

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



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THIRD ASSEMBLY
(THIRD SESSION)

**THIRD REPORT OF THE ENVIRONMENT AND NATURAL
RESOURCES COMMITTEE**
ON
**THE FIRST HALF YEAR STATUS REPORT FOR THE
DIRECTORATE OF ENVIRONMENT AND NATURAL RESOURCES**
FOR THE FY 2023/24

MAY 2024

1.0 PREFACE

1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

1. Honorable Speaker, the Environment and Natural Resources committee is established pursuant to Standing Order 190 to carry out 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 refuse removal, refuse dumps and solid waste disposal; water management systems in built up areas and water sanitation services.

1.2 COMMITTEE COMPOSITION

2. Honorable Speaker, the committee as currently constituted has the Following membership.

1. Hon. Fredrick Kitetu	Chairperson
2. Hon. Catherine Kyee	Vice Chairperson
3. Hon. Margaret Ndalana	“
4. Hon. Judas Ndawa	“
5. Hon. Phoebe Koki	“
6. Hon. Francis Ngunga	“
7. Hon. Fredrick Kitetu	“
8. Hon. Winfred Mutua	“
9. Hon. Catherine Muia	“
10. Hon. Erick Musembi	“
11. Hon. Boniface Maeke	“
12. Hon. Philip Ndolo	“
13. Hon. Mary Nthenya	“

SECRETARIAT

3. The committee secretariat comprises of the following
 1. Susan Kiluva - Clerk Assistant
 2. Kavita Mutuku - Clerk Assistant
 3. Herman Njuguna -Senior Hansard Editor
 4. Christopher Nzimbi - Sergeant at Arms

3.0 PREAMBLE

3.1 INTRODUCTION

4. Honorable Speaker, **Article 183 (3)** of the Constitution of Kenya provides that the County Executive Committee shall provide the **County Assembly with full regular reports on matters** relating to the County. **Section 166 (1)** of the Public Finance Management Act requires an Accounting Officer for a County Government Entity prepares a report for each quarter of the financial year in respect of the entity and submit it to the County Treasury not later than fifteen days after the end of each quarter.
5. Through a letter dated 9th February, 2024 Ref No. MKSCA/PCS/CMM/ELENRV/VOL.4/31, the Committee on environment and Natural Resources requested for the half year status report from the directorate of Environment and Natural Resources for the FY 2023/24. Consequently, the County Assembly received a report from the Directorate of Environment and Natural Resources through a letter dated 15th February, 2024 containing the said report.
6. Standing Order 190(5) of the Machakos County Assembly Standing Orders provide for the functions of Sectoral Committee, being and not limited to:
 - a. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
 - b. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
 - c. Make reports and recommendations to the Assembly, including recommendations of proposed legislation.

4.0 STATUS REPORT FOR THE DIRECTORATE OF ENVIRONMENT AND NATURAL RESOURCES FOR HALF YEAR 2023/24

4.1 Budget Allocation

Hon. Speaker;

7. The Budget allocation for the financial year 2023/24 was Kshs 9,546,172 for recurrent expenditure and Kshs 24,900,000 for development expenditure.

4.2 Budget utilization by the department

8. For the period under review, the budget for the department has been utilized follows:

4.2.1 Environmental Surveillance and Enforcement

9. The department has engaged on environmental surveillance and enforcement of environmental laws and regulations, addressing issues of noise pollution, waste water discharges and illegal sand harvesting. Several restoration orders have been issued and 3 prosecutions done where the culprits were convicted and charged

4.2.2 Project implementation

10. The department has undertaken the following programmes:
 - i. Purchase of the Office Furniture at Machakos departmental offices at an amount of Kshs. 500,000. The amount paid as at the time of reporting was Nil. The implementation status is at 10 per cent as Procurement is ongoing.
 - ii. Tree planting across the country at a cost of Ksh. 3,500,000. The amount paid as at the time of reporting is Nil. The implementation status is 30 per cent and procurement is going on
 - iii. Rehabilitation of wetlands at a cost of Kshs 20,400,000. The amount paid as at the time of reporting is Nil. The implementation status is 30 per cent and procurement is on going

The wet lands include in the following areas

- i. Kiuu Springs/Kyangunya at Ksh. 5,040,316
- ii. Kisengeu at Ksh. 5,272,100
- iii. Kavwele spring at Ksh. 4,829,200
- iv. Maiuni Springs at Ksh. 5,485,825

4.2.3 Partnerships

11. The department in partnership with stakeholders has managed to plant about 14,000 trees as follows:

Machakos University, Maruba Dam 10,000 assorted indigenous tree seedlings

Kenya revenue Authority, Kalimanzalu hill, Kalama 2000 assorted indigenous tree seedlings Machakos county government in partnership with Greenland development SHG-Iiani Primary School planted 2,000 tree seedlings.

5.0 COMMITTEE OBSERVATIONS

12. Hon. Speaker, the Committee made the following observations;

- i. The committee observed that the department has utilized Ksh. 300,000 as per report by the Office of the Controller of Budget (OCoB) which is equivalent to 3.1 per cent of the recurrent expenditure by December 2023.
- ii. That the department has utilized Nil budget as reported by the Office of the Controller of Budget December, 2023 on development expenditure by December 2023.
- iii. The department did not submit evidence of the prosecutions done during environmental Surveillance Enforcement
- iv. The department did not submit a report of the status of the planted 14,000 trees planted through partnerships.
- v. That the department had a budget of Kshs 3,500,000 for tree planting across the country. No tree had been planted by the end of the reporting period.

5.1 WAY FORWARD BY THE COMMITTEE

13. The committee wrote to the Chief Officer, Environment and Natural Resource, requesting for a response on the following issues:

- a) Why the absorption of the budget was low? Strategies in place to ensure that all the budget is utilized by the end of the financial year.
- b) The status of the 14,000 trees planted and the strategies in place to ensure that they survive.
- c) In which industries or companies did the department carry out Environmental Surveillance and enforcement of environmental laws and regulations?
- d) There were some prosecutions done where the culprits were charged and convicted; who were the culprits? Is it companies or industries? Or individuals
- e) The committee in its report on the half year performance report for the department for the FY 2022/23, recommended that the department sets a budget for implementation of the mandate for the three inspectors. Was the budget set aside?
- f) What are the challenges facing the department in its execution of its mandate?

5.2 RESPONSE FROM THE CHIEF OFFICER

14. Hon. Speaker, the response via a letter dated 15th February, 2024 stated as follows:

5.2.1 Strategies in place to absorb the budget by the end of the financial year

15. Asked on what were the strategies in place to ensure full budget absorption by the end of the financial year, the Chief Officer responded that since the procurement process for the projects was almost complete by December, 2023; the department will ensure that Actual implementation of the projects will be done by the end of financial year.

5.2.2 Status of the 14,000 seedlings planted in the first half year 2023/24

16. The department has planted 14,000 tree seedlings through partnerships. Machakos University has planted 10,000 tree seedlings at Maruba dam while Kenya Revenue Authority has planted 4000 seedlings at Kalimanzalu.

17. The department reported that due to the rainy season, the tree seedlings are doing well. On how to ensure that the trees survive in the hot season, the department has collaborated with Maruba Water Resource User Association (WRUA) and Muumandu Kalimanzalu CFA to water the seedlings and protect them from illegal grazing.

5.2.3 Budget for implementation of mandate of Environmental Inspectors

18. Three (3) Environmental inspectors were appointed in the financial year 2022/23 to carry inspections as provided in Section 117(2) of the Environment Management and Coordination Act, 2012 the department does not have a budget to enable the inspectors to carry out the mandate as provided by the law.

5.2.4 Surveillance and enforcement of environmental laws and regulations

19. Five prosecutions were done whereby five (5) people were prosecuted for carrying out illegal sand harvesting activities in non-designated sites contrary to Section 33(b) of the Machakos County Sand Harvesting Act, 2014 as read with Section 33 of the same Act. Each of them was fined Kshs. 20,000 (Annexure1)

20. The department further made several restoration orders against illegal quarrying activities. (Annexure 2)

6.0 COMMITTEE SITE VISITS

21. The committee resolved to carry out site visits by the end of the financial year since no implementation of projects had been done under development budget.

Further observations

22. The committee observed that the 3 gazetted environmental officers as provide by section 117 have been assigned to carry out their mandate in the whole County. In the first half year of 2023/24, the inspectors were able to carry out some duties as reported above even without a budget.

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24. The County has in the last few months experienced heavy rains, flash floods and increasing river levels that have caused fatalities, displacement of people as well as infrastructure damage, livestock and property losses and restricted access to roads in various parts of the County particularly in Mavoko, Masinga and Matungulu sub-counties. In addition public service infrastructure and commercial services also suffered damage from heavy rains and flooding. The committee is worried about the potential risk of waterborne diseases due to contamination, waterlogging, and restricted access to water, and sanitation and hygiene (WASH) facilities.

7.0 COMMITTEE RECOMMENDATIONS

25. Considering the low budget absorption rate by December, 2023, which was 3 per cent for recurrent and nil in development expenditure, the department should re-align its procurement and programme activities to the implementation period to improve the absorption rate of development activities.
26. A sufficient budget be provided in the fy 2024/25 to facilitate the implementation of all the functions to be carried out by the Environment Inspectors as provided in Section 117(2) of the Environment and Management and Coordination Act, 2012.
27. Having noted that the County has only 3 gazetted environmental inspectors, which are way few compared to the task mandated to them in the whole County, and considering the task ahead after the recently witnessed floods; the committee recommends that the County Government urgently deploys more staff in this department.
28. One cannot protect the environment unless he/she empowers people, inform them, and help them understand that these resources are their own and that they must protect them (Quote by Prof. Wangari Maathai). In this same spirit, the County Government should ensure that a budget is provided in the FY 2024/25 for sensitization programmes on the importance of environmental conservation to the community.
29. The County Assembly enacted a very comprehensive Bill in 2014 on the Sand Harvesting but up to date, regulations on the same have not been formulated. The Committee recommends that the Department prioritizes in formulation of the regulations to enable the department carry its mandate effectively.

8.0 ACKNOWLEDGEMENT

30. The Committee is grateful to the Offices of the Speaker and that of the Clerk of the County Assembly for the support accorded during the execution of this task. I wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in this exercise. On behalf of the Committee on Environment and Natural Resources, and Pursuant to Standing Order 190 (5)(f) it is now my duty and privilege to present to the House, the Third report of the Committee on Environment and Natural Resources on the First Half Year Status report for the fy 2023/24 for the Directorate of Environment and Natural Resources.

Report prepared by Susan Kiluva (Clerk Assistant)

Signed.....*f.k*.....
Hon. Fredrick Kitetu, Chairperson of the Committee on Environment and Natural Resources
Date.....*14/05/2024*.....