
REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Thursday, 29th September, 2016

The House met at 2.40 p.m.

[The Speaker (Hon. Mung'ata) in the Chair]

PRAYERS

Hon. Speaker: Good afternoon Hon. Members, proceed.

COMMUNICATION FROM THE CHAIR
PUPILS FROM MBEVO PRIMARY SCHOOL

Hon. Speaker: Yes, Hon. Members we welcome pupils from Mbevo primary school that is in Kola ward. We have the MCA for Kola to appreciate. The MCA for the Kola ward?

Hon. Speaker: Our Majority Leader here, appreciate.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker, for according me this chance to appreciate pupils from the primary school you have named. I want to tell them they feel welcomed, this is Machakos County, Machakos Assembly and it is also the place to be, welcome.

Hon. Speaker: Let us proceed.

PAPERS LAID
APPROVAL FOR TRANSFER OF FUNDS

Hon. Speaker: Papers. Hon. Wilson Kasimu.

Hon. Manyolo: Thank you, Mr. Speaker, Sir. I beg to lay the following paper on the table of the House today, 29th September, 2016:- the budget and appropriation committee report on the County Assembly approval for transfer of funds. Thank you, Mr. Speaker, Sir.

Hon. Speaker: The paper is laid. Proceed.

IMPACT OF KITHIMANI STONE CRUSHER

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Hon. Ngunzi: Thank you Mr. Speaker, Sir. I beg to lay the following paper on the floor of the House today Thursday, 29th September, 2016, the report on development and impact of Kithimani stone crusher to the residents and the environment. Thank you.

Hon. Speaker: Thank you, the paper is laid proceed.

NOTICES OF MOTIONS APPROVAL FOR TRANSFER OF FUNDS

Hon. Kasimu: Thank you, Mr. Speaker. I wish to give notice to the following motion:- that this Hon. House discusses and approves the budget and appropriation committee report on the request to the county assembly for approval to transfer funds.

IMPACT OF KITHIMANI STONE CRUSHER

Hon. Ngunzi: Thank you, Mr. Speaker. I wish to give notice of the following motion:- that this Hon. House discusses and approves the report on development and impact of Kithimani stone crusher to the residents and the environment. Thank you.

STATEMENTS SOUGHT

Hon. Matheka: Thank you Mr. Speaker, Sir, pursuant to Standing Order number 41 I wish to seek the following statements.

STATUS OF KANGUNDO HOSPITAL

What the department of health and emergency services have done to improve the status of Kangundo Hospital whose service delivery and infrastructure are at stake.

STATUS OF YOUTH POLYTECHNICS IN THE COUNTY

The status of youth polytechnics in the county. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you I appropriately refer to the chairperson health committee. Proceed.

REPLIES TO STATEMENTS MSWEB DISBURSEMENT IN NDALANI WARD

Hon. Speaker: We have responses and questions that have been asked by Hon Jacqueline Nziva. Are you here? Are you aware of the responses?

Hon. (Ms.) Nziva: Mr. Speaker, Sir, I raise to respond to a statement requested by Hon Stephen Muthuka on the MSWEB disbursement in Ndalani Ward specifically on the MSWEB

disbursement in Ndalani Ward worth Ksh. 25,000 each that were presented to women groups in Ndalani ward. I therefore want to say that the youth, women and sports committee had a meeting with the Chief Officer department of education, youth and social welfare and established the following;

- That the chief officer department on education was well aware of the matter informed by the several discussions held with the CEO MSWEB on the matter.
- The Chief Officer informed the committee that the MSWEB disbursement in Ndalani Ward will be reissued and the funds will sourced from a supplementary budget in 2016-2017 financial year.
- The chief officer would, within two weeks, liaise with the CEC member for finance so that the funds should be provided by the supplementary budget brought by the county assembly in January, 2017 for approval.

Thank you, Mr. Speaker, Sir.

Hon. Speaker: Hon. Muthuka you have a copy of that answer?

Hon. Muthuka: Yes, Mr. Speaker, I have the copy and since I was invited to the meeting I would like to wait for a few weeks then if they will not have done what they promised, I will have to raise the issue again. At the same time, Mr. Speaker, I would also like to request from the statements I had requested. Now it is a month, five weeks ago, I was promised within seven days and I am worried we are breaking for the recess which will mean I will have to start again to come and re-introduce. So, Mr. Speaker, with all due respect can you give direction on the responses. Thank you.

Hon. Speaker: Hon. Muthuka, I have been tracking the answers which are about four. They are ready when I last checked but I will give you personal response, directly.

Hon. Muthuka: Thank you, Mr. Speaker.

FENCING OF MARUBA DAM

Hon. Ngunzi: Mr. Speaker, I had a response to a statement that was sought by Hon Dominic Maitha on 24th September, 2015 on why the department of water and Irrigation has not secured Maruba dam from being contaminated by livestock which directly drink from it. Mr. Speaker, pursuant to Standing Order 41, I rise to respond to the statement. Mr. Speaker, the Hon. Member sought to know why the department of water and irrigation has not secured the Maruba dam from being contaminated.

Mr. Speaker, I would like to inform the Hon Member that the Maruba dam was rehabilitated by the national government through National Water and Pipeline Corporation in 2010. The rehabilitation work included fencing of the dam with chain link and concrete posts among other civil works. However, the fence has been vandalized hence making the dam accessible from all directions.

Mr. Speaker, Sir, it is important to note that water supplied to Machakos town is usually treated to acceptable standards and laboratory tests done regularly to ensure quality standards. Mr. Speaker, the county government through the department of water and irrigation has

contracted fencing of the treatment plant to make the place a restricted area. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Dominic Maitha, do you have a copy of this response?

Hon. Maitha: No, Mr. Speaker, but I am contented.

PROCUREMENT OF DE-SILTING MARUBA DAM

Hon. Speaker: Thank you. Hon. Kitheka this is statements hour, do you have a statement?

Hon. Kitheka: Mr. Speaker---

Hon. Speaker: Hon. Kitheka do you have a statement?

Hon. Kitheka: I am requesting for a statement which I had sought a few months ago and I was given three weeks and it has not been responded.

Hon. Speaker: Proceed.

Hon. Kitheka: Mr. Speaker, there was an issue I had requested on the issue of Maruba on the same statements in issue in regards to the de-silting of the dam which was done last December. Purported to have been done last December and I was given three weeks---

Hon. Speaker: Directed to which committee chairperson?

Hon. Kitheka: There were three statements.

Hon. Speaker: Which committee chairperson was that? The chairperson for which committee?

Hon. Kitheka: Environment committee.

Hon. Speaker: The chairperson for environment. Is the chairperson for environment here?

Hon. Ngunzi: Mr. Speaker, I am not aware of the Hon. Member raising concerns over the silting of the dam in December.

Hon. Speaker: I direct that you file those responses with us and you supply it and that the matter will be handled after our short recess. Proceed.

MOTIONS

BUDGETARY REQUEST BY COUNTY EDUCATION BOARD

(Hon. Manyolo on 28. 09.2016)

(Resumption of Debate on the Motion tabled on 28.09.2016)

Hon. Manyolo: Mr. Speaker, Sir, we received a memorandum from the county education board on the 12th July, 2016 which I introduced in the House yesterday for members to participate. Mr. Speaker, Sir, the mandate of the education board is to promote, plan, develop, improve and coordinate education training research in the county as well as ensure that barriers to the right quality education for all children are removed. Mr. Speaker, Sir, if you go to page three we will have a summary chart of how....Sorry, Mr. Speaker.

Hon. Speaker: I do not know. I want to understand what you are prosecuting.

Hon. Manyolo: Mr. Speaker, yesterday, I introduced this report to the House and they said we will have to continue with the report today.

Hon. Speaker: It is not in the Order Paper.

Hon. Manyolo: It is in the Order Paper. Mr. Speaker, Sir, it is in the Order Paper.

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

Hon. Maitha: Mr. Speaker, Sir, is it prudent enough for the Hon. Member to take this House for granted. We are being guided by this Order Paper. It does not seem to exist anywhere in this Order Paper. It does not exist unless he is deliberating on a report that is written to be continued, Mr. Speaker.

Hon. Speaker: Sorry Hon. Members, I can see it. It is on page 2. 8 (a); continuation of debate. Sorry about that but then.

Hon. Maitha: I apologize, Mr. Speaker on that issue.

Hon. Speaker: But I will urge that since the matter is a continuation of debate, maybe we will have the chairman stand down and proceed with the matter at hand and then we will get to that matter.

Hon. Manyolo: Thank you, Mr. Speaker.

APPROVAL FOR TRANSFER OF FUNDS

Hon. Kasimu: Thank you, Mr. Speaker, Aware that the county treasury forwarded a request to this Hon. House to approve transfer of funds amounting to Ksh. 102 million. Aware that the said funds were meant to pay the balances for 2015/2016, Mr. Speaker, Sir, aware that the Hon. Members committed and are waiting to give bursaries to the less fortunate at their wards, Mr. Speaker, Sir, I wish to move the motion that this Hon. House discusses and approves the transfer of funds amounting to Ksh. 161 million from the department of trade, economic planning, industrialization and energy to the department of education, youth and social welfare to

pay off bursaries for the financial year 2015/2016. Thank you, Mr. Speaker. I want to call Hon David Kiviu Manyolo to second the motion.

Hon. Manyolo: Thank you Mr. Speaker, Sir. I stand to second the motion for the benefit of a child who is suffering within the county. So Mr. Speaker, Sir, I beg the House to approve the motion. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. The motion is laid. I will allow a little bit. Take us through the report first.

Hon. Kasimu: Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, the assembly received a request from the Executive committee member of finance requesting for approval to transfer funds meant for bursaries from the Ward Development Fund vote. The Budget and Appropriation, the Education and social welfare committee, and the Ward Development Fund committee jointly met to deliberate on the transfer of the funds.

Mr. Speaker, the committees derive their mandate from Standing Order No. 186 (3) (a) and 190 (5). The main objectives of the committees are therefore to ensure that public funds are well utilized and the public realizes value for money in all government expenditure. Mr. Speaker, the committees as constituted by this assembly comprises of the following members.

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|---------------------------------|---|
| 1. Hon. Wilson Kasimu | Chairman (budget and Appropriation) |
| 2. Hon. David Manyolo | Chairman (Education and social welfare) |
| 3. Hon. Philip Ndolo | Chairman (Ward Development Fund) |
| 4. Hon. (Ms.) Ruth Ndumi | Member |
| 5. Hon. Charles Mutisya | “ |
| 6. Hon. Sammy Nduva | “ |
| 7. Hon. (Ms.) Christine Mutune | “ |
| 8. Hon. Renson Muthiani | “ |
| 9. Hon. John Sila | “ |
| 10. Hon. (Ms.) Jacqueline Nziva | “ |
| 11. Hon. Peter Nzioki | “ |
| 12. Hon. Benson Kasyoka | “ |
| 13. Hon. Gideon Kavuu | “ |
| 14. Hon. Geoffrey Munyao | “ |
| 15. Hon. (Ms.) Rachael Nduku | “ |
| 16. Hon. Phoebe Koki | “ |
| 17. Hon. (Ms.) Anne Musyoki | “ |
| 18. Hon. Nzoka Munywoki | “ |
| 19. Hon. Alex Kathinzi | “ |
| 20. Hon. (Ms.) Veronicah Mbithe | “ |
| 21. Hon. Joseph Muli | “ |
| 22. Hon. (Ms.) Alice Nzioka | “ |
| 23. Hon. Oliver Nzeki | “ |
| 24. Hon. Collins Mbithi | “ |

Mr. Speaker, the budget for the ward development fund was passed by this Hon. House under the Trade, Planning, Investment, Industrialization and Energy department. The Ward

Development Fund vote of Ksh. 805 million include bursaries for the wards amounting to Ksh. 160 million, representing Kshs. 4 million per ward.

Mr. Speaker, Sir, the Chief Officer for Finance had send a request to the County Assembly to approve the transfer of Ksh.102 million from the department of trade planning industrialization and Energy (ward development fund vote) to the department of Education, youth and social welfare to enable payment of bursaries.

Mr. Speaker, Sir, after analyzing the request, the committees resolved to invite and cross examine the executive committee members of the department of finance and revenue collection and the department of education youth and social welfare and the Chief Officers of the two departments to question them on the last year 2015/2016 bursaries that were partially issued to members before the vote lapsed as under section 164 of the County Government Act.

Unfortunately the Executive committee members and their Chief Officers failed to appear before the joint committees and members resolved on the matter in their absence.

Mr. Speaker, Sir, the committee observed that the executive committee member had requested for Ksh.102 million, a difference between what was issued last year, Ksh. 59 million against the approved Ksh. 161 million.

Mr. Speaker, Sir, section 136 (1) states that subject to any other legislation, an appropriation that has not been spent at the end of the financial year for which it was appropriated lapses immediately at the end of the financial year.

Mr. Speaker, Sir, the 2015/16 financial year has lapsed and the committee observed that the request by the minister for Kshs. 102 million would not cover Kshs. 4million per each of the 40 wards.

Mr. Speaker, Sir, the Public Finance Management Act section 135 (1) states that a county government may spend money that has not been appropriated if the amount appropriated for any purpose under the County Appropriation Act is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated by that act.

Mr. Speaker, Sir, Public Finance Management Act section 135 (6) states that when the county assembly has approved money for spending under section 135 (2), a supplementary appropriation bill shall be introduced for the appropriation of money spent.

Mr. Speaker, Sir, the committee therefore recommends to this honorable assembly to approve for transfer of an amount of Kshs. 161 million from the department of trade, economic planning, industrialization and energy (ward development vote) to the department of education, youth and social welfare as bursaries for the Financial Year 2016/17.

Mr. Speaker, Sir, I humbly request the Hon. Members of this Hon. Assembly to approve the transfer of funds so that together, we can embark on our journey to change the livelihoods of our people as we make Machakos County a great County. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. That is the report, Hon. Members. We welcome contributions. I take that the report has been received with approval. Yes, Hon. Muthuka.

Hon. Muthuka: Thank you, Mr. Speaker and the rest of the House. Mr. Speaker, I want to applaud the committees who sat down and deliberated on this issue, as I support this motion that the report to have the monies transferred from the ward development vote to the education department. Mr. Speaker, I want also to take back this Members to the County Governments Act section 116, principles of public service delivery in the County whereby, Mr. Speaker, if you allow me I am going to read that section. Mr. Speaker, 116, principles of the public service delivery in the County;

1. That the County Government and its agencies shall have an obligation to deliver services within designated area of jurisdiction.
2. The County shall deliver services while observing the principle, the equity, efficiency, sustainability, non-discrimination, transparency, accountability, sharing of data and information in subsidiarity.

Mr. Speaker, as I support the transfer of funds, I would request that we have equity fairness in distribution of bursaries. As last financial year what happened? Mr. Speaker, 14 wards were discriminated against, the students on residence enjoyed this service while those wards they received a bursary vote of Ksh. 1 million while most of other wards they were receiving Kshs. 2 Million. So, Mr. Speaker, as we appropriate these funds, I would request that there should be a formula to distribute these funds whereby those wards that received Kshs. 2 million, they should have a formula to receive Kshs.1 million while those wards that received Kshs. 1 million, they should have a formula to receive Kshs. 2 million so that you can bridge that gap and then we would be seen as working and following the law.

Mr. Speaker, if also you go to 117, it tells us the standards and norms of public service delivery and if you go through that, each Member in this Hon. House will see it prudent to have the money transferred and at the same time to have equality in the distribution of these funds to our students in every ward and at the same time also the funds should not get lost because, unfortunately some of the wards the bursaries were given, the cheques bounced. We have bounced cheques from several schools, so we do not want to appropriate money for the money to fund their way to some people's pockets.

So, Mr. Speaker, I would ask as we appropriate this money, please the committees which are concerned, open up your eyes and seal those loopholes so that our people can get the exact services that we came here to deliver. Thank you.

Hon. Speaker: Thank you. Yes Hon. Ngunzi.

Hon. Ngunzi: Thank you, Mr. Speaker. This is a notion that has come on time Mr. Speaker. It is now towards exam time and I would request that, through you Mr. Speaker, that disbursement, because I know and I am sure that the motion will go through, when time comes, that the money be disbursed as soon as possible. It is towards exam time and I know principals

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are sincerely going to send students away before they can sit for their paper. So, I would request that the committee on education makes a follow up and makes sure that the money is with us on time to avoid crisis with our students when exams come by. Thank you.

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

Hon. Maitha: Thank you, Mr. Speaker. I want to go just on the observations that the Chairperson Budget and Appropriation has said. I am in total support of the report. Mr. Speaker, I just want to tell the Hon. Chairman, budget, you do not have to quote so many verses of the PFM Act, the County Government Act about monies that have not been appropriated which you know that it is very much impossible because if that was possible before the lapse of the last financial year, it would have been brought in this Assembly unless it was brought when I was in HDU and the that money would have been appropriated.

So, you don't have to bring a lot of stories, just come and tell us that you need money and as far as the money is given out, make sure you share it effectively. Make sure money is given as per the amount of money that you have passed in terms of the wards. Just to echo what the Hon. Member for Ndalani has said, you know very well that some wards were deliberately denied bursaries and I would like the Chairman to respond on the same and tell us; what is the fate of those wards that got a million less of what had been appropriated?

Are we going to get the same or equal value of money as the same, same wards that got Kshs. 2 million? We need to get that clear because the amount of money that is being sought here is Kshs. 161 million, so that translates to about Kshs. 4 million per ward. So, the question that we need to be answered, Mr. Speaker, is; are we going to get equal value out of the Kshs. 161 million forgetting that, there are 14 wards which never received?

Actually, like my ward, I got Kshs. 946,000 bearing in mind, even the previous year, instead of getting Kshs. 2 million Mr. Speaker, I was given Kshs. 426,000. So, there has been pending balances. So, I do not want to get back to that but the just-issued exercise of cheques in the last financial year that the Hon. Chairman is talking about, are we going to get equal amounts or are we going to be compensated?

If we are not going to be compensated, can we just come out clear and tell us, we will get equal amounts of Kshs. 4 million but priority must be given to those students who never got money. Actually, Mr. Speaker, as I was seated here, I have just seen a headteacher trying to call me about a student who is supposed to be expelled because I promised bursary was supposed to be taken to that school but it has not been taken but I was in fear that you can send me out. I could not answer the phone call, Mr. Speaker.

So, we need to get this clear, Mr. Speaker, and I want to say this Mr. Speaker, when I am denied bursaries, it is not Hon. Dominic who is being denied bursaries, it is those needy students out there, needy parents out there and when they hear one certain school has received bursaries

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and the other one has not received, Mr. Speaker, we are punishing or else we are subjecting these students and parents to punitive issues which they are not supposed to undergo.

So, in as much as you want to punish me as a person, I am able to cater for the school fees of my kids but those needy kids down there, they do not know about differences in this Assembly. They know that, they are supposed to be served equitably, fairly and given what belongs to them. So Mr. Speaker, as we adopt and pass this motion, of which if the money can come tomorrow, the better, Mr. Speaker.

I support this motion but we need to know the fate about the balances that were not disbursed the last financial year. Are we going to get that? If we know that we are not going to get, what is going to be the situation after the new monies are released? Thank you, Mr. Speaker. I support the motion.

Hon. Speaker: Let us hear Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir. I support the person who has brought up the motion because the children who are outside there who need the bursaries, are the ones who are clever and in this time we are about to go home and if we leave this money, by February, we will not use the money and the money will be waived out (sic) and there will be no need of giving these children money. They need the money, they are very clever, the ones who are clever are the ones who do not have fees. So, Mr. Speaker, Sir, I request the House to pass the motion. Thank you, Mr. Speaker, Sir.

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

Hon. Matheka: Thank you, Mr. Speaker, Sir, and the House at large. Mr. Speaker, Sir, I rise to say thank you for the three committees. They did a good job and Mr. Speaker, Sir, as I support the motion and the report, equitable distribution of the money, we observe because we know everybody knows what happened the other time. My ward got Kshs. 1 million and I should be funded Kshs. 5 million, or more than that but I will not go that route. Let my Kshs.. 4 million go to my people because they deserve it.

Also on that note Mr. Speaker, Sir, I would like to send a wake-up call to the other committees, the Committee on transport, Committee on Energy and all committees which deal with development. They should sit down with the Ward Development Fund committee and the Budget committee and do the same.

Transport committee should transfer their money to the same department, energy committee should transfer their money from the ward to the same department, health, the same. Mr. Speaker, Sir we should find out on a formula of using this money and not waiting until the last minute then we come rushing and we cannot transfer the money.

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Please Members, let us sit down and agree how much to transfer now to transport then we go to the Ministry we get our money from there they repair our roads. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Is there a Member opposing this motion on the matter for the law has been stated by Hon. Member. The Chair has a duty to observe the law as in Section 116 of County Governments Act that, we should observe the principle that equity, efficiency, sustainability and non-discrimination. May be we should return the matter to the mover of the motion. Alright, let us hear what you have.

Hon. Kitheka: Mr. Speaker, my direction is not deviating from exactly what you are trying to address. Mr. Speaker, there was a query on our Ward Development Fund Act and when it went to the Controller of Budget, we made amendments which I think the amendments now we are able to get the funds. Mr. Speaker, it would be prudent enough for us to fast-track through that avenue so that at least we can utilize that vote because I have personally talked with the Finance CEC member on one-on-one basis and she has told me the best thing which can be possible is a delegation to go to the Controller of Budget, we give her the amendments which we made, which had issues then we utilize the votes from that direction.

So, Mr. Speaker, I think the way our Hon. Member, Hon. Matheka said, we request per vote, per department, I would wish we request the entire fund from the Controller of Budget in that more prudent way so that at least at the end of the day we can utilize the entire fund. Thank you, Mr. Speaker.

Hon. Speaker: Let us hear the Chairman, budget committee.

Hon. Kasimu: Thank you, Mr. Speaker. I think I should conclude the motion by thanking the Chairman education and Social welfare committee, Hon. Kiviu Manyolo and Philip Ndolo, Chairman, Ward Development and my committee, budget and appropriation for the cooperation that they have shown us and the support that they have given to the Hon. Elected Members and all the nominated Members and at that juncture, I would also like to respond to Hon. Muthuka that we are going to observe equity and fairness in the distribution of the bursaries and it is true that the 40 wards will get the Kshs. 4 million for the bursaries and I urge Members to go and mobilize the Members of their community and raise the needy cases that they need to be supported through this bursary fund.

Mr. Speaker, about the Members you said they got Kshs. 1 Million, I will say both arms of the Government we are to blame, because some of were not ready with the list of the beneficiaries when the monies were available and we summoned the CEC member and the Chief Officer to respond to the balances that were left and that will be dealt with by the three

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committees and we will come back to this House and give the report on the balances of the same. Mr. Speaker, I would like to thank the whole House for supporting this motion and thank you, Mr. Speaker.

Hon. Speaker: Hon. Chairman, the remarks by Hon. Kitheka do not attract any responses?

Hon. Kasimu: Thank you. Mr. Speaker, the Ward Development Fund, I think that will be a matter that we can discuss in on another day because I think he is out of order, partially, but I will not say that. Mr. Speaker, let us deal with the issue of the bursary and the budget of the bursary and then---

Hon. Speaker: I think you are on argument.

Hon. Kasimu: Thank you, Mr. Speaker.

(Question put and agreed to)

Hon. Speaker: Let us proceed.

IMPACT OF KITHIMANI STONE CRUSHER

Hon. Ngunzi: Thank you, Mr. Speaker, That aware that stone crushing industry is an important industrial sector in the county engaged in producing crushed stones, that aware that the crushed stone is one accessible natural resource and it is a major basic raw material for construction, agriculture and other industries that utilize complex and metallurgical processes, Mr. Speaker, Sir, informed that a stone crusher factory has been installed in Kithimani ward and that disputes resulting from conflict of interest has been reported, remembering that on 25th July, 2016 the committee visited the site to listen to the grievances of the residents and also to confirm of the expected impact, Mr. Speaker, aware that stone crushing sector, although social economically important, creates a substantial amount of health and environmental issues, cognizant that the objective of the environmental policy contained in EMCA 1999 provides for optimal use of natural resources while improving environmental quality, Mr. Speaker, Sir, informed that the Environmental Impact Assessment and auditing regulations 2003 requires that an environmental assessment be undertaken to provide baseline information upon which subsequent environmental control audit shall be based, Mr. Speaker, aware that the Public Health Act, Laws of Kenya, Chapter 242 prohibits activities that maybe injurious to human health. Mr.

Speaker, Sir, I wish to move the motion that this Hon. House discusses and approves the report on the development and impact of Kithimani stone crusher to the residents and the environment.

Thank you, Mr. Speaker, and I wish to call upon the Hon. Peter Nzoka to second the motion.

Hon. Nzoka: Thank you, Mr. Speaker, Sir. I belong to that committee of environment and we visited that area and also we visited other areas in Mavoko and I stand to support the motion.

Hon. Speaker: Thank you. The motion is properly laid and now available for discussion. The report has been circulated, Hon. Ngunzi? I think in preparedness, we need to deliberate on the matter that we now have. The matter for Hon. Ngunzi. Let us conclude the debate that is pending. Hon. Manyolo, you can refresh our memories on the debate and the proceed.

BUDGETARY REQUEST BY COUNTY EDUCATION BOARD

(Hon. Manyolo on 28. 09.2016)

(Resumption of Debate on the Motion tabled on 28.09.2016)

Hon. Manyolo: Thank you Mr. Speaker, Sir. On the 12 July, 2016 we received a memorandum from the county education board. Mr. Speaker, Sir, the board is mandated to plan, promote, develop and coordinate education training research in the county as well as ensuring that barriers to the right quality education for all children are removed. Mr. Speaker, Sir, we received a schedule of performance of last year where the concern of the county education board is to improve the standards of education within Machakos County.

Mr. Speaker, Sir, last year we had only 12 As, nine from Machakos sub county that is seven from Machakos Boys, two from Machakos Girls and the other three were from a private school Athi River. Mr. Speaker, if you go to the second chart of the KCPE you will see that most of the schools are not performing well. The mean score and also Mr. Speaker, it is where also the county education board briefed us while they were searching for BOMs within Kathiani, there is a certain area where they could not get a person with a form four certificate.

Mr. Speaker, Sir, it shows that in the next five years to come, we will not have professionals in Machakos County and that is why they have requested the assembly to see whether they can be supported with funds because they do receive funds from the National Government once a year and for now, this year, they have not received anything and this makes work hard for them to go round the county and see the structures of education to see how they are going to improve education. So they had requested that the county government assist them. They have given a budget of Ksh. 11,741,900 which they request the assembly or the county to see how they are going to be assisted. Mr. Speaker, Sir, on the committee recommends:-

- that a study to be conducted to ascertain the challenges that have contributed to the poor performance of schools within the county education board and also the other schools.
- That in order to promote education, the department of education should fund around five percent of which the members will debate about. The budget of the county education board since this had not been factored in the fiscal year 2016-2017.
- The department should come up with a supplementary budget to cater for this.

The county education board has proposed good plans and strategies of improving education in the county and thus the department of education should adopt and implement them. Mr. Speaker, Sir, that since the early childhood education is the foundation of learning, priority and more emphasis should be put on the construction and equipping ECD classes and employing of the child guides.

Mr. Speaker, Sir, we had brought this report to the House for members to see how Machakos County has dropped in education performance and see how we are going to assist and improve standards of education in Machakos County. So Mr. Speaker, Sir, it is my humble prayer for the house to discuss this and approve and see how we are going to improve it. Thank you, Mr. Speaker, Sir.

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

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir. I do not support the report because we will be doing the wrong work in this House. The education for primary and secondary has not been devolved to our county. The work we were given is for the children in nursery schools and we have not built the classes even and we have not employed the teachers. So when we go to the secondary, I do not know what the committee was doing because they had to think twice and know what is for the county and what is not for the county. So I do not know, we will be wasting time because we cannot do anything. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Let us hear the chairman finance committee.

Hon. Nzeki: Thank you, Mr. Speaker, Sir. I have looked at the document very keenly and according to what these people are asking is Ksh. 11 million and they have not told us how much they received from national government and again it seems that their budget is only to be(*inaudible*). There is nothing that they are promoting education. So, Mr. Speaker, Sir, I think the paper has been laid to this Hon. House and I am a member and what I can say is that, the national government gave this boards some money it was brought to the board and we received also the county received some money and the money we received was not enough.

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We are also asking for some money. As well as they are asking for some money we are also asking for more money to be given to the counties. Now how can we get money and it is not enough and give to the board? So Mr. Speaker, Sir, I am against the funding of the board. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Let us hear Hon. Nzioki.

Hon. Nzioki: Thank you, Mr. Speaker, Sir. I think this memorandum is not well-thought. Mr. Speaker, we are trying to improve education from the center and we cannot start climbing a tree from the middle. Mr. Speaker, we should have started improving education from ECD. Mr. Speaker, we have been unable, as a county, to fund the ECD centers and we have been unable to employ ECD teachers and that is where the foundation of this education should start. Mr. Speaker, if our children are taught well in ECD centers, they will perform well in their final exams.

Mr. Speaker, if you go by the figures the board wants out of the Ksh. 11 million, Mr. Speaker, only less than a million goes to the students. The best student, the best teacher, the best principal and the rest of the money goes to conferences. Mr. Speaker, it will not be very wise to give this money to the board. Mr. Speaker, if anything would be done let us improve on our ECD centers. We are going to burden the county if we are going to give this money to the board. Thank you, Mr. Speaker, I decline to support the memorandum.

Hon. Speaker: Let me hear from the chairman. Now that we have heard the powerful contribution from Hon. Mueni; the mandate, is it within your mandate to handle matters other than ECD.

Hon. Manyolo: Mr. Speaker, Sir, devolution came for each county to see how they can improve themselves and also to form other structures on how to see performance is well done. The issue of this memorandum, it is within the education sector of which we know education is not fully devolved. We have only the youth polytechnics and the ECD classes and despite it not being devolved we also issue cheques of bursaries, we support the secondary and also the universities.

So the county education board just seeks whether we can chip in and assist them to see whether we can improve standards of education. If one is not learned we have a problem. So, Mr. Speaker, Sir, they just requested. It was their prayer because they could not go anywhere else, they came to the committee of education, we met them at Gelian Hotel and we also met them at the chamber and they gave us this memorandum to bring to the members and see whether we can assist them. It is also part of education. Thank you, Mr. Speaker.

Hon. Speaker: Let us get Hon. Kitheka.

Hon. Kitheka: Mr. Speaker, I would like to get clarification from the chairman before I make my contribution. On page 3, challenges faced by the county education board. Mr. Speaker, there is the first point there which tells us there is lack of funding by the national government for about two years the board operated on a zero bank budget. Seriously, Mr. Speaker, for two years, a board that is existing is operating on a zero budget and here on the other page when they are requesting instead of requesting money for the core duty, first and foremost, the amount that is being requested for allowances and honoraria is so much to an extent that you just think that they will just begging for the allowances instead of performance.

So Mr. Speaker, I wish to lay this report to rest. Rest in peace.

(Laughter)

Hon. Speaker: Hon. Members, I will hear the Majority Leader and I will close debate on the matter.

Majority Leader (Hon. Mwonga): Mr. Speaker, I am also standing up to seek some clarification as I contribute from the chairman. Mr. Speaker, I want to take the House on where Hon. Cornelius Kitheka raised his issues on. It is on challenges, Mr. Speaker; lack of adequate funding by the national government. For two years the board operated on a zero budget until October, 2015. Which means after October, 2015 they have been receiving money which they are not telling us how much, Mr. Speaker. So the board is not bankrupt. It means that as from October, 2015 they have monies to operate with.

Also, Mr. Speaker, I do not know whether this report has pages. Yes, on page 6 which is not very much visible, there is a summary there of the grant total, Mr. Speaker. It is a wonder if Ksh. 1,350,000 plus Ksh. 572,000 equals to Ksh. 11,741,900. I think this document is suspect and I want to join my colleagues in putting this document to eternal peace. Thank you Mr. Speaker.

Hon. Speaker: Hon. Members, we need.....point of order? Yes let us hear the point of order.

Hon. Muthuka: Mr. Speaker, before we bury this document we must understand why we have just dismal performance in our schools. Because what is explained in this report is laughable. We have not gotten the challenges that our children are performing poorly. Because does it mean that it is only Machakos county education board which is not funded? We have 47 counties. I come from near central province, Murang'a. One school in Murang'a is producing

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more than 100 As. We are talking about Machakos. Does it mean that really the reason for the drop in performance is because the county education board is not funded?

Look at whatever I have seen here, if you look at whatever the chairman was reading I do not want to use harsh words but it is a waste of time because, Mr. Speaker, we have been celebrating the best performing schools, we have been giving awards to our schools. If you look at this it is a working program whereby people are looking for funds because I can see there are awards of chief guest, program, cards, tents and chairs. Does that mean really is the reason we are not performing?

So, Mr. Speaker, I do not want to dismiss the entire report because it has some reasonable maybe issues of concern. Maybe the committee will sit down look at the county education board, they are saying that they do not have board rooms. If you look at page three challenges; Mr. Speaker, the challenges, number three is lack of appropriate boardroom from where to hold meetings and transact the board's business. Meetings have taken place in ECD offices with lots of interruptions.

Seriously, Mr. Speaker, does that mean that because you do not have a board room, that is why our students have dropped? We have a lot of questions in this report, so, Mr. Speaker, because some of the information is very important about the performance of our education sector. I would request if the committee may sit down and call all the stakeholders and then try to identify what is the problem. What is ailing our education system. From there maybe your recommendations and observations we may give them some consideration. But such a budget for an event, I think also I will give my wreath to this burial. Thank you.

Hon. Speaker: To the hon. chairman, you have heard. I will give you a motion either.....(*inaudible*). I have heard Hon. Muthuka say that perhaps there is still room but now you have those two options.

Hon. Manyolo: Thank you Mr. Speaker, Sir, I have heard all the contributions from the Hon. Members. Mr. Speaker, Sir, we are not the ones who drafted this report. It was a memorandum which was brought to us. Protect me, Mr. Speaker, Sir.

Hon. Speaker: You are protected.

Hon. Manyolo: Yes, and when it was brought to us we retreated as a committee then we annexed some of the issues. In fact, some of the issues in the report are good. So, Mr. Speaker, Sir, put the question. Yes put the question.

Hon. Speaker: Hon. Members I then proceed to put the question.

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(Question put and negatived)

The report is accordingly disallowed. Proceed.

IMPACT OF KITHIMANI STONE CRUSHER

Hon. Ngunzi: Thank you, Mr. Speaker. I wish to take members through the report of Kithimani stone crusher and its impact to the people of Kithimani and the environment. Mr. Speaker, Sir, the vision contained in the Machakos Integrated Development Plan is to be a globally competitive investment hub that ensures optimal utilization of resources, social and economic sustainability for the prosperity of all and wealth creation. In the Plan, some of the development proposals for the department of trade, planning and industrialization are to install stone crusher machines in Yatta Sub-County which is endowed with vast land full of dolomite stones.

Mr. Speaker, stone crushing industry is an important industrial sector engaged in producing crushed stone of various sizes depending upon the requirement which acts as raw material for various construction activities such as construction of roads, highways, bridges, buildings and canals.

Mr. Speaker, it is also worth noting that quarrying is an economic necessity that is not only hazardous to human health but also one that invariably has deleterious effect on the environment which directly or indirectly affects human health with both long term and short-term effects.

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, other public nuisances and outdoor advertising; land survey and mapping; boundaries and fencing; electricity and gas reticulation; energy regulation; water management systems in built up areas and water sanitation services.

The membership include:-

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. 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

Mr. Speaker, Sir, on 14th July, 2016 the committee through the Hon. MCA of Kithimani Ward was informed of a stone crusher industry that was being installed in the area but it was at the initial stages. Conflict had arisen between the residents of the area, with one group supporting the establishment and others opposing it.

Mr. Speaker, Chapter 1 of NEMA Act 1998 provides for National Environmental Management Principals that Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably. It also indicates that development must be socially, environmentally and economically sustainable.

Mr. Speaker, on 25th July, 2016 the Committee visited the site to listen to the grievances of the residents and also confirm of the expected impacts. The meeting was attended by over 100 residents of Kithimani who live in the neighbourhood of the industry. The office of presidency was also invited including the Deputy County Commissioner, Police officers, the proprietor/Manager of the industry, religious groups and university students.

Mr. Speaker, Sir, the Director NEMA had been invited into the meeting but did not turn up neither did he sent an apology reply. Again, the proprietor did not produce environmental impact report and this raised a question whether public participation was actually conducted or not.

Mr. Speaker, Sir, this discussion was guided by the National Values and Principles of governance as provided in Article 10 of the Constitution such as, democracy and participation of the people, human dignity, social justice, inclusiveness, human rights, non-discrimination and transparency.

Mr. Speaker, those in support of the establishment were requested to state the benefits they expect to reap from the new industry and those opposed to the idea also gave their views. Those in support of the enterprise gave their views as follows;

- Vast land in the region is covered with stones and no other economic activity can be derived from such land.
- The building industry is in demand of stones and concrete and the area serves as the source of raw materials that is the stones.
- The industry will engage the locals and provides them with jobs, raising the living standards of the community.
- Building industry is a key Revenues source which County Governments are venturing on to arrest the increasing demand of rental houses.
- Revenue generated from mining activities help in developing facilities, such as schools, hospitals and other social amenities.
- Promotion of business enterprise in the region. For instance, growth in rental houses to provide accommodation for workers and hotels which are expected to cater for workers' needs.
- The County Government of Machakos is supporting this enterprise in Ikombe and Katangi Wards which are neighbours of Kithimani ward in order to improve the living standards of the residents of the region.

Mr. Speaker, the residents opposed to this establishment confirmed that they were not consulted and they cited negative impact as outlined below;

- Unplanned displacement of people from their homes.
- The dust emissions create health hazards to the workers as well as surrounding population by way of causing respiratory diseases.
- The dust also adversely affects visibility, reduces growth of vegetation and hampers aesthetics of the area.
- Dust block and damage the stomata such that photosynthesis and respiration are affected. Other effects are shedding which may lead to a reduction in photosynthetic capacity. This has an adverse effect on agricultural production.

- Climate change whereby when the total amount of particulates in the atmosphere increases, particulates may absorb incoming solar radiation, causing an increase in the atmospheric and land surface temperature. Climate change to date is an international concern.
- The vibratory screen that sieves stones to different sizes is a predominant source of continuous noise. Intermittent noise level is also generated at the crusher during the time of the breaking of stones and in un-loading and loading operations.
- Noise pollution has a significant impact on some animal species and affects their successful reproduction.
- Cracking of walls of buildings resulting from the impact of sound waves transmitted during the blasting process.

Mr. Speaker, Sir, the committee could not at that particular day practically observe the negative environmental impact stated by the residents since the stone crusher machine was not operating that day. So for the purpose of making a viable and informed decision, the committee visited a similar investment in Mlolongo on 22nd August, 2016 from where the members observed the actual stone crushing operation and also interviewed the proprietor of the company.

Mr. Speaker, Sir, the committee confirmed the following;

1. During the crushing process, unbearable clouds of dust are produced that stretches to about 500 metres away and the area is not habited by people. The residential area is far away from the quarry sites.
2. During the stone blasting exercise, all the people around are warned on time to keep away and be psychologically set to accommodate the extensive sound that emanates from the site. In fact, some broken stones were reported to fly a distance of 100 metres from the site and this is dangerous.
3. The whole compound is covered with vast heaps of fine dust that settles on the ground and on vegetation that is around.
4. The number of employees that have secured jobs in the two quarries visited is 78 and this is just a minimal number.
5. The proprietor of the company confirmed that dust emission is the key environmental impact experienced and confirmed that even with wet crushing technology, dust is only reduced by insignificant levels.

Mr. Speaker, Sir, it is part of Legal requirements within the laws of Kenya that a development of a quarry adheres to certain legal parameters.

Mr. Speaker, Sir, in order to achieve economic development goals while safeguarding environmental integrity, the Kenya Government has put in place the EMCA, 1999 to coordinate environmental activities in the country. The broad objectives of the national environmental policy include optimal use of natural resources while improving environmental quality and to conserve natural resources for both present and future generations.

Mr. Speaker, Sir, at present there are over twenty (20) institutions and departments which deal with environmental issues in Kenya. Some of the key institutions include the National Environmental Council (NEC), National Environmental Management Authority (NEMA), Water Resources Management Authority and others. From the above institutions, NEMA plays the regulatory role in the management of environment in Kenya.

Environmental Management and Coordination Act, 1999

The act defines the legal and administrative co-ordination of the diverse sectoral initiatives in the field of environment. The act harmonizes the sector specific legislations touching on the environment in a manner designed to ensure greater protection of the environment.

Environmental Impact (Assessment and Auditing) Regulations, 2003

Mr. Speaker, Sir, as stipulated by the legal notice No. 101, 2003, Part V, Section 31 (3) (a) (i) and (ii), it is required that an environmental assessment be undertaken to provide baseline information upon which subsequent environmental control audit shall be based.

Public Health Act; Laws of Kenya, Chapter 242

Mr. Speaker Sir, this act prohibits activities that may be injurious to human health. It also prohibits the discharge of emissions that may be injurious to health.

Explosives Act (Blasting explosive rules) 1962

Mr. Speaker, Sir, the Blasting explosives Amendment rules 1969 authorizes the use of blasting material and explosives. Blasting explosives rules 1962 deals with storage and handling of explosives specifies conditions within which the facility should operate.

Mr. Speaker, Sir, for this investment to fully establish in Kithimani and owing to the serious negative environmental impact mentioned, the residents who border the crusher to a maximum of 500 metres will be forced to be relocated to a new site and this is an expensive programme that will deteriorate their economic development.

Mr. Speaker, Sir, after considering the opinions of the residents the committee recommended that the stone crusher under discussion be closed and the proprietor be advised to relocate the establishment to a more suitable place where minimum environmental and health impact can be experienced.

Mr. Speaker, Sir, the Committee blames the NEMA office for not giving investors proper guidelines on the requirements when establishing a project that involves a major change in land use. The County Government should be seen committed to taking care of the wellbeing of its citizens but not just investing at the expense of the health of its citizens. The essence of

sustainable development as provided in Article 10 (2) (d) of the Constitution is to have resources exploited while putting into consideration the potential negative environmental impact.

In conclusion, Mr. Speaker, Sir, a healthy nation as they say is a wealthy nation and it is very unfair to exchange the health of our people with material gain by pursuing into projects that bring economic gain but renders our generation vestigial. Mr. Speaker, it is now my pleasant duty and privilege to table this report for discussion and approval. Thank you.

Hon. Speaker: I welcome debate.

Hon. Kitheka: Thank you, Mr. Speaker. I will only dwell on a point in which it should be a stanza into this report; that this business of crashing stones should be stopped in that place immediately. Simply because of just a few reasons I am going to give; on the issue of the health of the people, I think that is the biggest question we should be addressing.

Secondly, Mr. Speaker, I tend to understand this is a private venture which should be dealt with seriously because the people may tend to take advantage of our people down the villages. Mr. Speaker, as I have seen this document and I highlighted some issues, it is very clear that this proprietor did not satisfy the institution of NEMA by getting the right documents to put up the business. So, for the simple reason, because they do not meet the criteria which is read by the National Government and also by the County Government of Machakos, this automatically is a business which should have been closed yesterday because the people of Machakos will not suffer in the hands of a few people who want to enrich themselves by doing such business.

So, Mr. Speaker, because they have violated the law, I think what I have been given as a conclusion by the Committee for the closure and relocation of the business, we should adhere to that. Otherwise, Mr. Speaker, I see if they continue operating the residents down there will rise up and bring a lot of problems. Otherwise, Mr. Speaker, I wish to support the document for this people running that business to move to other places and do their business there. Thank you.

Hon. Muthuka: Thank you, Mr. Speaker. As I contribute I want to remind this Hon. Assembly that there is Legislative Authority in the County Assemblies. Mr. Speaker, you look at Article 185 of the constitution of Kenya, our mandate is derived from that article and under 185 (4) (a) states that; the County Assembly may receive and approve plans and policies for;

- a) The management and exploitation of the County's resources and
- b) The development in management of this infrastructure and institutions.

Mr. Speaker, further if you look at the County Government Act, sections 114 and 115. 115 is about public participation in County planning. Mr. Speaker, public participation in the County planning processes shall be mandatory in being facilitated through;

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1. Mechanisms provided for in part 8 of this Act and then
 - b) Provisions of the public are clear and unambiguous information on any matter under consideration in the planning processes which includes;
 - (i) Clear strategic environmental assessment.
 - (ii) Clear environmental impact assessment report.
 - (iii) Expected development outcomes.
 - (iv) Development of options and there cost implications.

Mr. Speaker, I want to commend the committee and there well researched report. Mr. Speaker, being a member of that committee, we visited the site and it is unthinkable because this development is set up in a village whereby within a stone's throw, you find a homestead and Mr. Speaker, the fact that the place is stony, does not mean that we chase away or we kill other people.

Mr. Speaker, during our interaction with the people, it came very clear that the environmental impact assessment report that was presented to NEMA was a cooked report because most of the people had signed those questionnaires, were coming from a distance not immediate neighborhood and the people who are crying are the ones who are bothering that establishment of crusher.

Mr. Speaker, I further went to NEMA to look for those documents and Mr. Speaker, it was a uphill task because even the one who was in charge of NEMA had left the office and it took me more than two weeks to get the same reports. Fortunately, I got the reports which I shared with the Chairman.

Mr. Speaker, if you look at the questionnaires, they were prepared by the same person and it has a lot of fake signatures. Only the person, who signed, is the person who sold that piece of land. Mr. Speaker, in our interrogation, the so-called proprietor the owner of the crusher, it came apparent that he is not the owner, he is an agent. This crusher is owned by one Mwangi Wa Iria, the Governor of Murang'a County and the people that we met were the Communications Officer and the Chief of Staff of protocol.

Those are the people who posed as proprietors. So, by the end of the day we never got to know who the owner was until we did our investigations. Mr. Speaker, public participation is an aspect that we cannot ignore in such matters of lands and our resources utilization.

Mr. Speaker, our residents were lied to because they were told that the establishment was to put a five-star hotel then they were promised a lot of jobs only to come to realize that, that is not how the five star hotels are constructed. So, Mr. Speaker, from that background, it is evident that due to illiteracy and the poverty level in that area, Mr. Speaker, it was just handful of houses that you could afford to build with stones. So, this proprietor took advantage of that situation and

unfortunately, the day that we went there, they had given money to some groups that is why there was difference on conflict during that meeting. Some group took the money while others did not take the money.

So, Mr. Speaker, if you go today, the crusher is operational even without approvals or license from the County Government. First, the County Government of Machakos is using a lot of revenue out of such activity. Secondly, if you go to that vicinity, it is just near the road, they just constructed that road the other day and that is the only thing that you can show to a County to construct the tarmac road from Kithimani to Makutano. That crusher is just near there and soon or later we will not have that road because the kind of activity which is conducted there will not be sustained by that road. Thirdly, Mr. Speaker, currently now it is a dry spell, there is no vegetation now which can breath and I think from the reports we have been told about the photosynthesis, the blockage of stomata so that we are choking our environment.

Four, Mr. Speaker, now the residents of that place cannot even wash their clothes and put them outside to dry neither can they cook ugali. They are cooking ugali which is supposed to be white but the ugali turns out brown because of the dust clouds, the dust which is getting to their homes. Mr. Speaker, Hon. Kithimani, Hon. Nduva is here and very soon, if that has not started, we will have a lot of cases to take the children or the residents to hospital because of respiratory problems.

Mr. Speaker, I am talking this out of experience. One of my uncles is a resident of Kithimani and unfortunately, we are looking for a place to relocate in because of those adverse effects of that crusher. Mr. Speaker very soon we will not get any domestic animals in that area, all the goats will die, all the animals will die. So, by the end of the day as you look at the economic importance of that crusher, it is my humble submission that, that crusher should be closed and the proprietor taken to task.

First of all, fined for operating without license and secondly, legal action should be taken so that we can safeguard the livelihoods of our people. Thank you. I support the report and I support the closure of that crusher with immediate effect and if, because we know the kind of Government that we are serving, if they are not able to enforce, Mr. Speaker, some of us are ready to mobilize the residents and stop that crusher. Thank you.

Hon. Speaker: Thank you.

Hon. (Ms.) V. Mbithe: Thank you, Mr. Speaker. I applaud the committee on environment because what they have done they ought to have done it like yesterday. So many people in our County are suffering and they have no one to ask for them unless this House takes

the task to make sure that our resident's health and wealth is well reserved then it will be useless for us to be in this House.

So, Mr. Speaker, Sir, I would support this report and call upon all the Members to support the report that the said crusher or business for crushing the stones that is environmentally affecting people's health should be definitely closed and after that, those people put into legal measures so that this should be stopped because the proprietor has taken the law into his hand and Mr. Speaker, such people should be discouraged. It is good to crush stones because we need them especially for building the roads but it should be done within the legal parameters. Thank you, Mr. Speaker, Sir.

Hon. Maitha: Thank you, Mr. Speaker. I wish to applaud my able Chairman, Environment committee for this exemplary report that he has brought before this House, that is well-intended to save the lives of our people, that is well intended to safeguard the resources of our County and that is well intended to tame those people who just come, misuse our resources the way they want at their own interest and later on move out leaving our people with problem.

Mr. Speaker, as I support this report in totality, I wish also to task the Chairman to also do a benchmarking study in the entire Katani area and see what recommendations they can give to the quarries that we have in Katani. I am not in any request to this House to close those ones but we need to take punitive measures to those quarries that are not adhering to the NEMA requirements.

Mr. Speaker, the number of quarries in Katani that we have to date cannot afford to be closed but we need to streamline the operations because the dust that is emanating from them is still causing a lot of health hazard to my people and if Mr. Speaker what the Chairman is saying as per the report, those quarries are almost a kilometer away or two kilometers away from the residents and if this crusher at Kithimani is less than 500 meters away, Mr. Speaker, I can attest that these people are really going through hell Mr. Speaker.

I welcome the closure and welcome the investor or the proprietor to come and buy land in Katani where we have a lot of land in plenty and invest in the same business. In fact, Mr. Speaker, if that crusher can be relocated in Katani within the next one month, we will start getting money, there is plenty of land in Katani where we can sell for this proprietors.

So, Mr. Speaker, I welcome the closure of this crusher. I personally happen to have passed around that area and actually less than 50 meters from the road Mr. Speaker, you can even see the impact of that dust. Those people, as the Hon. Members have said, cannot wash the clothes on day time, neither can they sleep at night because there is a lot of process that is happening in that crusher Mr. Speaker.

So, because I happen to come from a ward that carries almost 90 percent of all the crushing sites in the County, I know the impact of the dust, Mr. Speaker, from those quarries. So, I support this report in totality and I want to say this; we are not going to tolerate investors or proprietors who are coming to our County to misuse our people with our resources at the expense of our own people and it is very disheartening Mr. Speaker, that even whoever has invested in that crusher purports to be a law-abiding senior citizen of this country and in fact a Governor as it has been purported.

If we cannot take care of our resources, we do not expect him to take care of all the resources of where he comes from and even the people of where he comes from Mr. Speaker. So, If that is the case, I support the closure with immediate effect and I wish to urge the Hon. Members who come from that place, if that is not effected within the shortest time possible, we will mobilize all the Members of this County Assembly plus our supporters of where we come from and we are going to close that quarry with immediate effect.

Mr. Speaker, we will not let our people to continue suffering and not even in that crusher, anywhere else where these Hon. Member feel that our people are being subjected to unhealthy matters and issues, Mr. Speaker, I welcome any Member who has got issues to come and forward the same in this Assembly and we are going to close industries and ensure that our people live healthier and longer Mr. Speaker.

We are not going to allow people to take advantage of the dry situation in our County that we are trying so much to improve and yet others are coming to make is more worse than we are trying to make it better Mr. Speaker. So, I support that, and with your interjection Mr. Speaker, I kindly request your direction on my request that the committee on environment makes a visit to all the quarries in my area in Katani and come up with a conclusive report on how we are going to tame those proprietors who are not following the law and especially during the crushing of the ballasts that they are doing, but I do not support the closure of the quarries in Katani because Mr. Speaker, the County Government of Machakos is collecting about Kshs. 1 million daily and if that is done Mr. Speaker, we will have punished our County on a very serious note but I welcome the streamlining of the Environmental regulations that are required to be used.

Mr. Speaker, and I will seek your direction on the same and I support the report. Thank you.

Hon. Speaker: Thank you. My considered view is that you know the procedure to engage on the matter at hand and I will allow the Chairman.....(*inaudible*).

Hon. Ngunzi: Thank you, Mr. Speaker. I would like to take this moment to thank the Members who have been supportive of my report. It is really pathetic down there. Members are talking of homes as far as 500 metres away. The home that is nearest to the crusher in Kithimani is within the crushing area and I would imagine, Mr. Speaker, if you visited the area you would see that the roofs of the houses and the whole area is now red with soil and I was talking to a resident when we happened to attend the burial of the mother of the Hon. Sammy Nduva, the MCA for the area and the resident was telling me of how they cannot now sleep.

The machines are operating at night, it is all noise with trucks and all quarrying process and the breaking of the stones and it is unbearable, Mr. Speaker, and now that the Members have supported that we close the industry, we want to request the parties that are concerned in making sure that the same is effected.

The resolution, Mr. Speaker, should be forwarded immediately to the executive and the committee that is mandated with the implementation of the resolutions of the House should move with speed to make sure that the direction is adhered to and Mr. Speaker, we are saying that if the same is not forthcoming, we will have to use orthodox and un-orthodox means to help the crusher closed. Thank you, Mr. Speaker.

(Applause)

(Question put and agreed to)

Hon. Speaker: The resolution should be served before the close of the day and that the Majority Leader can help to ensure this is done. Let us proceed.

RECESS FROM 29TH SEPTEMBER TO 18TH OCTOBER, 2016

Majority Leader (Hon. Mwonga): Mr. Speaker, that aware that Assembly has been in session since 2nd August, 2016, aware that the session has been very busy and that crucial business has been exhausted in the House including the enactment of Finance Bill 2016, cognizant of the fact that Members need a rest from the vigorous work of oversight and regulation in the Assembly and also have more time in their wards to consult with the electorates, noting that the House approved an Assembly calendar which guides the House when to have a break and when to resume sittings. Aware that the Assembly calendar indicates that the House should adjourn for recess from today 29th September, 2016, and resume sittings on 18th October, 2016, Mr. Speaker, Sir, I wish to move the motion that, this Hon. House adjourns its

sittings from today Thursday 29th September, 2016 and resume on Tuesday 18th October, 2016. I do call upon Hon. Mueni to second the motion. Thank you, Mr. Speaker.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir. I support the recess because you know I think it is almost the last one for the Members mostly those who are elected and you know there are other people who are asking for your seats outside there to go and see whether the people are stronger than you so that you can do better. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Hon. Members, the motion is a procedural motion and I do not expect any member to object. Any objection will be equally out of order.

ADJOURNMENT

Hon. Speaker: Then the House will adjourn.

The House rose at 4.24 p.m.