

REPUBLIC OF KENYA
KIAMBU COUNTY ASSEMBLY
THE HANSARD

Wednesday, 11th July, 2018

The County Assembly met at the Assembly
Chamber at 2.30 P.M.

(The County Assembly Speaker (Hon. Stephen Ndicho) in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

FORM FOUR HISTORY CLASS FROM THIKA HIGH SCHOOL

The Speaker, (Hon. Ndicho): Hon. Members, once again this afternoon we are privileged to have visitors from Thika High School. Thika High School is in Thika Town and the students that have visited us this afternoon are form fours who are majoring in History. History is that subject that leads people to even be politicians because they read of the history of politicians and leaders who have been in the world for several millenniums, decades and years before.

So, I take this opportunity on behalf of the Assembly to welcome you students to this Assembly. Any time you want to come here this is your Assembly; you can come and learn how debates and businesses of the House are conducted, and we feel privileged to have you as your visitors this afternoon. Feel free, and we welcome you once again.

Thank you and may God bless you!

(Applause)

PAPERS

The Speaker, (Hon. Ndicho): Hon. Members, we have several papers to be laid by different Chairpersons of different Committees. I will encourage that after the Chairperson has laid the Papers, he can comment and expound on what the Papers he has laid are talking about.

I will also encourage a Member or two to comment and say a word or two. This will encourage our visitors to see how debate is conducted.

REPORT OF THE SECTORAL COMMITTEE ON TRADE, TOURISM
AND COOPERATIVES ON A PUBLIC PETITION REGARDING THE
RIGHTS OF A MEMBER OF KIKUYU DAIRY FARMERS COOPERATIVE
SOCIETY

*(Paper laid by Chairperson Trade, Tourism and Cooperatives, Hon.
Kagwe)*

Chairperson Trade, Tourism and Cooperatives, (Hon. Kagwe): Thank you Mr. Speaker!

Mr. Speaker Sir, one Mr. David Kiagonyo Kung'u, a resident of Kikuyu submitted a Petition regarding the denial of his rights as a Member of Kikuyu Dairy Farmers Cooperative Society Limited that was subsequently tabled pursuant to Standing Order 235 of the County Assembly of Kiambu.

Mr. Speaker Sir, pursuant to Standing Order 237 of the County Assembly of Kiambu Standing Orders, the Petition was committed to the Committee on Trade, Tourism and Cooperatives for consideration.

Honorable Speaker, the Committee proceeded with the consideration of the petition as follows:

- i. Set up the terms of reference – consideration of the prayers;
- ii. Invited the petitioner Mr. David Kiagonyo Kung'u on Wednesday, 27th June, 2018 and received submissions from him;
- iii. Made inquiries on the matter from the Cooperatives Tribunal.

Mr. Speaker, the Committee wishes to thank the Honorable Speaker of the County Assembly of Kiambu and the office of the Clerk for facilitating the Committee to undertake inquiry on the matter.

Mr. Speaker, the Committee, after considering the Petition, noted this about the Petitioner;

1. That he was a former Chairman of Kikuyu Dairy Farmers Cooperatives and registered as member no. 1539;
2. That he had been denied his rights as a Member of the Dairy Cooperative Society to have a Special AGM convened;
3. He also submitted that he had not been compensated Kshs. 350,000 for milk he had supplied for 5 months;
4. He submitted and requested that the Honorable County Assembly intervenes and takes the necessary actions and give necessary and appropriate directions to have his rights granted as a Member of the Kikuyu Dairy Farmers Cooperative; and,

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5. The Petitioner also submitted that the matter had been presented before the Cooperatives Tribunal, and a statement ruling on the matter had been issued vide the Cooperatives Tribunal CTC No. 519 of 2016.

Mr. Speaker, the Committee raised the following concerns in relation to the Petition;

1. Justification on the status of the matter in question did not have documented proof;
2. Clarification on whether the matter was before the Court of Law or a Legal Institution;
3. Whether the matter in question had been resolved or not.

Mr. Speaker, this is what the Committee recommended; that having considered the submissions of the Petitioner and the evidence gathered from the statement on the ruling of the matter by the Cooperatives Tribunal, the Committee dismissed the Petition pursuant to Standing Order 233 (f).

Mr. Speaker, annexed with the report is the Cooperatives Tribunal Statement Ruling CTC No.519 of 2016.

Thank you Mr. Speaker!

The Speaker, (Hon. Ndicho): Very well!

Is there anybody who would like to make a comment on that Report?

You realize that the Assembly is the vocal point for all the 2 million citizens that are in Kiambu County. When one feels aggrieved and he has gone to the Chief, Sub Chief, D.O. or the police man or even any other source of help and feels like he is not getting help from that place, he has got recourse in this Assembly. They know that if their matter is brought here, it is going to get the attention of the political leadership of the County.

Therefore this Assembly sometimes behaves like a court of law where Petition are brought and prayers are made and it can make its own ruling on a particular issue like that one. That is why Mr. David Kiaguyu Kung'u found it prudent to file his petition with this Assembly trying to see whether he can get reprieve from this Assembly. Fortunately, the matter was before the Committee as we have heard the Chairman say and it was dismissed from there.

What were the observations of your Committee Mr. Chairman?

Chairperson Trade, Tourism and Cooperatives, (Hon. Kagwe): Hon. Speaker, the observations of the Committee is that since the matter was before the tribunal and the tribunal had concluded the matter, we invoked Standing Order no. 233 (f) which states that, "...indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory."

Mr. Speaker since the matter had been heard by the tribunal, we found it prudent to dismiss the Petition.

The Speaker, (Hon. Ndicho): Very well!

Hon. Members, as the Chairman is saying, you realize that if a Petition or a prayer is brought to this House, the Committee investigates whether the matter is before a court of law. If the matter is before a court of law, this House cannot debate it. In law it is called *sub judice*. The *sub judice* rule provides that if a matter is before a court of law, then it is not right to discuss that matter. This is like a court of law, and when a matter is in one court of law, you cannot take that matter to a court of law.

The Committee found that that matter had been taken to the court of law, and therefore when it was decided by that other court, there is nothing that the Assembly can do to reverse the determination and decision of that court. In law it is called *res judicata*; this means that a case has already been decided by another court. And so, as an Assembly finding a Petition or a prayer has been decided by another court, it will be *res judicata* and therefore it falls on its face.

It is therefore advisable to inform your electorate that before they take a matter to a court of law, let it come here first. What it can only get here is a political direction, and when you make a decision in this House, it has got the same force as a court of law and it is enforceable. But if he takes it to another court it becomes *sub judice* and if that court decides upon it, it becomes *res judicata* and this Assembly can do very little, if not nothing, about it.

Hon. Members I hope that you have learnt something this afternoon.

REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND INFRASTRUCTURE ON A PUBLIC PETITION REGARDING GITHIGA-KAMONDO ROAD TO TING'ANG'A VIA TING'ANG'A ESTATE IN IKINU WARD GITHUNGURI SUB COUNTY

*(Paper laid by Chairperson Transport, Public Works and Infrastructure,
Hon. Kaberi)*

Chairperson Transport, Public Works and Infrastructure, (Hon. Kaberi): Mr. Speaker, the content of the Report elaborates further on the petition by the residents of Ikinu which the Hon. Member for Ikinu, Hon. Stanley submitted on their behalf.

They were claiming that they had a road that traversed between Sasini Coffee Estate. We had to go on the ground meet the people who were claiming there was a passing there, and we had vast discussion with the members. They brought all sorts of evidence, evidence that was so interesting because we were discussing matters from 1920 yet neither my parents nor I were born by then. But we were able to discuss and deliberate on the matter. We also called the Sasini people who brought their report to the Committee, and we were able to come up with a conclusion where Sasini and Ikinu residents were laying the petition with what we call in law *uberrima fides*, meaning with utmost good faith and without any malice.

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After discussing this issue deeply with the Committee, we realized that there was no road passing in between. But that notwithstanding, the management from Sasini were ready to sit down with the residents from Ikinu and deliberate whether they can come up with an agreement, where they can give way. But legally, there is no road.

Thank you Mr. Speaker Sir!

The Speaker, (Hon. Ndicho): Very well!

I can't see the Member for Ikinu who was the one championing this matter.

Members, you see the importance of attending all the Sessions. You bring a matter, it is being deliberated and you are not there to legislate on it further.

I don't know if there is any Member who would like to contribute on this.

Yes Member for Ting'ang'a!

Ting'ang'a MCA, (Hon. Covenant): Thank you Mr. Speaker!

My name is Hon. Chege Covenant the MCA for Ting'ang'a Ward. I am mentioned in this Petition simply because my Ward borders Ikinu Ward which is in Githunguri Sub County.

The Petition was in regard to the extension of the road that emanates from uplands in Limuru all the way to Mutharabaini junction in Ting'ang'a. We had many deliberations in regard to the same Petition right from when the residents of Ikinu petitioned this Assembly to ventilate on the same matter so that they will have a way through Kamondo to Mutharabaini junction.

When we went for the site visit, we came to realize that there is a road that terminates at a river in Ikinu Ward which doesn't extend all the way to Mutharabaini junction through Kamondo Coffee Estate. Therefore we realized that the Coffee estate is a very expansive area which does not have a way through for the residents of Ikinu and beyond. Their Petition was that if the County Government through this Assembly will intervene through other relevant Government bodies to have that route created, then it was going to ease their way of transport.

Mr. Speaker, we came to realize that where this road terminates is at the border of Ting'ang'a and Ikinu wards. The management of Sasini Estate provided the relevant documents which show that there was no road through. Unless the management of Sasini and the County Government sits so that they can create a road, legally there is no way through.

Therefore as a Committee we concluded that as we lay this Report today through the able Chairperson, if other avenues will be created so that these people can have a way through, then it will help the residents. Instead of going round 12KM they will go 4 KM.

Mr. Speaker, I am not holding brief for the Hon. Member for Ikinu, but so far he is contented with the Report and the findings we got from all the interviews and deliberations on the said Petition.

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Thank you Mr. Speaker!

The Speaker, (Hon. Ndicho): Anyone else who wants ventilate on the matter?

Hon. Covenant, maybe the forefathers of the residents of this area used to have a path connecting these two places before the advent of the companies that came and took possession of the large parcels of land and planted coffee. Maybe there was a path leading cows to the river to drink water before the land was taken and privatized. Therefore what we can do is that the leadership of that area should make sure that guys should not be travelling the 12 KM if they can do a 4 KM road.

So, as the leadership of that area, provide leadership and make sure you push the guys to give way. I commend the Governor because he pushed the Del Monte guys and they have given 2000 acres for expansion of Thika Town. You can see the Governor and borrow a leaf from there.

Ting'ang'a MCA, (Hon. Covenant): That is true Mr. Speaker, and actually we had a conversation with the Governor and the management of Sasini. What was decided because where the road terminates...

(Interruption)

The Speaker, (Hon. Ndicho): Order Hon. Member!

I didn't intend to open a debate. In any case we have broken the law because once you debate you can't debate again unless there was another Member who wants to ventilate.

Ting'ang'a MCA, (Hon. Covenant): Thank you Mr. Speaker Sir!

The Speaker, (Hon. Ndicho): But so far it seems like the House is satisfied by the answer and the Report from the Chairman.

But the Deputy Speaker comes from the neighborhood so he should say something.

Deputy Speaker, (Hon. Mubea): Thank you Hon. Speaker, and welcome back.

Mr. Speaker, I used to note that Sasini Estate is in Cianda Ward and as you have rightfully said, during those times the Chairperson of Transport was talking about; and maybe the person who can rightfully guide us is the Member for Kiahara...

(Laughter)

He is a little bit closer to those years, and I know he could be having a lot of information about what used to happen during those times.

I know these big farms used to be connected and there are some roads that used to be connected, where the settlers used to move from one farm to the other. When they were acquired by the new owners, most of these owners blocked those roads. That is why you will find that those areas and I know the Hon. Member for Kihara can confirm where they used to crisscross. He can confirm that

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they used to move from one farm to the other on foot and there was no hindrance. I think it is when these other people came that they closed them down.

Mr. Speaker, I think as per the guidance you have given, if as leaders we could be able to the collaboration between the two community and the owners, then we could have roads that are opened up so that we can ease the transportation that s there.

The only problem is to ensure that no property is damaged during the time that the residents are using these roads.

This is something that could be pursued through the Governor and the Assembly leaders so that we can have accessibility in all these places. The Hon. Member for Kihara can confirm some of these facts.

Thank you!

(Laughter)

The Speaker, (Hon. Ndicho): Hon. Member for Kihara, the Hon. Member for Cianda is prodding you to shed some light on what used to happen in those primordial years.

Kihara MCA, (Hon. Muthondu): Thank you Mr. Speaker!

I am happy that our Deputy Speaker now knows that I can advice the House.

(Laughter)

Mr. Speaker, there before, there used to be some paths that were called “move straight”.

(Laughter)

In our typical language they were called *mufuteti*. Those paths used to traverse between very lengthy distances.

(Laughter)

That is the colloquial language that our people used to call it. Legally, you cannot bar people from using those paths if they existed. So maybe that is he advice that the Deputy Speaker wanted from me.

(Laughter)

The Speaker, (Hon. Ndicho): Are you saying that “move straight” is a colloquial for *mufuteti*?

Kihara MCA, (Hon. Muthondu): That is what it is.

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The Speaker, (Hon. Ndicho): Kikuyus are notorious with colloquial names.

I think the Deputy Speaker as well as the House stands advised by the Member for Kihara.

Be that as it may, can we proceed and have the Chairperson for Water, Environment and Natural resources also laying his papers.

(Chairperson Water, Environment and Natural resources, Hon. Gacharah moves to the table)

The Speaker, (Hon. Ndicho): What happened to your microphone?

Chairperson Water, Environment and Natural resources, (Hon. Gacharah): I wish to lay my Report from the Table as it is the case with most of the commonwealth parliaments.

The Speaker, (Hon. Ndicho): You are right, it is in order.

(Laughter)

Actually if a Member feels that they are not comfortable giving their speech/contribution seating down, you can always come to the Table here and make your presentation from there. That is the practice in the commonwealth parliaments.

Chairperson Water, Environment and Natural resources, (Hon. Gacharah): Thank you Mr. Speaker!

Also, in line with what the Member for Kihara has said, I would also like to make this House understand that the word Ndeiya is a colloquial for “dairy yard”. That is what *mzungu* meant, but now the kikuyu translated it to Ndeiya.

It is actually a dairy yard and I intend to make it that way.

Mr. Speaker, with your permission I beg to lay the following Paper;

REPORT OF THE SECTORAL COMMITTEE ON WATER, ENVIRONMENT AND NATURAL RESOURCES ON PUBLIC PETITION REGARDING DECLINE WATER SUPPLY IN RIVER KAMITI DUE TO A WEIR CONSTRUCTED ALONG THE RIVER GACHIRIRI BY ATHI WATER SERVICES BOARD

*(Paper laid by Chairperson Water, Environment and Natural resources
Committee, Hon. Gacharah)*

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Mr. Speaker it is a very comprehensive document and I am aware that the Member will be able to. But allow me to just summarize the whole Report.

Mr. Speaker, the residents of Gachirichiri, that Kamondo in Ikinu submitted a Petition to this Hon. Assembly...

(Interruption)

The Speaker, (Hon. Ndicho): Order Hon. Member!

Are you sure you are pronouncing that name properly?

Chairperson Water, Environment and Natural resources, (Hon. Gacharah): It is Gachiriri.

The Speaker, (Hon. Ndicho): Yes, that is the proper pronunciation.

Water, Environment and Natural resources Chairperson, (Hon. Gacharah): Yes, it is Gachiriri.

The Speaker, (Hon. Ndicho): Yes, I think that is the proper pronunciation.

Water, Environment and Natural resources Chairperson, (Hon. Gacharah): They presented the petition to this Hon. House.

POINT OF ORDER

(By Hon. Mburu)

Vice Chairperson, Water, Environment and Natural resources Chairperson, (Hon. Mburu): I am the Vice chairperson of the Sectoral Committee on Water but I am concerned that the petitioner, is the Hon. Member for Ikinu. He is not in the House and so is it in order for us to present the petition? Thank you!

The Speaker, (Hon. Ndicho): This is the ruling from the Chairperson; that once this report is first laid in the House and the Committee goes through the process on interrogating it, it becomes the property of the House and therefore, whether the petitioner is in the House or not, it is now the property of the House and the Hon. Member is in order to make his presentation.

Mwiki MCA, (Hon. Mburu): Thank you Mr. Speaker, I stand guided.

Water, Environment and Natural resources Chairperson, (Hon. Gacharah): I also want to advise my Vice Chairman, that it would have been very unfair for us not to present the report, because the previous report was also requested by the same Member who is absent.

DECLINING WATER SUPPLY IN RIVER KAMITI

Hon. Speaker, the Public Petition was on declining water supply in River Kamiti due to a weir constructed along the river at Gachiriri –Kimondo area by Athi Water Services Company. The residents

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of Gachiriri –Kimondo in Ikinu Ward submitted a Petition to this Honorable Assembly which was subsequently presented pursuant to Standing Order No. 230 by the Hon. Stanley Wanjiku.

Hon. Speaker, the Committee proceeded with the consideration of the Petition as follows:

- i. We set up the terms of reference is consideration of the prayers;
- ii. We invited the Petitioner, who is Hon. Stanley Wanjiku;
- iii. We also visited Ikinu Ward on 29th March 2018; and
- iv. We also sought a comprehensive report from the County Executive Committee member- Environment, Water Natural Resource and received submissions and Members can see the submissions in the report.

The petitioner presented the following prayers to this Hon. House:

- i. That, the County Government engages Athi Water Services Company to construct a proper dam to collect water during the rainy season;
- ii. Investigates and reports on, the public participation process that was undertaken in regard to compensation, water distribution and river flow protection mechanisms;
- iii. Inquiries into and report that residents of Ikinu Ward are connected to clean piped water before distribution to other areas; and
- iv. Investigates and report on the measures that have been put in place to avert contamination of the River Gachiriri by Athi Water Services Company.

Hon. Speaker, the Committee made the following observations;

- i. That, there are numerous obstructions on the river line;
- ii. That a sharing formula had been reached by the resident and the department as the resident could draw water during the day and the company to harvest at night;
- iii. That there is need to plant trees along the river riparian;
- iv. There is need to serve Ikinu Ward with clean pipe water; You can remember the said Member actually said that since independence, the residents have never enjoyed clean piped water;
- v. That the company need to construct trenches for the holding of muddy water during the desludging of tank periodically; and
- vi. There is need to clear the river as it flows to allow enough water.

Mr.Speaker, allow me to briefly explain on the strategy that we have put in place, to show the Member that we have adequately addressed the concerns and also to show what we are doing as a department to ensure that the residents can access water.

Mr. Speaker, we have already began constructing and we have engaged contractor to construct a tank, which will accommodate 150,000 m3 of water, so that the water can be distributed to the residents; The residents of Gachiriri...

(Interruption)

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The Speaker, (Hon. Ndicho): Is it 50,000 litres or 150,000 m3?

Water, Environment and Natural resources Chairperson, (Hon. Gacharah): 150,000 m3, Mr.Speaker. The residents of Gachiriri, this is quite a mouth twister word, have never accessed clean water despite us putting numerous measures, to ensure all residents of Kiambu access to clean water.

Currently, as I have said, there is a lot we are doing, we are actually implementing two measures and on one the work has already commenced which is 150,000 m3. The water will be drawn from Githunguri office of Kiambu Water and Sewerage Company and the water can be supplied through gravity.

Mr. Speaker, another measure which we have taken, to ensure that complains are properly addressed, there was a concern that there is no proper public participation and we have engaged Athi Water Service Board to supply us with minutes, because they claim to have done the same. This will come later on, and when the minutes are provided, we shall also share with the Members of this House.

Mr. Speaker, we also understand that there was a concern from the people, that there was no compensation, but what we observed as a Committee is that, there are some people who have been compensated. Again, we are also working with the Athi Water Service Board, to ensure that all the residents who had been affected by the said project are fully compensated. We gave a timeline and also mandated the Director of Kiambu Water and Sanitation to make a follow up and ensure that everybody who was affected by this project has been compensated.

Mr. Speaker, the Department through the Directorate of Forestry & Natural Resources has also scheduled to do mapping and riverine pegging to ensure that it alerts the public on where the riparian buffer cover is. This will ensure that riparian areas are reserved and protected from cultivation and that favourable vegetation and trees are planted. Doing this will reduce erosion and ultimately increase both water quality and quantity.

It is good to note and define this riparian land. The riparian land are the areas that cover or neighbour the river line. We need to conserve this, so that we can also prevent the desludging of the river that is making the river dirty. What we have decided as a Committee, is that we are going to do a lot of tree planting so that we can safeguard this river line.

Lastly, Mr.Speaker, this is what the Committee recommends;

1. That the Implementation Committee should make a follow up of this, because as I said the document is very voluminous, it contains a lot, what I have just presented is just a summary. The Implementation Committee should follow up to ensure that all the strategies, we have put in place, are implemented fully;
2. That the process of constructing the 150,000 m3 should be expedited, so that the residents can enjoy the precious commodity, what they have not enjoyed before Mr.Speaker.

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I want to take this opportunity to thank my Members, for the well-coordinated approach in regard to this and other business in the Committee, we actually burned the midnight oil, we have made several visits to the area, we have invited the petitioner, not once or twice, we have also invited the Chief Officer as well as the CEC in the department, so that we could have a good report. We have actually revised this report, more than three times so that what we present to this House is of good quality. Thank you Mr. Speaker.

(Applause)

The Speaker, (Hon. Ndicho): Thank you Chairman, for that comprehensive report, I think that everyone has understood, that the committee burned the midnight oil, to come up with such a beautiful comprehensive report. I do not know if there is anyone, who would like to comment about it.

Member for Gitothua!

Gitothua MCA, (Hon. Kaberi): Thank you Mr. Speaker, I first want to appreciate the Water Committee, for the good job that they did and also appreciate the Chairperson for presenting the report on their behalf.

However, that notwithstanding, I would urge the Committee when they are dealing with the water issue, being a hot cake or a contentious issue within Kiambu, we stop re-inventing the wheel. If I give an example with Kamburu Ward, where we have Ruiru dam, Ruiru dam strictly supply water to Nairobi Water and yet the residents within Kamburu do not benefit from it and that is the same issue that is happening in Ikinu. The Chairperson therefore, as they go on with their new measures, they should ensure that the residents within Kiambu, benefit fully or to a 100 percent, with the resources that we have. I want to appreciate your Committee for the good job you are doing. Thank you Mr. Speaker.

The Speaker, (Hon. Ndicho): Very well, thank you Member for Gitothua. What the Hon. Member for Gitothua is alluding to is that, somebody comes with a Bill on Water Policy in the County, so that the waters that are harvested within the County or even naturally or by Human Activity, before it goes to benefit other people, it should benefit the locals.

This happens with Ndakaine Dam in Murang'a, where they are petitioning and the Governor has taken up that petition, that before that water comes to quench the thirst of the Nairobians, it should also quench the thirst of the people from Murang'a. Same thing with Ruiru dam and other dams like Sasumwa Dam in Nyandarua. Therefore, let Members come with Bills, defining Water Policy and how it should be utilized for the benefit of everybody.

The Hon. Nduta Muongi!

Specially Elected MCA, (Hon. Muongi): Thank you Mr. Speaker Sir, I want to start by commending the Committee on Water, they have done a comprehensive report on the same. At the same time, I would

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recommend that properly you would look at how this County could tap on drainage water or storm water that can be used by our farmers, to improve farming activities around the County.

You realize, like now during this rainy season, we have a lot of issues with flowing water and a lot of people are complaining that they are being displaced by this water. Unfortunately, this water goes down the drain and no one is making use of it. We could utilize it if we were to do things like water pans that can contain that water and later make that water be used for farming. It will be killing two birds with one stone, utilizing the water that would normally go to waste and at the same time, we shall be encouraging our County, to be more stable in terms of food security, because a lot of farmers would not farm, because they do not have water. At the same time, we shall minimize the use of fresh water for farmers in their farming activities. Kindly, the Committee could look into that and see how to go about it. Thank you Mr. Speaker.

The Speaker, (Hon. Ndicho): The Hon. Kidim!

Vice Chairperson, Water, Environment and Natural resources Chairperson, (Hon. Mburu): Thank you Mr. Speaker again, first and foremost is to appreciate my Committee for the well done report for the issue concerning the issue petition.

Mr. Speaker, I just want to inform my colleagues that the issue we are tackling about Water Harvesting is well known, and we are coming up with dams and besides that, the water projects within Kiambu, do not benefit the people of Kiambu. We are ready and urge the Hon. Members, let us make sure that all projects that are within Kiambu, benefit the people of Kiambu. It is very true that people from Nairobi get water from Kiambu and our people do not get anything, so as a Committee we are working on that, and we promise that we shall work on it. Thank you.

POINT OF INFORMATION

(By Hon. Gacharah)

The Speaker, (Hon. Ndicho): Mr. Chairman, you had all the time and ...okay, you can inform the Member!

Water, Environment and Natural resources Chairperson, (Hon. Gacharah): I want to inform the Hon. Nduta that in the area of Nachu, this department in collaboration with the National Government, we have done more than 200 Water Pans and I wish the Member of Nachu is here, he could confirm. In the area of Ndeiya, we have also done, more than 150 Water Pans or these we are doing so that we can at least harvest rain water and so that we can use the water when it is dry.

On the issue of the water that is being collected from Ruiru and from Lari to Nairobi, the Committee is doing something and very soon, we shall report to this House. There is a lot that we are doing only that they are still underway. Thank you.

POINT OF ORDER

(By Chief Whip)

Chief Whip, (Hon. Njore): Thank you Mr.Speaker, my point of order is on the time we have spent in responding to these petitions, but this does not mean I am not appreciating the work of the two Committees. Our Standing Orders number 237, does not allow us to spend more than 20 minutes responding to petitions, and from the look of things, we have used more than 30 minutes.

Mr.Speaker. Adding another Standing Order No.118, which allow the Speaker to read the mood of the House, I ask the Chairperson, to let us rest at that point.

(Laughter)

In addition to that Mr.Speaker, before I put off the microphone, I have noticed that the House has guests, who are students and is prudent to mention one word to them, that; Education is the only thing that can bring them to this Assembly for them to be Hon. Members like us. Thank you Mr.Speaker.

(Applause)

The Speaker, (Hon. Ndicho): I am aware of that Standing Order, but in the interest of having our visitors have some experience, of how debates are conducted, I allowed to extend 10 minutes more. The same Standing Orders also provides that, the Speaker, does not have eyes, ears, unless a Members sees it and asks the Speaker, but thank you Member for Ruiru for bringing this to the Speaker, and I think we have spent considerable time to ventilate on the issues and reports and our guests have also had some taste of how debates are conducted in this August Assembly.

That now brings us to the next order.

STATEMENTS

POOR STATE OF NDUMBERI GITHUNGURI ROAD ESPECIALLY THE SECTION BETWEEN MAIGOTHA IN NGEMWA- IKINU SHOPPING CENTRE

The Speaker, (Hon. Ndicho): The Hon. Member for Githunguri would like to make some request and this is your chance.

Githunguri MCA, (Hon. Kagwe): Thank you Mr.Speaker, I want to request for a statement.

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Hon. Speaker, pursuant to Standing Order 56(3), I hereby request for a statement from the Chairperson of the Sectoral Committee on Transport, Public Works and Infrastructure concerning the poor state of Ndumberi Githunguri road especially the section between Maigotha in Ngemwa- Ikinu Shopping centre.

Hon. Speaker, the construction of the above mentioned road was done by the previous County Government and passes through Ikinu shopping centre thus serves both the traders as well as residents of Ndumberi, Ting'ang'a, Ikinu and Githunguri. However, barely two years down the line the aforementioned road is in a dilapidated state as some of the sections are full of potholes and patches.

Mr. Speaker, I am aware that on 23rd February 2018, the Transport, Public Works and Infrastructure Committee carried out an inspection visit of the said road and recommended that the road be re- done to ease the unjustified suffering by the residents of Ikinu and Githunguri. Mr. Speaker, being a regular user of the road, since 23rd February, 2018, to date, I have not seen any contractor on site.

Hon. Speaker, In light of the above, I am requesting the Chairperson, to inquire into and report on:

- (i) Whether the previous County Government inspected the construction of the said road and if so, provide the completion certificate issued to the contractor as well as inspection report which was done by the Sub County engineer after completion of the said road; and
- (ii) The measures the County Government is undertaking to rehabilitate the said road; clearly indicating the timelines within which this will be achieved.

Thank you Hon. Speaker.

The Speaker, (Hon. Ndicho): Chairperson for this Sectoral Committee on Transport!

Chairperson, Roads, Transport and Infrastructure, Committee, (Hon. Kaberi): Thank you Mr. Speaker Sir, and thank you my fellow Member from Githunguri, and as he said, we did an inspection visit on that road and is true to what he is saying, that road is only one year old and yet there are potholes within the road.

We did the inspection with my Committee, and we found that it was a shoddy job that was done within that road, to an extent that it was not completely done, whereby the road is unmarked, there are no lay guards along the way, there are no bumps and the work done there was very shoddy. My Committee recommended that the contractor should re-do the work or else we cancel his work permit within Kiambu County.

However, the same problem applies, once we pass some issues in this House, the follow up issue is now...Can you direct us as the Speaker, who should now do the follow-up because the Committee already gave the submissions and recommendations that it should be re-done, within the shortest time possible. Thank you Mr. Speaker Sir.

The Speaker, (Hon. Ndicho): Well, one of the three cardinal laws of the Assembly, is Oversight, and so the Institution that you oversight is the Executive and it is incumbent upon your

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Committee, to make persistent follow-ups and calls, disturb them, until they feel the pinch, because if a contractor can be given a contract to do a road and two years down the line it is dilapidated, one, it falls under the parameters of corruption, because he did not do that job according to the specks.

The role of the Assembly therefore, is to oversight and to persistently prod the Government and the Executive and more so that Department, to ensure that one, the road is correct because *Wanjiku* does not care about the details, but just want a good road.

Two, that contractor should not only be asked to re-do the road, but should be blacklisted because if he continuous doing such roads within this County, he is not giving value for the money of the tax-payer. So, it is incumbent for you as a Committee to oversight, this is where the test of your oversight really is tested, to see if the rubber really meets the tarmack and actually this House demands a report back on what this Committee has done and the reply from that department.

Chairperson, Roads, Transport and Infrastructure, Committee, (Hon. Kaberi): Thank you Mr.Speaker Sir, and if you allow me, give our Committee 14 days and even allow us to discuss the conduct of the contractor himself in this Hon. House. We can even recommend that the other Independent body to come and do investigations, so that we do not only investigate the mercury issue in our sugar and also the National Youth Service issues, but also our roads that have been pathetically done by those Kenyans, who do not mind about *Wanjiku*. Thank you.

The Speaker, (Hon. Ndicho): I hope you know what to do, the procedural you need to follow and the Chair is here to facilitate you to do it, so go ahead.

Is there any other comment?

ADJOURNMENT

Hon. Members and our guests, the students from Thika High School, that is the end of our today's business and there being no other business, this Assembly stands adjourned until Thursday, 12th July, 2018, at 2.30 P.M.

The House rose at 3.30 P.M.