

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Tuesday, 24th October, 2023

The House met at 11.07 a.m.

[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]

PRAYERS

MESSAGES

NOMINEE TO THE COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: I have the following message from Her Excellency Hon. Wavinya Ndeti, the Governor of Machakos County pursuant to Standing Order 39. Hon. Members, Section 8 of the County Governments Act as amended in 2020 provides that the County Assembly shall vet and approve nominees for appointment to County Public offices as may be provided for in this Act or any other law.

Section 58A(7) of the same Act further provides that the Governor shall within seven days of receipt of names forwarded under sub section 6, nominate one person, and at least three but not more than five others for appointment as Chairperson and members of the County Public Service Board respectively and forward the names to the County Assembly for approval.

Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017, provides that notification of appointment from an Appointing Authority shall be lodged with the Clerk of the County Assembly.

Hon. Members, I am in receipt of a letter dated 6th October, 2023 from H.E Hon. Wavinya Ndeti, Governor of Machakos County, forwarding Christopher Mutua Mutie nominee, member of the County Public Service Board.

Pursuant to Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017, the nominee is hereby committed to the Committee on Appointments for vetting and reporting within 21 days. Thank you, Hon. Members,

PAPERS LAID

SENATOR'S ADDRESS AND

**2022/2023 PERFORMANCE REPORTS FOR DEPARTMENT OF TRADE
AND EXTERNAL RELATIONS, SMES, INDUSTRY AND INNOVATION**

Hon. Speaker: May at this point invite Hon. Nicholas Nzioka, Majority Leader and MCA Machakos Central ward to come forward and lay the Papers. Proceed, Hon. Nicholas.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, pursuant to Standing Order 20 (4), I wish to lay the following Paper on the table of the Assembly today, 24th October, 2023;

1. The Senator's address as delivered on 18th October, 2023.
2. Third and Fourth Quarter performance report FY 2022/2023 for the Department of Trade and External Relations, SMEs, Industry and Innovation.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. The second Paper which is a third and fourth quarter performance report for FY 2022/2023 is hereby committed to the Trade, Economic planning and Industrialization Committee. Thank you very much.

(The Papers were laid on the Table)

NOTICES OF MOTION

THANKS OF THE ASSEMBLY FOR THE EXPOSITION OF
STATE OF THE COUNTY CONTAINED IN THE ADDRESS
OF THE SENATOR DELIVERED ON 18TH OCTOBER, 2023

Hon. Speaker: May I invite Hon. Nicholas Nzioka, Majority Leader and MCA Machakos Central ward to come forward and give notice of Motion. Proceed. Hon. Member.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, that aware that Standing Order 21(1) provides that the Speaker may, in consultation with the Leader of Majority Party and the Leader of Minority Party, allow the Senator of the County or a visiting Governor or such other visiting dignitary to address the Assembly on such occasions as may be appropriate;

Aware that the Hon. Agnes Kavindu Muthama, Senator of the Machakos County honoured the Speaker's invitation and addressed this House on 18th October, 2023;

Aware that Standing Order 20, with the necessary modifications, provides that whenever the Senator delivers an address, a Member may as soon as practicable thereafter, lay the address on the Table of the Assembly following the reading of such address;

Further aware that Standing Order 20(5) requires that debate on the Senator's Speech should not exceed four sitting days;

Hon. Speaker, I wish to give notice of motion THAT, pursuant to the provisions of Standing Order 20(5), the Thanks of the Assembly be recorded for the exposition of public policy contained in the Address of the Senator delivered on 18th October, 2023.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Majority Leader.

STATEMENT

BUSINESS FOR THE HOUSE FOR 24TH AND 25TH OCTOBER, 2023

Hon. Speaker: May I invite Hon. Nicholas Nzioka to come forward and make that Statement.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met today Monday, 23rd October, 2023 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted business as follows:

Tuesday, 24th October, 2023

Morning at 10.00 a.m.

Motion on garbage collection and solid waste management by Hon. Jeremiah Kaloi MCA Athi River Ward.

Afternoon at 2.30 p.m.

Motion that the thanks of the Assembly be recorded for the exposition of public policy contained in the address of the Senator delivered on 18th October, 2023 by Hon. Nicholas Nzioka- Leader of Majority.

Wednesday, 25th October, 2023

Morning at 10.00 a.m.

Motion that the thanks of the Assembly be recorded for the exposition of public policy contained in the address of the Senator delivered on 18th October, 2023; Continuation of Debate by Hon. Nicholas Nzioka, Leader of Majority.

Afternoon at 2.30 p.m.

(a) Motion that the thanks of the Assembly be recorded for the exposition of public policy contained in the address of the Senator delivered on 18th October, 2023; Continuation of Debate by Hon. Nicholas Nzioka, Leader of Majority.

(b) Adjournment of the House to resume on 7th November, 2023 by Hon. Nicholas Nzioka, Leader of Majority Party/MCA Machakos Central Ward.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Nicholas Nzioka.

MOTION

GARBAGE COLLECTION AND SOLID WASTE MANAGEMENT

Hon. Speaker: May invite Hon. Jeremiah Kaloi, MCA Athi River Ward to come forward and move that motion. Welcome, Hon. Kaloi

Hon. Jeremiah Kaloi (Athi River WDM-K): Thank you, Madam Speaker.

Hon. Speaker, that aware that Article 42 of the Constitution provides that every person has the right to a clean and healthy environment;

Aware that the functions and powers of the Counties as provided for in the Fourth Schedule Part 2(2)(g) of the Constitution include refuse removal, refuse dumps and solid waste disposal;

Aware that, Section 4 of the Machakos County Environmental Management Act, 2022 provides that the County Government shall take legislative, policy, administrative and other measures to ensure the full realization of the right to a clean environment as guaranteed by the Constitution;

Further aware that Section 9 of the same Act provides that a County Government shall cooperate with other actors who are involved in solid waste and management including generators of solid waste, owners and occupiers of premises and contracted service providers to ensure proper management of solid waste;

Noting that major urban areas like Machakos, Kangundo, Matuu, Joska, Tala and majorly Athi River and Mlolongo are not free of refuse, garbage and solid waste due to the rapid growth in population and inadequate County waste management personnel and equipment in the County;

Cognizant that solid waste can be recycled by private firms and refuse collection can offer employment opportunities through collection, sorting and transportation of recyclable garbage;

Informed that many urban cities across the world deploy private refuse collection firms through agreements to keep the environment free of refuse, garbage, and solid waste and further offer employment;

Hon. Speaker, I wish to move the motion THAT this House approves the motion that the County collaborates with other actors such as private organized groups to assist in garbage collection and solid waste management as provided by Section 9 of Machakos County Environmental Management Act, 2022 and further develop a legal framework to facilitate these collaboration.

Madam Speaker, may I call Hon. Dominic Maitha to second the motion?

Hon. Dominic Maitha (Muthwani, WDM-K) seconded.

(Question proposed)

Hon. Speaker: I now invite Members to debate this motion. I will allow members to debate, let us proceed members. You would wish to expound on it? Proceed and expound on the matter.

Hon. Jeremiah Kaloi (Athi River WDM-K): Thank you, Madam Speaker. I wish to expound further on this motion that entails the cleaning of our towns and majorly our urban centers that are experiencing huge garbage. In fact, Madam Speaker, if you go around especially in our municipalities, and I am talking from a point of experience, that it is becoming a challenge to our residents. Why; maybe because we do not have enough personnel from the County Government who assist in the collection of this garbage. In other scenarios, the other day we were talking about a shortage of fuel for tractors and our loaders in the grading department of the roads.

The same is being experienced in our municipalities in our towns, you find the tractors, are there but they do not have fuel especially in this era it is not good when our people are

experiencing such huge garbage piles and there are ways we can manage and make our towns clean. We have been having a conversation whereby we are saying we want the Assembly to be autonomous and I was thinking why can even the municipalities we have been given that privilege so that the issue of garbage collection will be sorted out. I am sure if the municipalities are going to be given the autonomy especially on the collection of their revenues within those municipalities.

They will be able to manage such issues of garbage collection and hence our people will have a very clean environment. Also in other towns---

Hon. Speaker: Mheshimiwa Kaloi, are you asking for autonomy or you are asking for private organized groups to assist in garbage collection?

Hon. Jeremiah Kaloi (Athi River WDM-K): I was coming to the point of organized groups because in other big towns even not even big towns, you go to Kitengela there are private organized groups which have agreed with the County Government and they are doing garbage collection. Why can we not do it in our municipalities? By looking for organized youth, even women who can assist the personnel we have in the County to do the clean-up. It is possible it has been working and I am sure in this it can also work. So, Madam Speaker, that is what I have in mind and I invite Members on the same. Thank you so much.

Hon. Speaker: You are also asking for a legal framework to support operationalizing that?

Hon. Jeremiah Kaloi (Athi River WDM-K): Yes. We need also to have some structures and the engagement part of it with these organized groups when you go to big estates, there is no clear way of how we are going to collect this garbage and who is responsible and there is also a delay in collecting this garbage in the residential areas.

Lastly, I was also thinking about the way we are taking the garbage that we are collecting in our urban areas; are those sites where this garbage is taken protected because we might be collecting this garbage and taking two different dump sites but are those dump sites protected? Why am I saying this? In other scenarios, those dumpsites have turned to be places where gangs operate. Are they protected? Is the County Government doing something to protect even those dumpsites? So, thank you, Madam Speaker. I invite the members to discuss the same.

Hon. Speaker: Thank you, Hon. Members. Members, it is your floor is yours to discuss this very important motion. Hon. Maitha. Did I see your hand up Hon. Ndwiki? Then you will follow.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. I want to stand to lay out my sentiments and my support for this motion. Madam Speaker, as you recall very well, waste management is becoming a thorn in the flesh in almost every area of this country. As has been seen on national TVs and other media platforms, garbage collection is becoming a very big menace and causing a lot of harm to our environment and because of the incapability and the lack of capacity to manage the same, in most Counties private firms have been given the opportunity to undertake the same and Madam Speaker it has succeeded.

It is evident if you go to Nairobi County, for example, which borders Machakos County, the so-called bins and other garbage collection companies have managed to do it because the County has seemed and has proven not to have the capacity to do it. If today you go around Machakos Central ward and where the Majority Leader comes from, you will see the menace that garbage is causing.

Last week, the Hon. Member for Muvuti/Kiima Kimwe Ward was here speaking on the same issue about garbage collection and he gave out examples of the regions where garbage is causing a lot of menace and it is cross-cutting especially those areas that have been touched by the municipality. Madam Speaker, if you go to Mavoko, to be in particular and even to cascade down to Joska, where I represent the residents of Joska, garbage collection is now becoming an issue. It is spilt all over because of untimely collection, our skip bins are always lacking fuel, majority of them are mechanically unsound and to the great extend due to the inability to have timely collection, most of the bins are forced to be burned so that they can try to clear the mess of the excess dumping of the same waste.

If you go to my neighboring ward which is Mlolongo/Syokimau, it is the replica of the same and the Hon. Member for Syokimau, given an opportunity will air more on what is happening in these areas. So, Madam Speaker, I support this motion and I say this; let us use the available resources from the County to do mobilization in terms of collecting the garbage and taking it at a central place and then we engage private service providers who can now take over the other process of disposal and also waste disposal management so that they can help the County. It is a reality that Madam Speaker, the county as at the moment as they are incapacity to handle the garbage that is in Machakos County.

If you see the vastness of growth and especially in the adjacent sub-counties headquarters and by this I mean Mavoko, Matungulu, Kangundo and those areas Madam Speaker are vastly growing every single day and if at the moment the County is unable to handle the situation I wonder what is going to happen in the next five years. So instead of now waiting for the worst it is highly timely that this County seeks to engage private service providers on the same and actually it is going to serve what the constitution is all about devolution. You try to bring services down to the people by empowering them. The service providers who will be given this service to undertake if that so happens will be residents of Machakos County.

They will be able to enjoy the fruits of devolution because at least at the end of the day money will be within their rich and because they understand that region very well they will be able to manage the waste in that region. I am in total support of this motion that we move as soon as possible and then as we also go ahead and do it as the Hon. Members have requested for guidelines and regulations on the same, I think we also need to go through the Machakos County Environmental Management Act, which is already in place of 2020, we have Machakos Waste Disposal Act which is also in place so that we can amalgamate both of them and try now to have a well fine-tuned document that is going to stand for and on behalf of that service Madam Speaker.

So I am supporting this motion and request that the county government of Machakos takes it with a lot of seriousness. Madam Speaker, right now there is a lot of confusion on who is supposed to collect the garbage. If you go to the department of Decentralized Units, that service is vested under that department but now when you come to the municipalities when you ask them they tell you no, it is now under the municipality. When you talk to the officer in-charge of municipalities or the municipal managers, they tell you they are incapacitated in terms of equipment and even such things like fuel. So there is a lot of confusion.

Once we contract these services as the Hon. Member has proposed to organize groups and private firms then we will have tried to decentralize the service from the confusion that is there from one department to another department with that kind of mix up. I support this motion and ask of this Assembly and the department concerned to move with speed so that we can avert the menace. The issue we were discussing here last week about blocked drainage systems is as a result of garbage spilling from all the bins, uncollected garbage and its exit point is only on the drainage channels. If there is timely collection of this service, then you will find that we do not need to use a lot of funds to engage unblocking of our systems. Madam Speaker, let us move with speed to have this actualized and I can assure you because it has been done somewhere else it is going to be effective.

Actually, Madam Speaker, for those Hon. Members who reside within Machakos town and may be within the cosmopolitan towns, they will tell you that in most of the private estates garbage collection is being done by private firms and it is perfectly done. In fact, Madam Speaker, personally in my own house in Utawala where I reside, I only pay Ksh. 300 in a month for garbage collection and it is collected once in a week and you will not find any spilling all over.

So if we can engage the services of those so called organized groups and private firms, I can tell you honestly we will see value for money, we will preserve our environment and we will ensure that our kids and our county is one of the best Counties in terms of cleanliness. So I stand here to support and ask of you that the department concerned takes this matter as a serious issue and decentralizes this service to other service providers and they also earn bread and have something to take to their homes. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Ndwiki and Hon. Mbuva; in that order.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Hon. Speaker. First and foremost, I want to thank my brother and my neighbor Hon. Kaloi for bringing this motion; it is timely. As we approach the rainy season, the worse of the garbage becomes the worst. Madam Speaker, I come from a place where the issue of garbage is notorious. In Mlolongo, if you happen to visit that place, you will witness the mess caused by improper solid waste management programme.

As I support this motion I would like to emphasize on the involvement of the private sector. We have organized groups for youths, women that can assist in managing of our waste. Also we need to have proper guidance on how to use the garbage containers because like in my place, they are placed at random about one kilometer apart or something like that but there is no proper guidance on how to take the garbage from your place to that place. I do not know how they do it in other places but in Mlolongo this is what happens; the garbage is collected from houses by groups of people and they transport the garbage using donkeys and transporting the garbage from one house to the container point, in fact most, of the waste end up left on the way--

(Loud consultations)

Hon. Speaker: Hon. Catherine Kyee, that is what is available; donkey transport.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): The worst part of it Madam Speaker, when the donkeys transport the garbage from house to the container point, in fact, most of the waste is lost on the way. So it is just like moving the waste from houses and spreading on the roads and that is why we have the issue of drainage being a problem in our area because that garbage turned to become health hazard in our area. So there should be a proper guidance on how that garbage should come from households to the containers because that is not provided how they should go there and in Mlolongo they use the donkeys and the donkeys are driven by drunkard youths.

In fact, some few months ago I had a *harambee*, some donkeys and the small cats had caused an accident and a member of my community was badly injured and even now as we speak he is walking with sticks because of the accidents caused by those donkeys. They are driven in a speed that is too high. This programme needs to be changed and the residents pay those donkey people and they also pay to the County again for the collection so Madam Speaker that is double taxation.

So if there is good plan, we can have that plan or those private sectors can be made official. Private Public Partnership (PPP) should be made official so that they can be accountable because they can just hit you and run away and you do not know who has hit you. They just spread the waste everywhere so I support this motion and the concerned department should come up with clear report and that report will create employment for our youths because we have thousands of youths who are unemployed in our places but if we have programme that can help them I think it can reduce unemployment in our area.

I support and urge that action is urgently taken in this matter especially now we are approaching rain season that the worse does not become the worst. Thank you, Madam Speaker.

Hon. Speaker: Very important points there Hon. Ndwiki; thank you. Hon. Mbuva, Mulinge and then Hon. Douglas; in that order.

Hon. Charles Mbuva (Kangundo West, GDDP): Thank you, Hon. Speaker, for giving me an opportunity to air my voice in supporting this very important motion. Yesterday I had an occasion to discuss with group of members who were coming from the UK who were assigned to visit the UK by this Assembly on a work-related mission. They told us the level of sanitation in the streets cannot allow you to drop the paper you unwrap a sweet. Nobody is going to disallow you but the level of cleanliness itself deters you; you cannot do anything to make the streets of London dirty. When you hear such sentiments and you consider yourself to be living in Machakos town which is supposed to be the county headquarters, the capital city of a county in Kenya, the Member told me we are behind London by a million years.

Madam Speaker, besides being a health hazard, waste can also become both an eyesore and a health hazard. Human beings are not supposed to live within such environment; it degrades the dignity of humanity when children grow in an area where the first thing they confront when they get out in an open space to play, is strange of rotten waste. I support this motion and Madam Speaker, the County Government of Machakos, because this motion is specific to our government, there is a reason Madam Speaker why government contracts certain services. There are reasons why governments, the practice of governments world over, governments do not endeavor to provide each and every services on their own.

It is a practice that governments will sub-contract certain services even the National government. For example, our country has witnessed tremendous infrastructural development in

the last few years. Those projects have not been undertaken by employees of the National government. Those programmes are contracted. Madam Speaker the rate of urbanization is such that the county governments cannot cope to manage the populations which are increasing in the urban centers and Madam Speaker this does not just apply in Machakos and may be Mlolongo the most populated areas. I would want to bring to the attention of this House, even in the rural markets, this problem is all over.

Madam Speaker, there are bins which are placed in the markets in the rural areas and some of them have never been emptied from the day it was placed. Actually the people from that small market do not know whether it was meant to be emptied such that the bin is no longer a means of sanitation itself it has become a health hazard. The place where that bin is placed, the environment around it even women who used to use those open spaces to place *mbogas* cannot go near there. There are strange and some funny creatures which develop in places where excess dirt has formed.

Madam Speaker, county governments do not receive funds every other time. There are moments when funds could be available because we know that county governments depend from disbursements from the National government and we all live in Kenya and we know their times when counties are starved of funds but garbage collects pile every day even when there are no funds. The households continue to dispose refuse every day and they do not know whether county government has funds or not. I support the idea of privatizing garbage collection and the county government remains with the policy and supervision part of it. That is the only way we can give value to our citizens to live and even our traders.

Madam Speaker, what do you think about a shop owner or a hotel owner who pays licenses and all dues to the county government but works within an environment where dumpsite is just outside their business? It is very unfair to our business people that we tax them and we do not improve the environment where they are working. If we were in civilized countries such people could run a riot and refuse to pay the levies because we cannot be quick to tax people and to collect levies whereas we do not improve the places where they work in.

Madam Speaker, if we were to look at this waste management positively, it is now big businesses. Madam Speaker, I want to bring to your attention one of the places where you cannot now walk freely is Dandora dumpsite; it is no longer a dumping place, it is a source of livelihood. If we were to become positive and get professionals to guide us, we could find even the garbage collection through privatization can be sustainable such that it does not eat in to the county coffers such that people who collect it are making use of it so that it stops becoming a burden and an expense to the government but it is a service which is self-sustaining.

So Madam Speaker I support the motion and I would request the relevant department just as it moves in to the big urban centers to know in the villages, the small markets, there is a market called Mbusyani, when I came in to office I found the bin which is there, there are some worms i do not know their name in English, in Kikamba they are called *nyenya*. That bin was the brooding place for those worms actually the first assignment I was given by the locals of that area is to remove that thing from their market. I single-handedly had to look for a way of having it removed and they were telling me if you are going to bring it back and there is no mechanism of emptying it please do not bring it back. That is the level of mismanagement of this critical sector. Madam Speaker, I support this motion. Thank you.

Hon. Speaker: Thank you, Hon. Mbuva. Very important insights there and Members as we discuss this particular motion, we have to remember that it is doable, it can be done, actually

if I remember correctly, during municipal councils, Machakos at one time was awarded for being the most clean town in Kenya. Am I right? Those who were there by then, my agemates, are they here? So it can be done, our neighbours here Rwanda is rated as one of the cleanest countries in Africa so it is doable. Just debate this matter knowing it is doable. Hon. Mulinge, proceed.

Hon. Joseph Mulinge (Muvuti/Kiima Kimwe, MCCC): Thank you, Madam Speaker. First, I support the motion and before I continue, when the Member of Mlolongo was contributing, I have realized there is a lot of misuse of donkeys because they are using donkeys to transport the carts carrying the waste knowing that the donkey does not have side mirrors and our tradition in Machakos town, donkeys were used in places with a lot of shortage of water like it used to be in Makueni. Madam Speaker, we need to come up with laws to protect the rights of donkeys.

Madam Speaker, I will support this motion with good reasons. First, as a researcher, I have tried to unveil from the departments concerned what is the reason why our towns are very dirty but one of the things they are saying is they do not have enough tools that is tractors, shovels for the job and they do not have enough manpower that is people to collect the waste and again they were saying because the Controller of Budget was saying this; it is going to rise the wage bill and delay of resources that is money to purchase fuel and related services.

Madam Speaker, the mover of the motion, I understand was trying to address the problem the county is facing. The problems I have talked about and one of the problem is lack of enough funds, timely allocation of resources and bearing in mind if we contract the service the contractor can even collect the garbage and get paid after one or two months.

Secondly, a contractor will use his own labor that means we do not have increment of wage bill and the shortage of enough manpower in our county is going to be addressed.

Thirdly, some of the companies which are doing the collection of garbage is a practice that they have been doing that means they have specialized equipment, the right technology to use. For instance, when our county officers collect the waste they just go and dump it in a dumpsite but now when we privatize the service, it means that the person or the company that is going to be collecting the waste, will go further to sort out the garbage and recycle them and become useful again in our county and that will alleviate the consequences of dumping waste because you know the biggest dumping zone is in my ward. That is the far end of Katoloni and after dumping the work of the county stops there.

There is nothing like recycling so we are saying if we will outsource the service it is going to alleviate the problem on dumping and failing to recycle. Thank you so much.

Hon. Speaker: Thank you very much, Hon. Mulinge. Hon. Douglas.

Hon. Douglas Musyoka (Masii, MCCC): Thank you, Madam Speaker. Madam Speaker, I rise to support the motion by the Hon. Member for Athi River ward. Madam Speaker, I will state that this motion is so timely more so during this time when we are expecting rains. Madam Speaker, you know the kind of health hazard this thing of garbage is going to cause to our people during these times of rains. I do not need to be misquoted that I can state it clearly here Madam Speaker, that the County Government of Machakos has failed over 100 percent in solid waste management. I think that is so much in order with everyone and even those from very local towns can ascertain to the same.

Madam Speaker, I have been around for a while and I have been privileged to have spent my youthful years in the streets of Nairobi, in the streets of Machakos and the streets of Masii where mostly I was brought up. During those days Madam Speaker, even though our country was being termed as a developing nation, we never used to see all these garbage around. When I took time to reason out and to flashback what exactly used to happen so that we do not have this menace around.

It came clearly to my mind that all this time that we used to experience the cleanliness even the one you have quoted that Machakos town was ranked as one of the cleanest towns in Eastern Africa is that garbage collection and solid waste management was under private institutions, was under private groups and companies and we the residents used to meet these costs. For instance, Madam Speaker, sometimes back when I stayed in Umoja, I could be provided by those private youth groups or in private garbage collecting institutions with a garbage collection bag and on monthly basis, I would part with as much as Ksh. 100 and all my baggage and all my waste from my house I would put it in that plastic bag and in a weekly basis at least twice or thrice per week someone would come around collecting all those dustbins cleaning all of them and then they ferry them to Dandora where it would be disposed for burning or separation and those people willing to take some materials for recycling they could collect them there.

What happened, Madam Speaker? With the establishment of these municipalities and we thank Governor Mutua for fronting them first in Machakos County; our people are now very much reluctant on how they are going to manage their waste. Madam Speaker, I happen in my neighborhood where I stay there is a bin which is around my house and sometimes back I was forced to incur the cost of ferrying that bin to at least a distant area whereby there are no residents within the same area. What used to happen, someone is carrying his waste from the house then when they come near the dustbin they do not go and ensure it is inside. They just throw it like this.

(Hon. Musyoka gestured)

Now when it rains like we are expecting rains all that waste is going to be spread within that area. What happens to our people? Where we have those dustbins they happen to be the breeding sites for mosquitoes and they happen to be the only source of so many diseases which our kids are suffering from because there is no way I can control the movement of my own kids when they are within the home compound. Madam Speaker, I have happened as Mheshimiwa Mbuva stated to be one of the Members of this Hon. House who visited London last week.

I took time to study what these people do with their waste. It is clear just as we used to do in our country before these people have privatized the issue of solid waste management. They have given these jobs to individual companies who do cleaning of the markets, who do cleaning of the dumping areas and the dustbins on the streets on a daily basis. Madam Speaker, if we will be forced to privatize issues of solid waste management within our county, it is the right time that this County Assembly moved that motion. I support the motion and thank you, Madam Speaker.

Hon. Speaker: Thank you, very much Hon. Member for that support. Hon. Digital, then Hon. Munywoki and Hon. Wanjiru.

Hon. Wilson Ndunda (Kangundo North, IND): Thank you, Madam Speaker. Truly, I support this motion basing on the measures of what this county is facing. To start with, around three weeks ago, I was part of the Delegated Legislation Committee that went to Matuu on a site visit to Hon. Ndawa's area. We were with the Deputy Speaker and other Members and indeed what we saw was so pathetic; in that the area is so dirty. Despite everywhere and in this regard we dared to meet a number of people including those who are concerned and they informed us that the biggest challenge they are facing is that they do not have those tools they are supposed to use. They even borrow wheelbarrows and do not have protective gear like boots.

They have nothing and this shows that our county has totally failed in this measure as far as the DU is concerned. Therefore, I do fully support this matter to be given to the private sector that can support in waste management basing that the county is not in a position. Truth be said and in this point if possible we can plan it in a better way. We have eight sub-counties and at least every sub-county can have its own management. At the end of the end of the day it would be better if we get such kind of a we get in that form of privatization point and you find that a sector is coming from Machakos going to Kangundo or Masinga where they have no at least more information on what is supposed to be undertaken.

If it is given to the private institutions, let it be from their very own sub-county so that at least they can visit every local market, collect the waste and take it to a given center. That can help to ensure that its management is well looked on because now at the end of the day, we can say that we go the private way but you find at least some people are there to take money. It is not about what we are talking about today but if we take it with positive measures it seems then that at the end of the day our ideal is going to be proven right and to this occasion I believe we have women groups the so called *malolondo*.

We have also the youths in our areas you find that from Mheshimiwa Ndwiki that there are groups of youth who can be given that work. If they are given that work they will be paid according to the work they are going to do because you cannot pay somebody who has not done his job because at the end of the day what we need is not about who is doing the job but how the work is being done. In regard to what we found in Matuu, I can support this motion and if possible it can be taken as an emergency issue because at the end of the day like in those areas within town you find there are those dumping sites and lines where there are cases of water if they are not looked upon also our youth are likely and more so the children are likely to face the dangers of what is happening there.

So I support this motion and indeed as far as I am concerned, I want to congratulate Mheshimiwa Kaloi for this noble idea. Thank you.

Hon. Speaker: Thank you, Hon. Member. Point of information?

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, I wish to just point of the following as it has been extracted by the Hon. Member. The Machakos County Waste Management Act of 2022. If you go through it Madam Speaker, which I already have, if you go to Section 22(1)(2) and (3) it says; the county government duty to dispose of domestic and street waste. The director shall ensure the collection, treatment and disposal of all domestic waste and street waste or otherwise arising from the county. (2) The director shall take all necessary and reasonable, practicable measures to maintain all places falling within the county in a clean and sanitary conditions at all times and (3) which is very important now where Members need to not is that for purposes of carrying out of duties under (1), the director may enter into such

agreements with third parties as may be appropriate including contract franchises and consecutions.

So we are all dwelling on one issue whereby an Act is already in place Madam Speaker. Passed and adopted by this County Assembly and the County Government of Machakos. So now this House should be looking into tasking the department concerned into actualizing the Act. So the issue of franchising is already in the Act. So what we should be dwelling in is that the mess is already recognized, is already realized, it is already there it is now to ensure and even when you go through the Act it gives out the guidelines on how it is supposed to be done.

What we should now be discussing Madam Speaker, is how we are going to hold the director responsible and the department concerned into actualizing this. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, for highlighting and bringing that to the forefront so that we do not belabour in discussing items that are not even important. We have the law in place from what he has read we now have to hold those concerned CECM and CO accountable to implement this particular law. So we have the law in place Members. It has been read. Let us proceed. There was Hon. Munywoki.

Hon. Julius Munywoki (Matungulu East, UDA): Thank you, Madam Speaker. I want to support the motion, Madam Speaker. The question of garbage is not a new thing. It has been there but the question is when the garbage is being collected from the plots and elsewhere and it is taken to the dumping site what is next? That is the question. Also we should come up with an issue or a policy like in Nairobi you could see some areas do not spit, do not urinate here do not do that. People should be given civic education. Like here in Machakos town if you litter, people should be given proper guidance and there must be a law that when you do that you will be prosecuted. We should come up with a regulation.

Those people who have been outside for benchmarking like London also they must come and.....not to criticize Kenya. We are far behind America and other places. We got civilization later than other countries such as London but now when they go for benchmarking and they come back they should implement and teach us what to do not to criticize.

Another thing is that the question on garbage collection by private entities has been there but what happens? You find that sometimes they are not paid. That is why they stop collecting garbage. Even the groups which have been mentioned by Hon. Members, you cannot organize a group and it is not paid. Nobody can work for free; there should be something to give them. I support the motion Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Wanjiru then Hon. Majority, Hon. Kitaka and Hon. Katiti.

Hon. Ruth Wanjiru (Nominated, CCU): Thank you, Madam Speaker. I rise to support and to add the voice of my gender to this motion. Much has been said by the Members who have spoken before me therefore there is no need to repeat, I would just like to add that since what we are doing is not working we can change what we are doing to get a different result. For example, the bins have helped a bit but is evident that amount of garbage that we are putting out as the residents is overwhelming the department. So I would suggest if this is something I saw work somewhere, when we are getting out the garbage if we could separate the garbage.

Where we have bins let us have three bins clearly labeled that this bin is for plastic garbage, this is for tin and this is for paper. It will make it easier for the people collecting the garbage to take it to the next step. If it is for recycling, the plastic waste will be taken for recycling. Also Madam Speaker, there is another suggestion. You know, I am sorry to say that as Africans we do not like change and most of the times when we are forced into change we take it as a punishment even though sometimes it is for our good.

For example, when the national government banned the use of plastic bags Kenyans took it as a punishment. You know when you take something as a punishment it becomes hard and a struggle to do it. I would suggest beginning with ourselves even as we struggle to find ways of managing the garbage, sewage and other kinds of waste can we start with ourselves by reducing the amount of garbage that we put out.

For example, from our households I do not have to throw away waste from my kitchen. I can use it somewhere else. I do not have to throw away something like diapers. This is something that we can take care of from our homes. Let us seek to reduce the amount of garbage that we put out there. We can also have incentives; for example, if you collect plastic bottles and you take them to a specific company you are given something in return. This will even motivate the youth who are doing that kind of a job. Discipline is something that can cause a great change and it is not a punishment.

I did not go to London; I went to Denmark and the discipline in that country is of another level. Nobody has to police you, you know what you are supposed to do at the right time and you do it. If we could borrow a little bit of that culture of discipline, doing something willingly without being pushed or watched most of our things would change. I suggest we begin with ourselves; we cannot change the whole country but you can change something by beginning the change yourself. I can start by myself, my neighbors and my fellow Members and that will be a change. A little change is change nevertheless. Thank you, Madam Speaker.

Hon. Speaker: It is called taking personal responsibility. Thank you, Hon. Wanjiru, for that insight. Hon. Majority Leader. I will give you Hon. Maeke an opportunity after Hon. Katiti.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker I am pleased that you have facilitated so many Members of this House to go out there and learn.

(Applause)

It is through this learning that we seek to improve our own situation back at home. I also thank Mheshimiwa Munywoki that let us pick the positive lessons and not say we are behind a million years. Madam Speaker, I just want to say briefly that one of the most important thing in the whole issue of solid waste management is civic education like he has said. When I was a small boy I was told to plant a tree so that in future we going to have a lot of rain. Where I studied in primary school I am a 100 per cent sure from around class four to class eight, I planted like two trees each year. So it was something that was put to me that if you plant trees they can benefit you in future.

The same way with solid waste. We must teach our people that government does not provide waste. First of all, government does not generate waste; if anything it generates

insignificant amount of waste. It is at that point of waste generation that is critical because that is where you take responsibility. You can even actually determine what kind of waste you going to generate. Some of us we go and buy, I do not want to say useless, for lack of a better word we buy unnecessary things *kwa sababu ya* peer pressure. Then you go and just generate waste at home that you were not supposed to generate even in the first place.

We must teach our people that it is at that point that solid waste management starts. I want to say I had the privilege to study in a European nation in Germany and the more waste disposal bag you have the cheaper for you. At that time I think they has six separate bags so if you had one bag you would be paying a lot of money because your waste is mixed. If you have six bags, you can imagine Madam Speaker, they used actually to separate even bottles. They had a waste bag for brown bottle, green bottle and clear bottle. The more you separated the more incentive you are given by the government because you are actually helping to increase the value chain in the whole system.

Secondly, our waste storage does not allow us the generators even when we generate how to separate. Like Mheshimiwa Wanjiru is saying, I may want to separate but when I go to the disposal site it is only one container. So what I have separated eventually ends up in one container. I would urge that even as the generators are taught how to separate that the government also supplements equal facilities to ensure that if I am supposed to take in container A where paper is put I take my paper to container A. Container B is for bio-waste, I take my bio-waste there and everything else should be sorted.

Then the issue of how even we transport our waste. Every day we meet our own trucks in town and you can imagine how that waste is transported. It is not covered so you can actually follow the truck of garbage collector in Machakos by following the trail of where they have moved with the garbage spilling over. So it is an issue of improving every chain until the waste is put in the disposal.

Lastly, Mheshimiwa Dominic talked about the Act. I think what is missing is the framework to operationalize the Act; the regulations. I do not think we have the regulations for how solid waste management should be done in Machakos and that is why maybe the CECM or the person involved do not know how to proceed because the Act there but it is not operationalized. It can only be operationalized by having regulations that allows her or him to do specific action and at that time we will hold them responsible.

So I support and even as we talk about young people and women group; let us not just throw words to pacify a group of people we want to sound politically correct like we are assisting them. I would wish that the Regulations will be so good that they clearly put solid waste management like any other business. It is a business model like the way you can start a transport company so that whoever comes in knows when and if they put their investment at the end of the day, they are going to make some profit. It is only through a proper business model that we can attract people to engage in solid waste management.

However, I support and plead that we move with speed especially in making sure we have the Regulations for solid waste management. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Deputy Speaker.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, I stood on a point of information. There is a word you have used that we do not need to labour much. The Machakos County Environmental Act, part two which is administration is very clear---

Hon. Speaker: It has the Regulations? The Regulations are there?

Hon. Dominic Maitha (Muthwani, WDM-K): Functions of the department; the County department in charge of matters relating to environmental shall in addition to any other functions under it perform the following functions relating to environment and waste management.

- a. Set the standards for environmental management;
- b. Enforce compliance with this Act;
- c. Develop policies and codes of practice on environmental management and identify risks.

So, Madam Speaker, now this House is just waiting for the department to bring the Regulations and we adopt. So because it is already in the Act, I would say that it is not this House it is now the department. The Act is already assented to so it is now the department to bring these Regulations so that we can now pass them and they proceed for actualization.

Hon. Speaker: Thank you very much. The Regulations are not there so we call upon the concerned department to bring the Regulations and operationalize the Act. Mheshimiwa Kitaka.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Madam Speaker. Madam Speaker, much has been said which is touching across the Motion by Hon. Kaloi. I would want to bring to attention a few elements that bring about the poor garbage collection in our County as we are discussing today. Firstly, as a matter of fact, we need also to consider the funding allocated in departments to take care on the cost of garbage collection. Poor funding can also be a cause and the experience that we are seeing garbage everywhere in our towns.

Secondly, laxity; our public health department for example, is not working as before. The ages where Mheshimiwa Douglas was mentioning, you will find that there was very strict adherence to the regulations about garbage collection, our well-being and how we should conduct ourselves in disposing the same. This is a factor that we also need to bring to attention that everybody, every department and person should also be able to adhere to the regulations that are set.

The other thing is about the enforcement of the Regulations. There are defined ways on how we should dispose our garbage but you will find that most of our residents or our people are not doing so hence you will find that we have garbage from all the corridors and all the roads. This is a matter that we need to address as much as we want to bring sanity or as much as we would want to address the issue of garbage we also have to talk to our people and ensure that everybody does what he or she is supposed to do.

If we do not do so even when we privatize we will still be going in rounds. Of importance before we go the privatization way let us also ensure that our departments have sufficient funds to run the garbage management. I support the Motion. Thank you.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Katiti.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Madam Speaker. Much has been said but I support the mover of the Motion. A lot has been said about garbage collection, this kind of partnership in private sector is essential, important and paramount. In Nairobi, this was implemented even before the new dispensation of the constitution. The Nairobi City Council by

then could not even meet the burden of garbage collection. I urge the County Government of Machakos that may partner with the private sector so that we can have this simple disposal of the garbage.

We see a lot of litter in those bins, it then becomes a breeding ground for those micro-organisms, flies and it even threatens aquatic life that we as human depend on. So it is important that the County Government of Machakos partners with those private sectors so that we create employment for our youth. The rate of corruption might also be reduced because when something is privatized it means the degree of management goes higher. So the supervision also is monitored closely therefore it is important later on we as the residents of Machakos we will have a very clean and neat environment.

One thing I want to dispute and disagree with the majority and the MCA Matungulu East is that we should also learn from mistakes. Our failures we should also own them; we should be like a class teacher who owns the performance and mistakes of his students. I do not want to say this like when a teacher wants to say something positive about his school he says, he begins with my school where I teach but she wants to say negative about a school he says---

Hon. Speaker: Another school?

(Laughter)

Hon. Boniface Katiti (Muthetheni, UDA): It is important that we should learn also from the mistakes because we will build on them. Let us when you are celebrated every time and you are not criticized then you cannot prosper in whatever you are doing. By so doing, we become so cynical if we do not learn so that criticism builds a landmark for us to learn. I support the mover of the Motion and I say it is timely and the Act should be implemented to the fullest. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Maeke and take the shortest time possible please.

Hon. Musyimi Maeke (Kalama, CCU): Thank you, Madam Speaker. I want to say I am among the people who are coming from London. Things are quite different from that place.

Hon. Speaker: You have touched base.

Hon. Musyimi Maeke (Kalama, CCU): Thank you. Madam Speaker, the Motion is timely and especially for the mover of the Motion Hon. Kaloi and if I may say some who come from the Municipal Councils, it is one of the yard stick that our electorate measure as whether to elect us again or not to elect us gain. If they find garbage they do not understand who is supposed to carry garbage. If people find garbage in Machakos town they will look for the MCA and they will want to task him even with carrying the garbage.

Madam Speaker, as we have discussed and much has been said without repeating myself as one important thing we should understand solid waste management is not a single person responsibility; it is a collective responsibility. Let us start here, in our County who is responsible for waste collection? It is the Decentralized Unit department. Who is the author of the

regulations? It is the department of environment so in the first place you find that whoever is responsible for coming up with the regulations is not the implementer of the same.

So there is usually a great gap because even if you try to follow the Decentralized Unit (DU) person, they will tell you this is in the Environment Act. Madam Speaker, personally I am environmental engineer and we have what we call Environment Management and Coordination Act (EMCA) and the National Environment Management Authority (NEMA) rules and regulations. In every building, one has to give an explanation to where they are going to take their solid waste and also to give an explanation how they are going to handle their liquid waste that is waste management principles.

Madam Speaker, you are going to find out that the department of environment has the powers to go and find if the environment is made dirty and they have the responsibility to ensure the environment is clean but remember they are not responsible for cleaning the environment. We should start first by ensuring this work of garbage collection goes to the rightful owner which is the department of environment.

Secondly, when it comes to the Regulations, Madam Speaker, we need it done as quickly as possible. This is because, Madam Speaker, you are going to understand that if I am found throwing garbage there should be a law which should punish me. Laws work very well and Kenyans love laws and if definitely there is a regulation which is going to be put I will not be able to throw away a bottle if somebody is there. We have met the Chief Officers and everybody is complaining about jobs; we do not have enough staff, inspectors and people to implement. It is also high time for the concerned department even if it means redeployment of the workers we have in Machakos so that we get proper waste collection.

We have spoken about the issue of privatization. Madam Speaker, it is a very---

Hon. Speaker: Kindly conclude.

Hon. Musyimi Maeke (Kalama, CCU): In conclusion, I support the Motion and I say it is high time we get a clean Machakos. Thank you.

Hon. Speaker: Thank you very much, Hon. Member. This motion has been hundred per cent supported.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House adjourns to Tuesday, 24th October, 2023 at 2.30 p.m. Thank you, Hon. Members.

The House rose at 12.34 p.m.