

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 14th May, 2024

The House met at 11.14 a.m.

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

TEMPORARY SUSPENSION OF LIVE BROADCAST OF ASSEMBLY PROCEEDINGS

Hon. Speaker: Hon. Members, I have a communication to make this morning; As you may be aware, the County Assembly has been striving to enhance our studio operations to ensure a seamless and improved experience for both our Members and the public. As a result of the ongoing enhancements, it has become necessary to temporarily suspend the live broadcast of the Assembly proceedings. This decision was not made lightly, and we understand the importance of transparency and accessibility in our democratic processes.

These enhancements are crucial for the long-term efficiency and effectiveness of our broadcasting capabilities. They will enable us to provide even better coverage and accessibility to the public, ensuring that the workings of the Assembly are transparent and readily available to all. During this temporary suspension, the proceedings will be recorded on the HANSARD, and these recordings will be made available to the public in a timely manner. We expect that by the end of today, we shall be able to resume live broadcast of the Assembly proceedings, both on the screens within and outside the Chambers, as well as on YouTube.

We apologize for any inconvenience this temporary suspension may cause and appreciate your understanding and support as we work to improve our services for the benefit of all stakeholders

LIGHTING IMPROVEMENT IN THE CHAMBER

Over the past weeks, we have received several complaints from Hon. Members regarding the lighting conditions in our chambers. Your feedback is invaluable to us, and your concerns were heard and taken seriously. Recognizing the importance of adequate lighting in our assembly chambers, I am pleased to inform you that appropriate measures were taken to address this issue promptly, as you can see. We have two more lights yet to be fixed and the works are expected to be completed before the resumption from the next recess.

We understand that proper lighting is not only essential for productivity but also for the overall well-being and comfort of all Members. As we work towards enhancing the infrastructure in the Assembly, I encourage you to continue providing feedback on any other aspects of

our facilities that may require attention. Your input is invaluable in helping us create an environment that meets the needs of all Members. Thank you for your patience and understanding as we strive to make these necessary improvements. Together, we will ensure that our assembly chambers remain conducive to productive deliberations and meaningful engagement. Thank you, Hon. Members.

PAPERS LAID

MACHAKOS COUNTY DISASTER MANAGEMENT
PLAN AND YATTA WATER SERVICES COMPANY
LIMITED FOR THE YEAR ENDED 30TH JUNE, 2023

Hon. Speaker: We have two Papers to be laid before us; the first by Hon. Nicholas Nzioka, Leader of Majority and MCA Machakos Central Ward and I invite you to come forward and do exactly that.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Paper on the table of the Assembly today, Tuesday 14th May, 2024:

- (i) Report of the Auditor General on Yatta Water Services Company Limited for the year ended 30th June, 2023;
- (ii) The Machakos County Disaster Management Plan;

Thank you, Madam Speaker.

(The Papers were laid on the Table)

Hon. Speaker: Thank you, Hon. Member. The first Paper is committed to Public Accounts and Investment Committee, PAIC while the second Paper is committed to Decentralized Units and Administration Committee.

MOTION

HALF YEAR PERFORMANCE FOR THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES FOR 2023/2024

Hon. Speaker: May I invite Hon. Fredrick Kitetu, Chairperson, Environment and Natural Resources Committee to come forward and take us through that motion.

Hon. Fredrick Muia (Ikombe, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, Pursuant to Standing Order 190(5), I wish to move the motion THAT this Assembly Adopts the report of the Environment and Natural Resources Committee on half-year performance for the Department of Environment and Natural Resources for the FY 2023/2024 as laid on the Table of the House on Wednesday, 8th May, 2024.

I call upon Hon. Catherine Muia to second the motion.

Hon. Speaker: Thank you, Hon. Kitetu. Hon. Catherine Muia.

Hon. Catherine Muia (Nominated, WDM-K): Thank you, Madam Speaker. I second.

Hon. Speaker: Thank you.

(Question proposed)

Before I invite Members to debate on this matter, may I invite the mover of the motion to take us through the highlights of the report?

Hon. Fredrick Muia (Ikombe, WDM-K): Thank you, Madam Speaker. I am seeking your permission and guidance to go through the committee observations and recommendations since the report has been on the website since morning.

Hon. Speaker: So, you would like to take us through the recommendations?

Hon. Fredrick Muia (Ikombe, WDM-K): The committee observations and the committee recommendations.

Hon. Speaker: Go ahead and handle it that way, starting with committee observations.

Hon. Fredrick Muia (Ikombe, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the committee made the following observations:

1. The committee observed that the department has utilized Ksh. 300,000 as per report by the Office of the Controller of Budget (CoB) which is equivalent to 3.1 per cent of the recurrent expenditure by December, 2023.
2. That the department has utilized nil budget as reported by the Office of the Controller of Budget on development expenditure by December 2023.
3. The department did not submit evidence of the prosecutions done during Environmental Surveillance enforcement.
4. The department did not submit a report of the status of the planted 14,000 trees planted through partnerships.
5. The department had a budget of Ksh. 3,500, 000 for the tree planting across the county and no tree had been planted by the end of the reporting period.

Committee recommendations

1. Considering the low budget absorption rate by December, 2023 which was three (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.
2. 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.
3. Having noted that the County has only three (3) gazetted environmental inspectors, who are way too few compared to the task mandated to them in the whole county and considering the task ahead after the recent floods witnessed, the committee recommends that the County Government urgently deploys more staff in the department.

4. “One cannot protect the environment unless he/she empowers the people, informs them and helps them understand that these resources are their own and that they must protect them,” Prof. Wangari Maathai. In this same spirit, the County Government should ensure that a budget is provided in the FY 2024/25 to sensitize programmes on the importance of environmental conservation to the community.

The County Assembly enacted a very comprehensive Bill in 2014 and the Machakos County Sand Harvesting Act 2024 but up to date, Regulations on the same have not been formulated yet. The Committee recommends that the department prioritizes formulation of these Regulations to enable the department carry its mandate effectively.

ACKNOWLEDGEMENT

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 Honourable 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. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. I invite Members to debate on this motion. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCP): Thank you, Madam Speaker. I appreciate the committee for the report they have presented to us and I do support. However, there is a great concern on the extent to which sand harvesting has continued to affect the environment especially in my ward, a place called Muvwike and in Kyumbi town. We have had series of environmental degradation contributed by legal sand harvesting and our cry for help has always fallen on deaf ears. As we speak in Mua Hills, we have almost 200 families not being able to access their homes because of sand harvesting. The sand harvesting is being done in public dams, roads and as a result of that during these long rains the roads was completely washed away and we have very big valleys.

Madam Speaker, from 2014 when the Sand Harvesting Bill was approved in this House, we are struggling to understand why 10 years later a department has not been able to come up with Regulations and that has always been the excuse and if you compare the extent to which these activities of sand harvesting are affecting our environment and the communities, Ksh. 20,000 fine is just a drop. These people just go, pay the fine and in the afternoon if they are arrested in the morning, you will find them coming for the sand in the afternoon.

Madam Speaker, our request to the committee and to the department of environment and climate change is they need to move with speed and provide clear Regulations on how this menace is going to be combated because if we keep giving it a blind eye and for those who normally use Athi River, Kyumbi to Machakos Road it is very evident. If you look at Kyemutheke, we have people doing sand harvesting inside a dam. Past Kithini near Delta petrol station where there were floods a few days ago, we have people even as at today doing sand harvesting right on the tarmac road bearing in mind the impact that could have and these guys have no limit to what extent they can go.

So, as a County as we wait for Regulations to be put in place, I believe there is something we can do to stop this because in future, history will judge us very harshly that as leaders, we were not able stop this and the effects of the same will be felt through generations.

The other thing Madam Speaker, the exercise of tree planting is a very good initiative that if implemented well, it can go a long way in ensuring that the effects of climate change are minimized within our county. I will give an example of the tree planting exercise that happened last week on Friday, following a directive by H.E. the President that people take off from their busy activities. We are spending a lot of money but if a lot of research is not put into it, to look into the environmental factors that contribute to success of tree planting then it will just be a waste of public resources because if we talk of tree planting and the only thing we are doing is *Mithulu*.

In the long term, is it sustainable? So, we need to do proper research and if we have tree planting exercise in the future, we have 40 wards so we need to identify in every ward, areas where can have tree planting and ensure that the trees we are planting match the climatic condition of that area so that we can have---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of information.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. That is my contribution and I do support the motion. Thank you.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of information to the House; not to Hon. Kavyu.

Hon. Speaker: Okay. Point of information taken.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): I happen to be an environmentalist and just to inform the House that, the tree that he referred in Kikamba is called Croton in English. I do not know the scientific term.

Hon. Speaker: Thank you for that interpretation. Hon. Ndawa then Hon. Mbula.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. I request you allow me before I contribute to this; I have an issue that I need to raise. Hon. Speaker, we need to amend our Standing Orders so that we make 11.00 a.m. the official time for starting the plenary and the reason I am saying so is that it has become a practice. Members leave their homes very early to be here by 10.00 a.m. and maybe if I had delayed for one hour, I would have handled one or two things in my ward. Since it is evident Members are available at 11.00 a.m. I kindly request the concerned committee to amend and have 11.00 a.m. as the official starting time for this Hon. House.

Coming to the business before the House, Hon. Speaker, I want thank the committee and the most able Chair---

Hon. Speaker: Can I address on the issue of the Standing Orders being amended? I think we have a procedure of amending our Standing Orders. I believe Hon. Member you know the procedure let us follow that procedure. Thank you. Unless you want me to read the procedure!

Proposal for amendment by procedure and Rules Committee to amendment of Standing Orders. So there is a comprehensive procedure of amending Standing Orders given by Standing Order 226 and 227 and I think that is the right thing to do. Thank you.

Hon. Mbili Ndawa (Matuu, MCCC): Much-obliged, Madam Speaker. Coming to the business before the House, I had said that I want to take this opportunity to thank the committee which I am also a member and also congratulate our most able Chair Hon. Kitetu for this brief and self-explanatory report. Hon. Speaker, some of the issues which are raised in this report are things which are manageable; they are not issues which cannot be managed. Hon. Speaker going to the recommendations, I do not know whether one has the hard copy?

(A hard copy report was handed over to Hon. Mbili Ndawa)

Thank you. Going as per the recommendation, the issue of the budget is there has been raised and Hon. Speaker, I would request as we request for increasing the budget, let us be convinced as a House how the budget which is available has been spent.

(Applause)

The reason why I am saying so and you are aware or everybody is aware here our rains are almost over and Hon. Speaker both the National and County Governments are advocating that we grow trees; leave alone planting. There is a difference between planting and growing.

Of course, planting is where you go planting and you go home and you do not go back to ensure it grows but when we talk of growing, you plant and ensure you water, take care of it until it matures. I think that is the difference. Hon. Speaker, as of now some of the trees that were supposed to be distributed to respective destinations have not reached the destinations for planting and Hon. Speaker, it is becoming a norm when a department is distributing items to respective wards, they go and give them either in ward A or in ward B and that shall subject the area MCA to start incurring unnecessary expenditure for transporting those items to the wards.

A good example is the trees which are supposed to be distributed in Yatta wards. Hon. Speaker, all the trees were damped in Kithimani and no arrangements on how they will be transported to Matuu, Ndalani, Katangi, Masinga and Ikombe. Hon. Speaker, we want to make it clear here, MCAs do not have extra budget to supplement or to support departments.

(Applause)

If any department is distributing foodstuff, milk or trees, let them have good logistics to ensure that whatever is being distributed reaches the intended destinations. As of now Matuu we are yet to receive the trees for planting and the mistake we are making we only plant after the rain has gone. So, the issue of sustaining the trees may not be 100 per cent so we are advising that department to ensure that they do what is required in good time. In fact, we are all aware that rain come in the month of October onwards or late March to May onwards. If we can make arrangements and make sure that we distribute these trees on onset of rains and I am very sure before the rains get to the end it will have supported those plants.

Secondly, the committee is telling us that we have only three gazetted environment inspectors and it is recommending that we deploy more. As member of that committee I want to substitute the word 'deploy' and say we 'gazette more' because we cannot deploy members who are not gazetted.

Hon. Dominic Maitha (Muthwani, WDM-K): Point of order.

Hon. Speaker: Point of order taken Hon. Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, is it in order for an Hon. Member of a committee to contradict a report that is before the House and of which he has already signed that what has been brought before this committee was part and parcel of his contribution. Is it in order, Madam Speaker?

Hon. Speaker: It is not in order at all Hon. Ndawa. Do not contradict your own report.

Hon. Mbili Ndawa (Matuu, MCCP): Hon. Speaker, this is a typo error. It is as far as I am concerned. You can confirm with the Chair. It is a typo.

Hon. Speaker: That should have been addressed to the House that there is a typing error then before you start contradicting.

Hon. Mbili Ndawa (Matuu, MCCP): I thought if I just substitute it will take less time.

(Laughter)

Hon. Speaker: Just stick to the contents of your report.

Hon. Mbili Ndawa (Matuu, MCCP): Yes, but since I am a member it is good to---

Hon. Speaker: You want to contradict the Chair?

Hon. Mbili Ndawa (Matuu, MCCP): I just want to make it clear because if we leave it---

Hon. Speaker: What is the error?

Hon. Mbili Ndawa (Matuu, MCCP): The error is---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of information.

Hon. Speaker: Yes.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker. I think the member knows very well that you cannot amend a report or anything two hours after the plenary starts. Thank you, Madam Speaker.

Hon. Mbili Ndawa (Matuu, MCCC): Madam Speaker.

Hon. Speaker: Point of information taken. Hon. Ndawa, let us hear what the Members have to say. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): I think Madam Speaker, we are all aware that it is not practicable to push an amendment on the floor of the House but I think what the Hon. Member is proposing and there is nothing wrong, if he gets a revelation on the floor of the House that they made a mistake, I do not think there is any harm in raising that. He is not recommending that we amend now but he is an highlight that he is raising which is very appropriate and very okay because the environmental inspectors needs to be gazetted before they are deployed and the challenge that we are having across the entire County is we only have three. So, the corrective measure should be to have more gazetted and probably trained so that they can now be deployed so I do not think there is a problem.

Hon. Speaker: I still feel it is an amendment because it is changing the content.

Hon. Francis Kavyu (Kinanie, MCCC): Not the report; it is the recommendation that is--

Hon. Speaker: From the floor or from where?

Hon. Francis Kavyu (Kinanie, MCCC): You can be a member of committee Madam Speaker and get some revelation that you never got during committee.

Hon. Speaker: Revelation?

(Laughter)

No we do not operate with revelations in the House. Restrict yourself to the contents of the report.

Hon. Mbili Ndawa (Matuu, MCCC): Hon. Speaker, I do appreciate the sentiments from the previous contributors who were trying to give me that information and I welcome that information but the fact remains, environment is a function of the National Government and since it is a function of the National Government, us as a County we have got no capacity to gazette members of the environment inspection. We only request the concerned--

Hon. Speaker: Point of information taken. Hon. Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Hon. Speaker. This House seems to be contradicting this House. The Hon. Majority Leader worked in the department of environment in the previous municipal council. He is a member of the Environment Committee and very well understands that the County Government of Machakos has the powers to gazette inspectors. The Hon. Member needs to attend the committee sessions more so that he can

understand because we had a session with the Chief Officer and said he has powers to gazette the environmental inspectors.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of information, Hon. Speaker.

Hon. Speaker: Point of information taken.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Of course, the Minority Leader is attempting to change the content of the report in the floor of the House which is not procedural but I also want to inform him, there are some functions that are devolved in environment. It is both a National and County Government function and yes indeed as Mheshimiwa Dominic said the County has authority to gazette environmental inspectors and there is a process and again I do not think the CECM Environment is mandatory for her to get an approval from this House to gazette and environmental inspector.

It is a very administrative thing within the department to decide whether to gazette an officer or not so Mheshimiwa Minority Leader, do not belabour to change the content of the report in the floor of the House. Thank you.

(Applause)

Hon. Speaker: Thank you. I hope you are well-guided. Proceed.

Hon. Mbili Ndawa (Matuu, MCCC): I am well-guided but I still maintain Standing Order 52 is the one which talks about amendments and it is talking about amendments of motion. This is not a motion, this is a report; it is a motion which is taken care by that Standing Order.

Hon. Speaker: I have made a ruling on that that the County has all the powers to do it administratively and gazette more environment inspectors. You do not have to struggle so hard to help them. Let them do their work.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. Education has no end; we keep on learning from day to day so that is a very good and healthy debate. When a Member and another one are exchanging and they are not abusing each other, that is what we call debate and that is how debate should continue. So, Hon. Speaker, since now the Majority Leader has made it very clear that the County has powers to gazette, in my submission, I would request that whatever is supposed to be done let it be done so that we can be able to address that issue.

Going to the other issue, Hon. Speaker, we have raised the issue of Sand Harvesting Act 2014 and Hon. Speaker in our report we have made it very clear that there are no Regulation. So, Hon. Speaker, I will request that whoever is supposed to formulate if it is the department let them come up with the Regulations so that the concerned committee that is the committee on Delegated Legislation can be able to move very fast to ensure that we have the Regulations so that we be able to use that Act of 2014.

Hon. Speaker, in the absence of the Regulations, if you arrest someone harvesting sand, you will not be able to charge him in any court of law and if you take him or her to any court of law, the court will not agree with you. The person will be set free because you do not have

Regulations so for us to be effective, let us have the Regulations in place. Otherwise, Hon. Speaker, I support the report. Thank you.

Hon. Speaker: Thank you very much, Hon. Ndawa, for that support. Hon. Mbula.

Hon. Constance Mbula (Nominated, MCCC): Thank you, Madam Speaker. I want to support this report and more so for those Members who were here in 2012 Assembly, if you can remember and Hon. Ndawa was here, we passed a motion of sand harvesting to be stopped and it never happened; we are still waiting.

Hon. Mbili Ndawa (Matuu, MCCC): Point of information, Hon. Speaker.

Hon. Speaker: Point of information taken.

Hon. Mbili Ndawa (Matuu, MCCC): Hon. Speaker, I just want to inform my good friend that a motion is not enforceable; you cannot go arrest someone harvesting sand and you say Assembly approved a motion. A motion is not enforceable.

Hon. Speaker: I hope Hon. Mbula, you are well-guided.

Hon. Constance Mbula (Nominated, MCCC): I am well-guided, Madam Speaker. I also want to inform the Member that we do not say it here and go and do it out there. There is a department that is supposed to do that Hon. Member. I want to give an example of Makueni. Please, Makueni is no go zone for sand harvesting and that happens up to today because they did it in the Assembly and the rules and laws were followed. I want to say on this kind of sand harvesting, it is just pathetic; our County situation is wanting. You go to where there used to be rivers, now they are valleys and it is happening in front of Chiefs because Chiefs cannot control those boys.

One time I was there and they said okay Chief, give us food, this is how we and our families eat and so the Chief would not do it. It is the only County department that can do this; you cannot do it as a Member of this Assembly yourself. Hon. Speaker, those valleys have become rivers; I am an example of having a valley in my area which was a stream and now it is a very big valley and where it is ending the water, the person is now claiming to be paid Ksh. 2 million. He had fenced and the fence fell, he had vegetation and it was destroyed and he behaves like he does not know what he is doing because this was calamity. It happened to everyone and I would also want to know if it is the Government going to pay such people or you deal with the same people.

Hon. Speaker, I wish we can finish this kind of sand harvesting; it is painful, it is bad because you find where you are driving out of your house, lorries are there parked day and night and you cannot talk. I do not know if the authorities are aware. Please I need to be informed by the person who came up with this report which is a good report and I support it but we need to look at it as the County of Machakos residents. It is us to do the most of it even before the department comes. We need to talk to people and know what is happening Hon. Speaker. Thank you.

Hon. Speaker: Thank you very much, Hon. Mbula. Hon. Ndeti, Hon. Mulinge in that order.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you very much, Hon. Speaker. I first appreciate the committee for the report but without having to talk much. I think what we are lacking as a county is Regulations or a law to regulate these sand harvesting and it is not just sand harvesting. Mheshimiwa Mbula if you remember in Mua tarmac road when it was raining too much rain, there is a day no one could pass because the youth are coming at night, they are harvesting red, pink soil (??) and in the process they leave very big gullies and at the end of the day trees fall off and the road was blocked. So as a County we need to come up with a law and a board that can manage these menace. Thank you, Madam Speaker.

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

Hon. Joseph Mulinge (Muvuti/Kiima Kimwe, MCCP): Thank you, Madam Speaker. I will start by saying that the motion that we are having is a very important motion which well-addressed can help the communities to grow in terms of resources. When you talk about environmental resources, natural resources, we are talking about the wealth within our County. For instance, environmental resources are water, vegetation and atmosphere and on the other side of natural resources we are talking about natural gas, oil, sun, stones and others. Madam Speaker, the notion with the Kenya Kwanza government or with the President is to plant or grow trees the way the Minority Leader said as much as we can. The reason why he narrowed on growing trees is about to mitigate the climate change. The benefit that comes with growing vegetation.

Madam Speaker, I have listened part of the debates by our Hon. Members; sand is one of the natural resources and harvesting does not mean taking away without controlling. When we talk about harvesting water it means that you need to have gutters, tanks to collect water so the case of sand harvesting does not mean you harvesting without collection it. So, I would say, sand being one of the natural resources, we cannot say we close 100 per cent. What we say is let the department come up with the right policies like the way we have in the National Government; policies to maintain all to conserve our natural resources.

So, let the department of natural resources and environment come up with policies and we are not saying policies are not there, they are there what it is the implementation part of it is the one that has not taken place and we have been told in the report the department, the absorption of the budget allocated is very low so it means that the department concerned is not doing what is supposed to do because if we can use the resources very well, they can empower the communities. Madam Speaker, I remember on Friday we were planting trees but in my ward, as their representative, the trees that we planted when we have very many nurseries from Muvuti/Kiima Kimwe were collected from elsewhere. Somebody else delivered so I request again so that we can motivate the communities or the people we are representing to plant trees as one of the natural resources.

When it comes to procurement of the trees to be done on ward levels because we have very many nurseries and that is a way of motivating. So Madam Speaker, the motion we are talking about is very important and it is one of the motions if it is well addressed can create wealth to groups of youth and women in our communities but it needs to be supported very well.

Lastly, Madam Speaker, one of the contributors talked about planting of *thuli*; in English Majority Leader you told us it is called what? Croton! Madam Speaker that is a viable tree; croton in Makueni, the fruit produced by the croton---

Hon. Speaker: Croton.

Hon. Joseph Mulinge (Muvuti/Kiima Kimwe, MCCP): Croton, yes even Muthuli still in botany you.....in Makueni they are using the seeds to feed chicken so it is a very important tree. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Mulinge. Hon. Katiti, Hon. Paul Wambua, Hon. Maitha in that order.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Madam Speaker. I want to thank the committee for such a report although to me it has some errors. I do not know whether it was typographical or intentional. One I want to go to the terms of budgeting on 4.2.2(ii) where they are saying the tree planting across the country at a cost of Ksh. 3.5 million. This is not the country but the County and the same word the country is being affirmed in 5.5(v) where they are still saying across the country so let them correct that. It is not the country but the County.

The other issue is about the procurement process there is a report on the cost of rehabilitation of wetlands at a cost of Ksh. 2,400,000. The time that the report I can see that the report was brought here in the Assembly on 15th February, 2024 and that meant that we are in the middle of third quarter and they are saying the procurement process was still going on though the implementation the money paid at that time of reporting is nil so let them check on the procurement process and hasten it so that it can be by the end of second quarter.

The other thing is on these wetlands and it is also essential and prudent that we know where they are. To me Kiu springs it can be at Mbooni or anywhere in Nyahururu so let us know where it is so that we can know the wards where those wetlands are.

The last one is about further observations in 6.0 that is No. 23 where the committee...the County in the last few months experienced heavy rains. This report was a report at the end of December, 2023 so I do not know where those heavy rains were coming from because those few months, I do not know which few months because the onset of those rains began in the beginning of November and there they are anticipating the risk of water borne diseases and contamination of water so that to me, the anticipation is not right. So I support the report. Thank you.

Hon. Speaker: Thank you very much, Hon. Katiti. You have made some observations. You do not understand where these few months are from yet the report was done end of last year so maybe the Chair will be clarifying that as the reply. Let us proceed; Hon. Paul.

Hon. Paul Wambua (Kibauni. PTP): Thank you, Madam Speaker. Madam Speaker, I want to thank the committee on environment for coming up with this report but also ask them because as I heard some Members of the committee having discussions about amending some aspects of the report which they ought to have proofread before it came to the House for debate. Madam, Speaker, I want to inform my good Hon. Majority Leader that Muthulu, the botanical name is *croton megalocopus* and as my good friend Hon. Mulinge says it is a very important tree, very natural and indigenous and easy to grow in our areas.

Madam Speaker, natural resources cut across the natural heritage that Machakos is bestowed upon by our good Lord and these includes sand, trees, stones like the ones harvested at Kaseve and among others. Madam Speaker, the department tried during the tree planting day to distribute seedlings. However, I want to fault it for poor planning, poor sense of procurement because the Governor's wish is that we bring *chakula mezani* and *pesa mfukoni* and we will not bring *pesa mfukoni* when we buy trees from other people other than the locals who need to plant these trees.

Madam Speaker, there is one ward I cannot remember which one where the seedlings were dropped next to a nursery which belongs to a self-help group and the locals did not bother or pick even a single seedling they said if you cannot buy from us then we are not going to plant yours we will plant ours. So in the spirit of *pesa mfukoni* I would urge the department, in the future, to buy seedlings from our own farmers.

Madam Speaker, these seedlings that we received in Kibauni they passed through a very long process of distribution because first they went around Mwala sub-county and later came to Kibauni so we got each sub-location received 80 seedlings of *mukengeta* if I may call it that which were very emaciated if we had bought from our own farmers then we would get a little bit healthier seedlings. Madam Speaker, I looked at the report and saw that there expenditure is at procurement stage. Some at 10 per cent, another at 30 per cent procurement stage at this time of financial year, it then means we shall be returning money meant for development to the Exchequer which should not be the case and that is why I am saying there is someone dropping the ball in terms of procurement and our own planning.

Madam Speaker, we need to improve that but I want to congratulate the committee and ask them to work and push a little bit harder and ensure that the budget we are working on is ward-based because I would want to know what is in for Kibauni as I pass the budget and every other Member would like to know what will come to their ward in the new budget. Madam Speaker, I support the report but ask that committee to pull up its socks. Thank you.

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

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker, I want to be very brief. I want to point at a few things that the committee has highlighted. One is absorption rate. Madam Speaker, it is high time these Hon. Members now take this matter very seriously. In the next three or two weeks we will be scrutinizing budgets for various departments and I want to through a spanner in the box to these Hon. Members. Any department that has been unable to absorb the monies that were given to that department should not be allocated any further monies Madam Speaker. We cannot be taking of absorption rate yet our people down on the ground are suffering; we would better put those finances in departments that have already delivered and we have those departments at hand.

So I want to ask these Hon. Members when it comes to the issue of scrutinizing those budgets let us not joke about this matter. Madam Speaker, we are heading to the elections in the next few years and we will be questioned by our people what we did with the budgets that we gave to these departments. So if your department is not performing Madam Speaker, we need to forget about that department and give that money to a department that is able to absorb on time. Right now no department is able to procure for the few days that are remaining Madam Speaker, and be able to absorb the entire budget.

Secondly, Madam Speaker, the issue of sand harvesting is a thorn in the flesh and I wish to echo what the Hon. Member has said; we need to borrow a leaf from Makueni County Government. The Members of environment committee you remember one day we had a meeting at Weston hotel when we were discussing the issues of FLLoCA and one of the directors of Makueni that lady you recall said the only way they managed to enforce a Sand Harvesting Act is to have a Sand Harvesting Board in place which can control the policies and Regulations in place.

So I would seek your direction Madam Speaker on this matter that the committee be granted an opportunity by yourself maybe some time to come in the next few months to come so that we can borrow a leaf from Makueni and be able to understand how we can achieve. Yesterday with Hon. Phoebe and some Members at the cafeteria we discussed this matter of sand harvesting. Madam Speaker, honestly speaking it is too complex and unless we borrow a leaf from those who have managed to deliver then we might belabor so much and be able to achieve too little.

Lastly, Madam Speaker, we are facing a serious challenge in almost every department about Regulations. Madam Speaker, it is the high time I think we need to have a multi-stakeholder engagement between the County Assembly and the Executive so that we can know how long it is going to take because this assembly has no powers to come up with Regulations. Ours is only to proofread them and align them with the existing laws so that the Assembly cannot be the author and implementer. So this is a matter that needs to be addressed Madam Speaker, so that this Assembly does not have to belabour so much on certain issues meant to assist the public and the people who elected us to this House by keeping on pushing for these Regulations to come.

So as I support the committee's report Madam Speaker, I urge the Members in this Assembly, right now we are speaking about an environmental report. The effects of environment are explicit in the just concluded rains. As an Assembly how do we address this matter? I am quite devastated when I hear a department cannot procure trees worth Ksh. 3.5 million Madam Speaker and then they will come here and demand more money to plant trees and then this matter also Hon. Members need to be relooked. When you scrutinize budget you will find in almost every department in this County they have a budget for planting trees. It is the high time we ask them; we allocated you this amount can you show us where you planted the trees, where you sourced them from and who can ascertain that that exercise was undertaken in a proper way and the fruits of its execution are being felt by the public on the ground.

So, Madam Speaker, as I support the report I ask of these Members, kindly let us scrutinize our budgets properly going forward. Let us not allocate monies for the purpose of allocating monies. Let us allocate monies to departments that are able to absorb and deliver the results of what we promise the electorate. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Maitha. Very important points you brought out there. Members we need to have these Regulations in place as a matter of urgency. Secondly, we need to be very vigilant in terms of benchmarking maybe with Makueni the way many Members have said best practices on sand harvesting so that we can also bring them here so that we can use them to do the right practices.

Lastly, the issue of budget is really biting from what Members have said. We cannot keep on adding money or adding budget to a department that is not utilizing what we had already

given.

(Applause)

This is a very serious point Members we are the makers of the budget and approvers of the budget we need to know how to handle these issues going forward. Thank you, Members. At this point may I invite the mover of the motion to quickly reply? Okay. Hon. Felix Ngui.

Hon. Felix Ngui (Katangi, WDM-K): Thank you, Madam Speaker. I felt that I should give a few points concerning the report that we are discussing and I have three points. One, we are talking about planting trees and my request is this; the committee maybe to engage the department. When we talk of planting trees I think it is important that a research is done on the type of trees that can survive in different areas for example the kind of trees that can grow in Yatta plateau where I come from, the kind of trees that can grow at Muvuti/Kiima Kimwe and the hills and all that because on Friday we received some funny trees and some cannot even grow at our plateau.

Again a follow up needs to be done when the county engages our people in planting trees. A follow up is very important like last year we planted trees the department should be telling us how many trees survived in Katangi ward, in Matuu or in Ekalakala. We need to get such type of a report. So my point is that a research is important to be done when we are talking about planting trees.

Secondly, I want to talk about sand harvesting because that Bill was passed when I was a Member of this County Assembly in the First Assembly and it is worrying that up to now there are no regulations to enforce that Act. We are talking of Makueni and benchmarking and we can talk of this four for as many years as we can talk about but I want to tell you Makueni are serious. A County that cannot come up with Regulations, is it possible for them to come up with an authority because in Makueni there is a sand harvesting authority in place that is making sure that sand harvesting is controlled.

So I am proposing this; I think the departments of our government lack capacity to come up with Regulations and my suggestion is can we provide them with budget so that they can engage consultants who can help them to come up with Regulations bring them to this Assembly and we approve them so that we can keep on going.

Hon. Speaker: They have to show us what they have done with the earlier budget.

Hon. Felix Ngui (Katangi, WDM-K): I think they lack capacity. So, lastly, I also want to support the point of many Members who have spoken. The trees we are getting to plant in our wards I do not know where they are coming from and we get very young seedlings that cannot survive. The department can consider procuring these seedlings from our farmers down there because they are there.

(Applause)

In fact, Madam Speaker, as time goes by the issue of tree seedlings is going to be a very big scam in this country. The President is talking of planting 15 billion trees but at the end of the five years out of the 15 billion trees that will survive maybe 500,000 trees because it is a big

scam. This needs to be looked into and maybe we engage the local farmers who have those seedlings within our wards. Thank you, Madam Speaker. I support the report.

Hon. Speaker: It is the work of this Assembly to oversight and make sure that the tree seedlings are bought from the right farmers. It is our work so let us do our work.

(A Hon. Member spoke off record)

I had closed because of time and I hope I will not have offended you but time is not with us. Hon. Kitetu please come forward and reply then we make a conclusion.

Hon. Fredrick Muia (Ikombe, WDM-K): Hon. Speaker, great minds do not move together but do meet at a common venue of reasoning.

(Applause)

So, thank you, Hon. Members for your healthy contribution and supporting my report. Thank you, Madam Speaker.

(Applause)

Hon. Speaker:

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR MEETING WITH THE ASSEMBLY LEADERSHIP

Hon. Speaker: I have a brief announcement to make. After this I am meeting with members of the leadership of the House, the Chairs, Vice-Chairs, members of the Speaker's Panel in this chamber after this plenary. Thank you.

ADJOURNMENT

Hon. Speaker: At this point the House adjourns to Tuesday, 14th May, 2024 at 2.30 p.m.

The House rose at 12.25 p.m.