Hon. Speaker: Order, Hon. Katela.

Hon. Maitha: The motion is clear. Harmful emission in the air by motor vehicles, industries or any diesel or petrol engines, open burning of tyres and uncontrolled burning of garbage. I also gave an example of why we need to read from other bodies. So, Mr. Speaker, I would urge members, right now if we had this mobile unit, for example if you go the way Hon Kathinzi has said Masinga and those guys say today we are going to go to Masinga, they will arrest people who are burning garbage directly outside their houses. Those people will be arrested and it will be an avenue of revenue as the chairman finance committee, has said.

If we arrest about 10 bar owners in Mlolongo emitting that heavy noise, Mr. Speaker, we will charge them in the court of law and they will give us the value for that body. So actually by creating this body, members, I want you to see it on the financial aspect and also on the aid factor. You will raise money through fines and you will be able to control. So thank you Hon. Members, for supporting this motion and I know why Hon. Katela is very much hesitant. He is a frequent member of the Hornbill place---

Hon. Speaker: Order, order.

Hon. Maitha: Thank you Mr. Speaker, sir.

(Hon. Katela spoke off record)

Hon. Speaker: Your point of concern is refused. This debate is concluded. Hon. Majority Leader, you are going to inform the House on what matter. This debate has been concluded but I will give you a minute after I put the question.

Majority Leader (Hon. Mwonga): Mr. Speaker---

Hon. Speaker: Order, Order Hon. Majority Leader, you will have a moment after the question is put.

(Question put and agreed to)

(Applause)

With the resolve that the policy will be delivered to the relevant department and the matter will be referred to the relevant committee for further development towards legislation. Any other business? Hon. Majority Leader, you have a moment.

(Laughter)

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker, for the moment---

Hon. Speaker: Order, Majority Leader. As you address the House, I would urge you to make arrangements that our guests in the gallery today have some tea.

(Applause)

Then proceed.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker. I have heard your directive and those in the gallery will have tea after this. Mr. Speaker, for the interest of those in the

gallery, you know it is very bad for people to go home knowing that the Majority Leader resides near a bar or club, Mr. Speaker.

(Laughter)

Mr. Speaker, I want to inform the member of the just concluded motion that I reside next to a church, Mr. Speaker.

(Laughter)

And not a Friday church, Mr. Speaker; it is a mainstream church, Mr. Speaker, but I do not want to share the name of the church because I do not want people to know exactly where I reside, Mr. Speaker, for security reasons. Thank you.

Hon. Speaker: Thank you. Then you proceed with the last assignment.

ADJOURNMENT

Hon. Speaker: Then the House adjourns.

The House rose at 3.38 p.m.