

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 10th August, 2021

The House met at 2.34 p.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

PAPER LAID

STATUS OF MACHAKOS COUNTY GRADERS AS AT JULY, 2021

Hon. Deputy Speaker: Hon. Members under this Order, we have one business to be transacted by Hon. Daniel Mbevi.

Hon. Mbevi: Thank you, Mr. Speaker. I wish to lay the following Paper on the Table of the House today, Tuesday 10th August 2021; the Report of Committee of the Transport, Roads, Housing and Public Works Committee on status of Machakos County Graders as at July, 2021. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mbevi.

NOTICE OF MOTION

STATUS OF MACHAKOS COUNTY GRADERS AS AT JULY, 2021

Hon. Deputy Speaker: Hon. Members, under this Order we have one business to be transacted by Hon. Daniel Mbevi.

Hon. Mbevi: Thank you, Mr. Speaker.

Hon. Speaker, that aware that the County Assembly's oversight function is one of the cornerstones of democracy;

Aware that oversight is a means for holding the County Executive accountable for its actions and for ensuring that it implements policies in accordance with the laws and budget passed by the County Assembly;

Hon. Speaker, acknowledging that Article 183(3) of the Constitution of Kenya, 2010 provides that the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Further aware that Article 185(3) states that the County Assembly while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs;

Hon. Speaker, cognizant of the fact that Standing Order 190(5)(b) mandates sectoral Committees to study the programme and policy objectives of the departments and the effectiveness of the implementation;

Aware that the Committee on Transport, Roads, Housing and Public Works received report on status of County graders from the Department of Transport, Roads and Public Works;

Further aware that the Committee conducted site visits to ascertain the status of the graders indicated in the report, held meetings with the County Executive Committee Member and Chief Officer and compiled a report;

Hon. Speaker, I wish to give notice of motion that this Hon. House discusses and approves the Transport, Roads and Public Works Report on status of Machakos County Graders as at July, 2021.

Hon. Deputy Speaker: Thank you, Hon. Daniel Mbevi.

STATEMENT

BUSINESS FOR THE HOUSE FROM 11TH TO 17TH AUGUST, 2021

Hon. Deputy Speaker: Hon. Members, under this Order we have one business to be transacted by Hon. Geoffrey Kamulu.

Hon. Kamulu: Thank you, Hon. Speaker. This is a Statement on business before the House and I am standing in for Hon. Mark Muendo, Leader of Majority. Hon. Speaker, the House Business Committee met on Tuesday, 10th August, 2021 to ballot business for the House as forwarded by Committees and Honorable Members pursuant to the provisions of the Standing Order 151(5). The Committee balloted as follows:

Wednesday, 11th August, 2021

Morning at 10.00 a.m.

Report on the Assembly Broadcasting Policy by Hon. Abdrahman Ali, Vice-Chairperson, Committee on Broadcasting.

Afternoon at 2.30 p.m.

Report of Transport Committee on Status Report of Machakos County Graders by Hon. Daniel Mbevi, Chairperson, Committee on Transport and Public Works.

Tuesday, 17th August, 2021

Morning at 10.00 a.m.

Report on Procedure and Rules Committee on Amendments to Standing Orders by Hon. Paul Museku, Vice-Chairperson, Committee on Procedure and Rules.

Afternoon at 2.30p.m.

Report of Labour, Public Service and ICT on Committee on Annual Report of the County Public Service Board 2020 by Hon. Francis Kitheka, Chairperson, Committee on Labour, Public Service and ICT.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Geoffrey for standing in for the Majority Leader.

MOTION

REPORT ON HALF YEAR OF AFFORESTATION PROGRAM STATUS 2020/2021

Hon. Deputy Speaker: Hon. Members, we have one business to be transacted by Hon. Kisini, Chairperson of Environment, Lands and Natural resources committee.

Hon. Kisini:

Hon. Speaker, that aware that Article 69(1) of the Constitution of Kenya provides for sustainable exploitation, utilization, management and conservation of the environment and natural resources;

Further aware that Article 183(3) of the Constitution of Kenya provides that, the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Informed that in exercise of the functions vested on County Assembly under Article 185(3) of the Constitution, the County Assembly through the Committee of Environment requested for the half year performance report for the Department of Environment and Natural Resources specifically afforestation program for the FY 2020/2021;

Cognizant that pursuant to Standing Order 190 (5) the committee analyzed the section of the report on the implementation of afforestation program, conducted site visits and consequently compiled a report;

Hon. Speaker, I wish to move the Motion that this Hon. House discusses and approves the report of the committee on Environment and Natural Resources on the half year status report on afforestation program for the Department of Environment and Natural Resources for the FY 2020/2021.

Mr. Speaker, I request Hon. Nyawira who is a Member of the Committee to second.

Hon. (Ms.) Nyawira: Thank you, Hon. Speaker. I second the motion.

Hon. Deputy Speaker: Thank you, Hon. Nyawira. Hon. Kisini you may read the report.

Hon. Kisini: Mr. Speaker, I stand guided if you want me to proceed.

Membership of the committee

Hon. Speaker, the membership of the committee is:

- | | | | |
|-----|------------------------|---|---------------|
| 1. | Hon. Robert Kisini | - | Chairperson |
| 2. | Hon. Christine Koki | - | V/Chairperson |
| 3. | Hon. Paul Museku | - | Member |
| 4. | Hon. Mark Muendo | | “ |
| 5. | Hon. Alex Kamitu | | “ |
| 6. | Hon. Brian Kisila | | “ |
| 7. | Hon. Cosmas Kieti Muia | | “ |
| 8. | Hon. George King’ori | | “ |
| 9. | Hon. Hellen Ndeti | | “ |
| 10. | Hon. Jacqueline Nziva | | “ |
| 11. | Hon. Jane Nyawira | | “ |
| 12. | Hon. Joseph Musau | | “ |
| 13. | Hon. Michael Mutiso | | “ |

FORESTS AND THE BIG 4 AGENDA

Hon. Speaker, forests are enablers of the Big 4 Agenda whose contributions are described as follows;

i) Housing

The success of the government’s plan to provide at least 500,000 affordable and decent housing by 2022 will depend strongly on the inputs from the forest sector. The furniture

industry, which is a key factor in the housing sector strongly, depends on inputs from forests.

ii) Health

Forests play critical roles in the achievement of 100 per cent Universal Health Care (UHC) by supporting production of raw materials for the pharmaceutical industry, absorption of pollutants, water purification, herbal medicine, and improved nutrition. There is significant clinical evidence that deforestation has significant impact on the mosquito vector capacity by increasing the number of new mosquito infections. A high percentage of the population of developing countries relies on traditional medicine, originating from forests, for their primary health care needs. Forests and trees serve as natural air conditioners, filter harmful pollutants and act as carbon sinks.

iii) Manufacturing

Forests provide raw materials, energy sources for the industries, power transmission, and water sources.

iv) Food Security

Source of food, fodder for livestock, soil and water conservation, household income and employment. Rivers and streams that emanate from forested ecosystems support the irrigation of agricultural land, thus making valuable contributions to food security. They also support soil and nutrient conservation, provision of water and habitat for pollinators.

Hon. Deputy Speaker: Hon. Members, everybody can see the legal framework so just read from committee meetings.

Hon. Kisini: Committee planning meeting---

6.0 COMMITTEE PLANNING MEETING

Hon. Speaker, during a meeting held 14th May, 2021 (Min. 5/ENVT/14.5.21) the committee discussed on the importance of implementing afforestation programs in the County for better livelihood of Machakos residents in addition to the role of Machakos County in marking the World Environmental day that falls on June every year.

During the same meeting, the committee confirmed that in 2020/2021, the Department of environment had been allocated a budget of Ksh. 7,100,000 to carry out afforestation programs within the County. In view of the above, the committee resolved to inquire into the status of afforestation programs that the department of environment had implemented in the first half of 2020/2021.

The committee came up with the following terms of reference:

1. To analyze the status report for afforestation program for the department of environment.
2. To conduct site visit to Mango hill afforestation site.
3. Find out description of works implemented in Mango afforestation site.
4. Compare the expenditure and the implemented works.
5. Recommend appropriate interventions for better performance in the department.

7.0 THE HALF YEAR STATUS REPORT FOR AFFORESTATION PROGRAM FOR 2020/2021

Hon. Speaker, pursuant to Article 183(3) of the Constitution of Kenya, the Chief Officer, department of Environment forwarded to the Assembly the above stated report. The report is as presented below:

Table 1: status of afforestation program

LOCATION	SEEDLINGS NUMBER	BUDGET (Ksh)
Public Institutions	50,000	3,800,000
Kalimanzalu hill- Muumandu	23,000	2,300,000
Mango hill- Vyulya/ Masii	10,000	1,000,000
Total for Machakos County Government	84,000	7,100.000
On private farms, and state forests	Ø KFS – Kibauni hill 10,000 - Muumandu 10,000 - Uuni hill 10,000 Ø Izuzu – Muumandu 2,000 Ø Rotary Club - Machakos 300 - Katelembo primary 700 Ø Partnership with Iveti CFA - Kalimanzalu 4,000 Ø Partnership with KFS & KEFRI – Kwanzambu dam 2,700 Ø Donation by Kericho County Government - Public institutions 15,000 Ø In partnership with Equity Bank, Davis & Shirtliff Rotary International and Navartis 15,000 distributed to the following institutions; - Mua Girls, Kyaani Pri Sch, Nguu Nyumu Bore hole, Kenol Police post and Mitaboni Pri Sch	
Total for the Partnership	67,700 seedlings	
GRAND TOTAL	153,000 seedlings	

5.1 Observations from Table 1

Hon. Speaker, from the above Table the committee observed that:

1. A total of 10,000 tree seedlings were reported to have been planted in Mango hill. This is the fact-finding site which the committee sought to inquire into as provided in Standing Order 190(5).

2. A total of 84,000 and 67,700 tree seedlings were issued for planting by the County Government and by private partners respectively and the grant total was 153,000 tree seedlings.
3. The budget allocation for the stated afforestation program was Ksh. 1,000,000.
4. The expenditure for private farms, and state forests was not provided.

8.0 SITE VISIT TO MANGO HILL AND OBSERVATIONS MADE

Hon. Speaker, in May, 2021, the committee conducted a fact-finding mission to the said hill accompanied by the area Ward administration and members of the public and the following were the observations:

1. The afforestation program was tendered at a budget allocation of Ksh. 1,000,000 and the contractor relied on community around to do the planting work.
2. The program was accomplished within a period of two weeks and each laborer was paid Ksh. 500 per day by the contractor.
3. The types of tree seedlings observed include Croton, Grevillea, Leukinea and eucalyptus which are favorite plants for grazers.
4. The land area coverage cleared for planting is about seven acres but only about four acres were planted.
5. Among all the seedlings planted, the committee observed that only about 20 per cent of the seedlings survived. The rest dried up because no weeding was done after planting.
6. The area under the project at the time of the visit was already covered with bushes since no follow up was done after the planting exercise.
7. The community around graze their animals at the site since no fence was put and no mechanisms of security were put to safeguard the site after the planting exercise.
8. The community also has invaded the area and have cleared the mature eucalyptus trees that were earlier planted by the Kenya Forest Service in the same mountain.

9.0 MAJOR FINDINGS

Hon. Speaker, based on the above observations, the committee made the following general findings:

1. There was poor initial planning of the project. This is because the project was neglected at its initial stage despite having spent Ksh. 1,000,000 on the project.
2. Lack of monitoring strategy. The fact that only 20 per cent of the tree seedlings were evident at the time of visit indicates that most of them dried, exposed to weeds and bushes and others grazed by animals from the surrounding community and no action has so far been taken.
3. There was no value for money. A project tendered at Ksh. 1,000,000 and after 6 months of implementation only 20 per cent of the tree seedlings could be traced and with the prevailing risk of survival witnessed indicates that this project will not benefit the residents of Machakos in the long run.
4. The amount of Ksh. 1,000,000 allocated was excess compared to the shoddy work contracted. The committee was concerned how Ksh. 1 million could be allocated only for purchase of tree seedlings and labor for planting and no description of works like weeding, gapping and monitoring.
5. The community around the site has no goodwill for the project. Despite the failure by the County Government to put up mechanisms of monitoring the progress of the project, the residents around have raided the site for grazing and have also cut the almost mature eucalyptus trees previously planted by the Kenya Forest Service.

10.0 RECOMMENDATIONS

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Hon. Speaker, the general observation by the committee was that the performance of the Department of environment in terms of managing the tree seedlings planted in the sampled site was below average due to poor planning and lack of realistic strategies that could lead the County in increasing its tree cover. Based on the above, the committee recommends as follows:

1. The County Assembly of Machakos should enact a legislation to govern management of County forests pursuant to Section 21(2) of the Forest Conservation and Management Act, 2016 that states that a County Assembly may enact legislation for the better carrying into effect of the provisions of this section.
2. The Constitution requires public participation in the management, protection and conservation of forests. Consequently, various legislations such as the Forest Management and Conservation Act 2016 and the Climate Change Act 2016 target the process and engagement of local communities and minorities in environmental protection and monitoring, as well as benefit sharing.
The committee therefore recommends that the County Government of Machakos through the Department of Environment should strategize through public participation to win the goodwill of the community around areas where afforestation is being established and select representatives from the community to act as agents of the County Government.
The agents will be bestowed with responsibility of overseeing the security of the planted tree seedlings in Mango hill and all the other mountains where tree seedlings were planted. This will go a long way in increasing the love for greening the environment.
3. The County Government of Machakos should change the strategy of planting so many tree seedlings in an area where no monitoring is being done as observed by the committee and adopt the agroforestry approach whereby farmers can be given seedlings to grow in close association with crops. The tree seedlings will have the benefit of weeding and protection from grazing animals. This strategy will go a long way in contributing to the 10 per cent tree cover stated in Article 69(1)(b) of the Constitution.
4. The Kenya Forest Service assigns officers in areas where afforestation program is established to keep security of the forest ecosystem. The County government of Machakos should borrow this strategy and assign inspectorate officers in specific sites where the County Government establishes forests. The officers will ensure frequent monitoring on the progress of this vital resource like the established forest beds.
5. In May 2021, the County Government of Uasin-Gishu signed a collaboration framework with the Kenya forest Service to help in overseeing planning, designing and developing of green spaces in the County. Machakos County Government should adopt this collaboration so that the County can benefit from resources and expertise from the Kenya Forest Service.
6. There is need for enhanced tree planting campaigns through county tree planting events, public education, creation of awareness and sensitization.
7. The County Government of Machakos should embrace provision of incentives and awards to residents of the County who prove their competence in environmental protection by planting trees. This could be through giving trophies; certificates, cash and in-kind prizes and recommendation to the Head of State for decoration.

CONCLUSION

Hon. Speaker, poor planning and poor implementation strategies in Counties have resulted to abandoned projects, incomplete projects and unutilized complete projects. In order to realize value for money on projects implemented, there is need for regular monitoring so that stakeholders get accountability for the resources used in the project and reap benefits from the implemented project.

The fact-finding mission conducted by this committee on the afforestation program implemented by the Department of Environment within the said financial year at a cost of Ksh. 1,000,000 showed no indicators of benefits expected just within a period of half a year after implementation.

This observation speaks a lot on poor planning and non-prudence in the use of public resources. Implementers of long-term projects like afforestation whose cumulative benefits are likely to be realized after some years should be result driven so that the project does not die in the course hence losing both the environmental and money value.

Hon. Speaker, it is my privilege and pleasure on behalf of the Committee on Environment and Natural Resources to table before this Hon. House the half year status report for afforestation program for 2020/2021 for discussion and adoption. Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you very much Hon. Robert Kisini for report well-read. Hon. Thomas Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker. Mr. Speaker, I want to start by thanking the Chair and his committee for the good job done and Mr. Speaker it is worth noting that the world has a target of achieving 10 per cent forest cover for all the services for each country and we have an obligation as a County to ensure that we achieve this Mr. Speaker. Some time ago since we came here I think almost every year we have witnessed budgets going to seedlings to tree seedlings and I think it is important that the government partners with the public because buying of seeds is one thing and ensuring that they survive is another.

I think it is important that the department brings to this House a report on survival rate for each year for all trees planted so that we may see value for money for the same because monies have been put there but now who is there to track and see these number of plants were planted in this primary school or this market and the survival rate.

I don't know whether we have foresters to do that but again it is important we have officers who are ensuring that we are we take stock of that so that we can, after sometime like after three or four or five years, take stock and say in Machakos county in this year we have three percent forest cover or five percent forest cover and now we are at eight or we are at 10. So it is crucial that this because it is a global obligation; it is important that everybody in the county is concerned on this matter, Mr. Speaker.

The other thing is the partnership with other bodies which bring seedlings to our county so that we can see how we can ensure given a certain target if it is five or 10 years to come where will we be as a County. So, Mr. Speaker, I think it is important that the committee has unveiled this to us and it is important that everyone engages himself and herself to this matter.

Mr. Speaker, it is worth noting that if we do this with public participation with the people on the ground by planting just in the hills in our places in the public places and with time we ensure that even homesteads people are given trees to plant even if they plant in their *shambas* so that we do something like agroforestry, the tree cover will be up and the percentage will be impressive.

So I think it is important and again we have to ensure that the people are supported because you cannot have this tree cover if we do not de-silt our dams. We cannot have these tree cover if we do not have weirs to harvest water, we cannot do this this if do not harvest the waters with tanks in the roofs existing either in schools or in even at people's homes so that because water cannot survive without trees cannot survive without water.

So I think it is important that the county supports the infrastructure to ensure that people can have their seedlings thrive and we will have a good environment which the globe and the country and everyone is seeking to achieve. With those few remarks, Mr. Speaker, I support the report. Thank you.

Hon. Deputy Speaker: Thank you very much. Hon. Irene Mbivya.

Hon. (Ms.) Mwende: Thank you, Mr. Speaker. I wish to applaud the committee and the Chair for the good report read and indeed we support afforestation because it is beneficial to our county and I support the idea that if you cut a tree, you plant two more and this way we will be able to make sure that our forests are well covered. Mr. Speaker, we know that climate change has been a problem in the globe and planting trees and afforestation will help preserve climate and global warming.

We also know that planting trees prevents soil erosion so it is important that we continue planting trees in our forests and I also wish to suggest that the committee should also carry out site visits on all our forests in this County and ensure that our forests are well-covered and maybe we can also engage and do a tree planting program so that we know that our forests are good and they have trees.

Another point is that trees help in oxygen production especially at this time when we have Coronavirus we know that fresh air is very important especially for those who suffer respiratory diseases. So it is important that we ensure that our forests have trees and that we also engage our electorates and educate them on the importance of planting trees in our forests. Thank you, Mr. Speaker. I support the report.

Hon. Deputy Speaker: Thank you very much. Hon. Daniel Mbevi.

Hon. Mbevi: Thank you, Mr. Speaker. I stand to support the motion and also to echo the committee for the good work that they have done on afforestation. I want to note that our current situation as one of our Hon. Members has just mentioned is that during this coronavirus time people have been actually advised not to get into congested areas so it has been it is like a directive that people should move away from the enclosed hotels and restaurants to areas where we have afforestation.

So, I wish to say that if we encourage afforestation in our county, it will also help a lot in soil conservation. You know some areas are too much hilly and without the trees a lot of erosion will take place so it will also help in maintaining our *shambas* that will lead to more yields of food in our *shambas*. Also if we encourage the afforestation, this one will help a lot in boosting our health status in our lives. It is important that the committee has noticed the ignorance that after the planting of the trees, there is no budget for the maintenance which is the most important part of the planning of the trees.

It is important that when we have the program, as we budget for the purchase of the seedlings it is important also we budget for the care of the seedlings not to dry up. If you visit many institutions in our county, you find many trees have been planted but they have dried just because of lack of proper care and that goes to budgeting. So it is important that once the county plans for afforestation, they also plan for the maintenance of the trees. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much. May the mover of the motion respond please?

Hon. Kisini: Thank you, Mr. Speaker. May I take this opportunity to thank the Hon. Members who have supported this motion and to take note that what their input was. For example, Hon. Mutinda has suggested that we have a report on survival rate and that is very important so that when we plant we do not tend to already planted trees or seedlings, there was also this point of. From Hon. Mbevi maybe that we the money now that we are going to get some funds from the climate change funds, some of the money might be used to take care of the forestry cover within the county.

We will also be doing some site visits to all the forests to assess and to see what can be done and also take note that from Hon. Mbevi that during this coronavirus time people can also reside or go near the trees where there is oxygen and where they will have fresh air and it is a way also of doing soil conservation. So, Mr. Speaker, thank you very much for the Members who have supported this report.

Hon. Deputy Speaker: Thank you very much, Hon. Robert Kisini.

(Question put and agreed to)

Hon. Members, just to make one quick comment on this. I think there is an important point which has been made by Hon. Thomas Mutinda on the issue of 10 percent target. The target is to have at least 10 percent of our country covered with forest and it starts with you and I ensuring that whatever lands we have, 10 percent occupied by trees. Survival rates are very low and people need to start thinking about what we mean by afforestation; it is not necessarily planting the eucalyptus or this wild or the pines.

If we concentrate ourselves on planting fruit trees, if our people plant avocados, if they plant mango trees; all that is part of afforestation and if they are encouraged and they plant these fruit trees, they make money from them and therefore they will make sure that the survival rate of the seedlings is high. So it is high time we also change tact and started involving our people in planting more fruit trees, supporting them to plant so they can be able to see the economic importance of it and in so doing we should be able to get our share of the 10 percent afforestation.

To do this, we can also involve the small scale farmers; we have the small scale people who plant tree nurseries in small scale in our various wards. I do not know, maybe the chairman of the committee needs to pick this up that for example, when it comes to planting of fruit trees and even these trees we have many small groupings in the wards which plant these trees in nurseries for sale as a way of making money. If we can be able to have a mechanism of purchasing from them the seedlings and distributing to where they are not there it will not only encourage our people to continue having seedlings with them but it will also become an economic activity.

Once seedling planting becomes an economic activity then it is generating income then we are encouraging people to plant more seedlings and more seedlings will lead to more trees being planted and more fruit trees being planted. I have been seen supplies of fruits and I do not know where they come from whereby we are told our wards to go and be given 100 mango seedlings from one central location; is it possible for the department to look and see how they can support the small-scale nursery tree planters in the various wards for them to be able to get an income and also encourage in our target of achieving 10 per cent forest cover.

ADJOURNMENT

Hon. Deputy Speaker: With those few words, Hon. Members, the House stands adjourned to resume on Wednesday, the 11th day of August, 2021 at 10.00 a.m.

The House rose at 3.28 p.m.