

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY

THE HANSARD

Thursday, 29th March 2018

The House met at 2:50p.m.

[Temporary Speaker (Hon. Lucy Ngugi) in the Chair]

PRAYERS

STATEMENT

**TENTATIVE BUSINESS OF THE ASSEMBLY FORM WEEK COMMENCING
TUESDAY, APRIL 3RD TO THURSDAY, APRIL 5TH 2018.**

Hon. Sarah Njoroge: Madam Speaker pursuant to Standing Order 42 (a) it is notified that the House Business Committee at their last meeting approved the following tentative business that will come before the Assembly from the week commencing Tuesday, April 3rd to Thursday, April 5th 2018.

Tuesday morning, report of joint Finance and Implementation Committee's on a visit to republic of Rwanda to learn best practice on implementation of program projects and revenue collection system and control.

Notice of motion; adoption of report Finance and Implementation Committee's on a visit to republic of Rwanda to learn best practice on implementation of program projects and revenue collection system and control.

Notice of motion; establishment of a County Budget Economy Forum.

Number four, notice of motion; submission of county emergency fund Bill.

Tuesday afternoon. Motion, establishment of a County Budget Economy Forum.

Wednesday, April 4, afternoon sitting; submission of County Emergency Fund Bill.

Thursday, April 5, afternoon sitting; statement: tentative business of the Assembly from the week commencing Tuesday, April 17th to Thursday, April 19 2018.

Motion; adoption of the report of joint Finance and Implementation Committee's on a visit to republic of Rwanda to learn best practice on implementation of program projects and revenue collection system and control.

Thank you Madam Speaker.

MOTION

REHABILITATION OF ROADS IN QUARRIES

Hon. Pelagiah Muthoni: Madam Speaker I beg to move the motion on rehabilitation of roads in quarries.

Madam Speaker, aware that Article 185 (3) (4) of the Constitution of Kenya, 2010 provides for the oversight role of the County Assembly over the County Executive Committee and its power to approve plans and policies pertaining to the management of County resources, management and development of infrastructure, cognizant of the fact that section 6 (6) of the County Governments Act, 2012 requires a County Government to ensure efficiency, effectiveness, inclusivity and participation of the people in exercise of its powers and

performance of its functions, recognizing the fact that quarries are contributing in excess of Kshs. 70 million as local revenue per fiscal year this House resolves that:

1. The County Executive Member in charge of Energy, Transport and Infrastructure bans extraction of quarry in all quarry mines across the County forthwith, unless and until the roads leading to the to all quarries are rehabilitated;
2. The County Executive Member in charge of Energy, Transport and Infrastructure ensures that the gaps created as a result of exhausting the quarry mines are filled with soil and trees planted so that they do not act as hideouts for criminals and that they do not pose a security threat to people living in those areas.

Madam Speaker, quarrying is a very important activity in the building industry, it produces the materials that are needed for the construction of buildings and roads. The quarrying industry provides employment to a large population and to other related industry such as block building and in construction of drainage materials and roads. The quarry industry do not rely on quarrying activities only but most of them are involved in construction. The industry has both positive and negative effects.

In addition, quarrying is a huge supporter of some sub-counties economic development. It enhances trade, creation of job for people. Most people in quarrying regions fully depend on this quarrying in their livelihoods.

However, when owners of quarries are accessing the quarries using existing roads to transport their heavy machines and when they close those quarries they do not repair those roads which damages extensively neither do they build new roads to or from the quarries.

The abandoned quarry pits reduce lands for rural farming and food production making inhabitants in the areas neglect their traditional farming occupation to casual quarry labour. The stagnant water in the pit supports daily production of mosquitoes and tsetse flies causing persistent malaria and sleeping sickness in these areas.

Madam Speaker, there is a lot of pollution, these pits becomes dumping sites for hazard wastes that affects the health of residents in these areas. There is a lot of distraction of vegetation and trees cutting before starting the quarry extraction activities. First vegetation cover and trees are cut down affecting the environment.

Madam Speaker, there is slippery slopes of the rock edges that are left hanging. This has caused deaths to little children when playing on the sides of these pits. There is a lot of insecurity in these areas because these quarry pits are abandoned and are not covered and are hiding places for criminals and sites for brewing illicit brews.

There is degradation of land cover and damaging roads due to the Lorries and heavy machines going in and out of these quarries. The abandoned quarries pits destroy the eco -system.

Madam Speaker, one major and affordable method to improve environment safety in the vicinity of abandoned quarry pits is to demand that operators or investors in the quarry sites to provide a perimeter wall to each pit while in operation. This will control movement and reduce accidents of human beings, domestic and wild animals.

Madam Speaker, let them make it a mandatory requirement for the investors to carry out afforestation of sites by planting trees on the filled up pits in order to conserve the environment and return of land back to agricultural use. They should also enforce quarry operators the responsibility to reclaim quarry pits as soon as their operations are over or make environment cause payment to the County Government who will take over the responsibility as soon as the quarrying is over.

The roads are very important and we need the constructors to construct new roads or they repair or rehabilitate the roads they use when they do their quarry business. Roads are very significant for the improving of security of the sub- counties and the whole County in general. Roads play a very important role in the transportation of goods and passengers for short and medium distances. Roads transport system establishes easy contact between farm, fields, factories and market and provides door to door services. Roads can negotiate high gradients and sharp corners which other modes of transport cannot do.

Perishable commodities like vegetables, fruits and milk are transported more easily and quickly by roads. In this, the improvement of roads will lead to improved market access centres, better availability of agricultural input at reduced prices among other items. Also improved market access promotes shift in favour of cash crops and commercialization of agricultural activities. It also provides better connectivity which enhances employment opportunities in non-agricultural centre. Improved roads will also improve connectivity which enhances access to education, health and financial services. Madam Speaker I call upon Hon. Cathyrn Mwangi to second this motion, thank you.

Hon. Cathyrn Mwangi: Thank you Madam Speaker, I beg to second the motion. It is worth noting that quarry mining is one of the sources that generate local revenue for the County. It is also important to note that the quarry mining has created jobs for a good number of residents of Murang'a County who depend on the quarry as a source of income to provide basic needs to their families.

Madam Speaker, I note with a lot of concern that roads leading to the quarries in the County are impassable especially during the rainy season. It is also worth noting that since the County Government collect revenue from these quarries, it would be prudent to ensure that the quarries are accessible through proper maintenance of the roads leading to the sites.

As it has been witnessed at the quarry sites, there are large gaps that have been created as a result of prolonged excavation of the sites. Most of these gaps are left open and at times resulted to human and animal injuries if not deaths. The gaps also create breeding grounds for mosquitoes. The County Government should spear head environmental conservation activities at these sites such as filling soil in the gaps and planting trees. Madam Speaker, I second.

Temporary Speaker (Hon. Lucy Ngugi): And now I will propose the question.

(Question proposed)

Temporary Speaker (Hon. Lucy Ngugi): Hon. Members the Floor is open for debate. Yes Hon. Charles Ng'ang'a

Hon. Charles Ng'ang'a: Thank Madam Speaker for catching your eye, I stand to support the Motion. I am checking on Roman one: the County Executive Member in charge of Energy, Transport and Infrastructure bans extraction of quarry in all quarry mines across the County forthwith, unless and until the roads leading to the to all quarries are rehabilitated.

Madam Speaker if we talk about that, we need something like--- *turekebishe kwasababu* (let us correct because) because what we talk about here banning extractions, I would like rather the mover of the Motion to tell me and *Wanjiku* of Ichagaki on how the road will be rehabilitated without material because that material will be gotten from that quarry to come and make that road. If then we are going to rehabilitate and we have already banned it means we are going to import materials. I even don't know where we are going to import the materials to come and do the same road.

Madam Speaker, to my understanding the noun here is bans and the verb here is extraction. I believe we need at least to get some information on how and where we are going to get this materials if we ban the extraction there, thank you.

Temporary Speaker (Hon. Lucy Ngugi): Yes Hon. Member for Kimorori.

Hon. Murigi Amos: Thank you Madam Speaker, I stand here to strongly support the Motion. What I have heard from my colleague member for Ichagaki, he wasn't clear on whether he was opposing or supporting and I want to come out very clearly to support because what I have heard from him, he started with supporting but what he has talked about is actually opposing.

This issue of the quarry mining has merits and demerits. Problems associated with quarry mining cut across all sectors because I come from an area Kimorori/ Wempa where I have almost about eight quarries. When I say there are merits and demerits of these quarries, when we come to some crucial sectors, like the sector on health.

One source of health problem around our people because the issue of stagnant water, especially this time. unless now the ministry of health and sometimes tries to control the issue of mosquito breeding sometimes the prevalence of people getting malaria down there is very high.

When we come to sector of education, mostly when we come to the issue of quarry, there is a lot of child abuse and mostly child labour. I visited one of the quarries and I could see almost over 50 school going children who are working in this quarries. So when I say they have a very negative impact when it comes to the issue of education.

When we come to the issue of other sectors, like the issue of roads, what usually happens, most of the quarries are concentrated in the lower part of this County. If you go to some constituencies like Kigumo they do not have even a single quarry they fix there roads using gravel from down there and usually those lorries they destroy most of our roads.

It is laughable that you go to those areas down there, there are lorries which are taking gravel some 90 kilometres but the road leading to that quarry does not have even gravel. I have one clear example, we have a quarry around Kimorori and the road has been closed because the road leading to quarry is impassable. To access that quarry, you have to pass through the road owned by our Speaker and it is just generosity of our Speaker, he has allowed people to be using the farm because the road has been totally closed, because the road is impassable.

Those roads were destroyed by lorries taking gravel to Kigumo and Kandara but not in Maragua. It should be a requirement that the moment you are using that road from quarry, before you exit, it should be in the contract document that once you are through, you fix the road the way it was before you are paid because most of these roads we are having down there are mostly destroyed by people taking the gravel up this way.

The other issue, when we come to the issue of other effects, yes, quarry mining is a source of income because they are employing so many people but I think also the County Government also needs to do enough because I have visited most of those quarries, even the basic commodities, they do not have even the toilets.

I know during the campaign I got so many votes from those quarry people because I was able to put up toilets for them. Today is a rainy season, when it is raining they do not have anywhere to shelter, sometimes they go down those pits and sometimes they collapse; I have heard of so many casualties, people dying when they shelter under those pits.

This is one sector that the County Government needs to take very seriously because I know the County is generating a lot of money but it is a pity that the road, the welfare of those mine workers has not been taken care of. I think next time they are also encouraging them to be

joining unions like the quarry and mine workers union so that they can be talking on their behalf because there is a lot of exploitation.

Our people those who are there, they are very poorly paid because the work they do is not commensurate with what they get. Like those kids who are working there, one wheelbarrow of ballast, I think they are given only Kshs60 and when they are selling, they sometimes even sell at Kshs300; there is a lot of exploitation, I do not know who can come in because there are people who are ready to take advantage of the unfortunate situations because of the poverty which is in those areas.

The committee on labour should also take up this issue because I believe there is a lot of injustice and a lot of misuse of our people. So I strongly support that those issues be addressed with immediate effect because if we do not talk on behalf of those people as their representatives, who should talk on behalf of them?

So we also task that committee on labour so that they can also look into the issues affecting those people because I know they are being paid Kshs269.40. I know a quarry which pays a whole 10 hours Kshs269.40 owned by some people from Kiambu. With those few remarks I beg to strongly support this motion. Thank you.

Hon. Milkah Ngari: Thank you Madam Speaker. I would want the Mover of the Motion kindly to address an issue; this Motion once we pass it the people who are mining the quarries as the seconder of the Motion has said that there are people who earn income from that work and they are likely to be the bread winners for their families. As per mover of the Motion, she said that the County Executive Member in charge of Energy, Transport and Infrastructure bans extraction of quarries in all quarry mines across the County forthwith unless and until all the roads leading to those quarries are rehabilitated.

However, I have a feeling that once the ban is done until the rehabilitation comes into implementation, what is going to happen to the people who are mining at the quarries, yet they are the bread winners for their family? To my understanding and my feeling I feel that is going to be a form of sub lining. I would want the Mover of the Motion to respond and tell me, what is going to happen to the people who are mining at the quarry once you ban the extraction at the quarries as you wait for the implementation of the road rehabilitation?

Hon. Chege Mwangi: Thank you Madam Speaker. My main concern or rather I stand to beg the Mover of the Motion to withdraw the Motion for further consultations. With that light, the Motion is not entirely bad in itself but it has some controversial issues within itself. She has stated- the Mover of the motion- that these quarries generate a lot of revenue to our government, revenue of about Kshs70million as it has been stated.

The main reason why we pay taxes to our government is to provide us with services as the people; we put together those monies that are called taxes so that we can get back the services. I personally as a tax payer, I am not responsible for generating or doing those services. I am trying to introduce a point where if I am a quarry man and I pay to the Government of Murang'a County kshs70million, it is up to the Government of Murang'a County to provide service the roads, to ensure that there are proper roads. Actually it will be a disadvantage to the quarry men who are getting their daily bread from that business, closing down the business because someone somewhere failed to do their duty; I understand that this falls directly to the sector of Public Works and Roads.

Madam Speaker, I would see it very wise if you would protect those quarry men as the underlying issue here is not tampered with. Yes we have problems with bad roads, we have

problems with those holes that are left behind after the quarries are utilized but what we need to do here is to ask ourselves who is responsible to do these tasks?

The government is failing its people; if it is getting Kshs70million from the quarry is it building roads worth Kshs70million per year? The content of the Motion is very good, it has real and pertinent issues and profound in terms of negative effects to our people but there are some parts in that Motion that need to be rectified so that we won't harm the tax payer. I thus request the Mover to withdraw for further consultations. Thank you.

Temporary Speaker (Hon. Lucy Ngugi): Hon. Makau Ndunda.

Hon. Makau Ndunda: Thank you Temporary Speaker, I rise to support this Motion. While I appreciate the revenue that comes from this sector, there is a need for it to be regulated or the government come up with a clear policy. We are getting a lot of money from this sector although there are some problems that are left to our people.

I do support because I come from a place where there are many quarries and there are these holes that are left behind by the miners. There are a lot of problems because sometimes the miners use explosives that are dangerous and in the process many people lose their lives. It is the high time we come up with a clear policy to regulate this sector. Something needs to be done because this problem is not as big as the one that used to be in Mombasa. If you have visited Haller park where Bamburi industries used to do their mining for many years ago, there are many trees that have been planted there; the same can be done to our quarries.

Instead of banning these places, we can come up with a clear policy and guidelines for the miners. After they extract this natural resource that is beneficial to our people, they can repair those roads or they be charged some fees when they are making their way to the quarry. The lorry people from Kigumo and Kandara can be charged some money which can go a long way in repairing these roads and also be used to buy trees or hire people to plant trees and this would be beneficial to our people. I therefore support the Motion, thank you.

Temporary Speaker (Hon. Lucy Ngugi): Honourable member for Mbiri Ward.

Hon. Duncan Njoroje: Thank you Temporary Speaker, I stand to support the Motion. I would say it is long overdue because I come from an area where sand and stone harvesting takes place.

In Mbiri ward, it is confirmed that if it is not every location, it might be every sub-location. Just to mention just but a few: Maragi, Muchungucha, Gaitega and Kambugi locations is where the stones that raise foundations comes from they usually call them Kang'a. I also have another location called Thangathi which is neighbouring Gaturi ward, that is where sand is harvested most likely for the entire Murang'a County.

Where there is sand harvesting the roads are left in dilapidated state because the sand is carried by the ten tonnes lorries popularly known as *momo*, due to lightness of the ground you find that like in Kimorori some of these roads are diverted into other people's land.

I support the Motion because it might stop the problem. Residents have been trying to demonstrate, some chasing away the revenue collectors until the County Government repairs the road. This is simply because there are no rules to be followed even as the Member of County Assembly for Mbiri ward, you are not able to support your people.

The thing stand the same, these people are not asking for much because already the County Government has collected money from those areas. I would also like to inform my counterpart Honourable Member for Ruchu, if there is will by the County Government on closing down the

quarries for three weeks or one month we might be save a lot of --- lives have been in those quarries .

It is also good if you might know how much these quarries get for the County or the kilometre per road. Like that one for Githuri it is covering around 10 kilometres from Nokras Riverine. I do not think these would have a problem if these quarries are closed at least for some period so as to get the result. I stand to fully support the Motion and request you to give this House direction but let us not put this motion down. Thank you.

Temporary Speaker (Hon. Lucy Ngugi): Hon. Waithira Ndung'u

Hon. Waithira Ndung'u: Thank you Temporary Speaker, I take this opportunity to explain to the honourable members talking of Kigumo: we exchange our money with the material that you give. I stand to support the Motion for the following number one: I am in charge of Education and I am mandated to take care of our kids. Member of Kimorori /Wempa talked of the number of kids who have been going there forfeiting education for labour in those quarries.

We should have them closed and if the roads are constructed, the police or our education officer should be in a position to get in there and know what is happening. Due to lack of roads, the police could be trying to get in but they are hindered because the people know the way better than them thus anytime the officers want to get there and see what children are doing they are barred. I support the Motion because I have to protect the welfare of the children who are being misused there.

Temporary Speaker (Hon. Lucy Ngugi): Hon. Ruth Wambui

Hon. Ruth Wambui: Thank you Temporary Speaker, I stand to support the Motion on rehabilitation of roads in the quarries. I would like to say that we cannot throw away the baby and the water altogether, we need to come up with something that will help us tackle this problem.

One problem with us as Kenyans, we are re-active not proactive and it is the high time for us to think on the following; one of the things that made the Hon. Member come up with this Motion. It seems she has the heart for Wanjiku, because she is talking about these quarries are used as hiding places for our people and something we understand is that when we engage so much in these activities, we are affecting our youth and by the end of the day we will lose so many souls.

The other thing that came out well is that the minds, the health of the people we relate with. One of the things that I understand, when we are out there, the people we represent depend so much on us when it comes to health, if we can be pro-active on this matter, it will help us and by the end of the day, we will have saved that money to do something else and also the safety of our people.

So it is good for us we support this motion, if it needs some amendment we can do it but we cannot just throw the baby together with the water and by the end of the day, the goal is simple, safety and security. I beg to support.

Hon Stanley Muhia: Makuyu is one of the areas where we harvest these stones and I also feel for the Wanjiku that also harvests the stones. Like one Hon. Member said, this idea is very good, in fact it is very noble, of repairing our roads which are actually in very bad condition.

The only problem that I personally have with this Motion but I do not want it trashed is actually the issue of closing the quarries, unless we stipulate the time that we need these quarries closed. It is very likely that once we close them, it may take as long as nobody can tell to be opened and I find the risks of these quarries being closed indefinitely and some of the roads not

being repaired, we can also ask ourselves the big question why has it taken so long even having collected so much on tax in these quarries without any repairs.

I believe the authorities knew the roads are not in good condition and the roads were not repaired, and so it is likely that we may recommend that the quarries be closed and re-open them later maybe out of protest from Wanjiku down there out of non-performance of the quarries.

We are also not forgetting that we want to build our infrastructure and even build the economy; these quarries are supporting the buildings that we see rising every day. If we close these quarries, it might be very expensive to even go and fetch those stones outside this County. So my recommendation is that although we have a very noble idea of repairing these roads which is very important, let us find a solution, maybe recommend that before we start repairing the roads, let us do something that is very easy, look for an alternative road, we can have these graders go there and prepare an alternative route for the miners to go on with their business and continue with the business of repairing roads which is very easy.

When other companies go to do major road works, for instance we are going to have an expansion of the road from Thika to Nyeri and even maybe Embu, we are not going to close the highway so that we can do repairs on that road, what is going to happen is that the contractor will look for an alternative route so that normal business can go on and they can then do their business of constructing the road.

So my recommendation is that we do not recommend that these quarries whose workers we have already been told they are peasant earners that live from hand to mouth and they have kids who go to school every day and they depend on those quarries to feed even those kids. If we close these quarries, are we going to have an alternative way of feeding these families? The answer is a straight no.

Therefore, it is not very wise for us to close the quarries. I also find another noble cause in this very good Motion, the one on filling the holes that are left after extraction, this is very good, but the people who do the mining make very little and still live in humble backgrounds and therefore if we left it to those people to refill the holes it might never be done.

So we should come up with a recommendation that the County Government after collecting the revenue from these quarries, be filling those holes and unless we have a policy on how these holes will be refilled, we know it will not be done. And if we leave them to be filled by the miners, I am telling you it will not be done, it will just be a matter of passing the Motion here and feeling comfortable that we have done a very good things but those things will never be filled and the authorities that are in charge of those mines. What they are going to do is actually be looting from the miners and getting bribes and we cannot assume this is not going to happen because if they do not fill the holes and there is an order that those holes be filled, then those people will be harassed by the *askaris* (enforcement officers) going there and they will just be bribing every day and this is not what we want this Assembly to promote.

So a good recommendation would be that the Motion be amended because it is possible to rectify and do no harm, they will bring it here and we go ahead and pass it with very clear guidelines on how the operation will be done, create a diversion route and order the County to fill the holes because we have also benefitted so much from the quarry mines and leave our quarries to be harvested as usual and the construction of buildings going on in this County will continue unabated. Thank you for listening to me and for giving me this opportunity, I also support the Motion but with amendments.

Temporary Speaker (Hon. Lucy Ngugi): I now call upon the over to respond,

Hon. Pelagiah Muthoni: Thank you Madam Speaker, I want to respond to the comments that have been brought forward. I want to agree that the roads have been damaged, the roads leading to and from the quarries are damaged and we need to do those roads whether we are going to have alternatives but those roads have to be done.

Somebody has said about the child labour, which is true and happening in the quarries and something should also be done when it comes to our education so that we do not lose our children to child labour.

During the making of the Thika superhighway, most of the quarries were done in my Ward but, up to now, those pits are still open. The quarries are still open yet Thika superhighway was done more than 10 years ago. I commend the person who has said that the quarries can be closed for a short period of time but I would need some guidelines on how that is to be done. I was, however, of the opinion that the quarries should not be closed forever, but for duration of time so that the roads can be done.

During the time that the Mututho Bill was brought to the House, bars were operating from morning to evening, when the Bill was passed that the bars should be opened from five o'clock, many people were concerned that we were going to lose a lot of revenue but they looked at the positive side since we were losing our youth to alcohol. Even if the time was reduced from 5:00 p.m. we are still getting a lot of money from the bars yet they are closed most of the mornings.

During the rainy seasons, the quarries are usually closed for one or two months and those people do not die, they wait until the rains are over before going back to the quarries. Therefore, we can give ourselves a month or two or a few weeks and the County Government can come in very quickly to do the roads or give an alternative. Most of the quarries have been done for a lot of time, like 10, 20 years, yet the pits have not been filled.

Madam Speaker, I want to respond to Hon. Milkah. When I was introducing my Motion, I had a full page on the importance of the quarries and I talked about how those people depend on the quarries for their livelihood. I do not need to go back to the whole page. I also talked about the good roads and the livelihoods of these people. In addition to quarrying, I said that it is a huge supporter to some of the local economic developments of some sub-counties. It enhances trade, creates jobs for people and most of the people in the quarrying regions depend wholly on the quarrying for livelihoods. I had talked about that and I will not need to repeat the whole paragraph which is about three pages.

Madam Speaker, I need to be given some guidelines on how the Motion can be brought back with amendments. I think we can still survive if the quarries were to be closed for two weeks or one month. I also think that the County Government can take it seriously to do the roads and to also close, and especially at this time when there are rains, we can be able to plant trees and vegetation on those pits that have been left open.

On sickness, most of these quarries do not have toilets, as the Hon. Member for Kimorori has said, during the rainy seasons, all the human waste is drawn into the rivers and that is how we are getting cholera and other diseases. Diseases are there during the rainy seasons and malaria during the dry seasons because this milky water turns green and it is very dangerous. I would want the guidelines on how we can bring the Motion back with amendments or be given a chance to close for a month or two during this time so that the roads can be done. Thank you Madam Speaker.

Temporary Speaker (Hon. Lucy Ngugi): Hon. Pelagiah Muthoni, this House gives you permission to withdraw the Motion and re-submit it back with amendments.

(The Question on the Motion was deferred)

Temporary Speaker (Hon. Lucy Ngugi): Next Order

ADJOURNMENT

The Temporary Speaker (Hon. Lucy Ngugi): There being no other business, this House stands adjourned until Tuesday 3rd April 2018 at 9:30 a.m.

The House rose at 3:48p.m.