

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

9th March 2021

*The County Assembly met at the
County Assembly chambers in Kathwana at 9.45 a.m.
[The Speaker (Hon. D.J. Mbaya) in the Chair]*

PRAYERS

Hon. Speaker: Honourable members let's get seated. Next Order

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Honourable members, good morning and welcome to this sitting. I wish you all the best as you discharge your constitutional mandate of representation, oversight and legislation. To the guests on the Speakers gallery feel welcomed. Thank you.

PAPERS LAID

REPORT OF THE COMMITTEE ON WATER, ENVIRONMENT AND
NATURAL RESOURCES ON THE THARAKA NITHI COUNTY
E-WASTE MANAGEMENT BILL, 2020

Hon. Speaker: Yes, honourable Margret Gitari the member for Chogoria.

Hon. Margret: Thank you Mr. Speaker. I lay on the table of the House the report of the Committee on Water, Environment and Natural Resources on the Tharaka Nithi County E-waste Management Bill, 2020.

(The paper was accordingly laid on the Table)

Hon. Speaker: Thank you honourable Margret Gitari. Honourable members the report of the Committee on Water, Environment and Natural Resources on the Tharaka Nithi County E-waste Management Bill, 2020 stands laid on the table. Next order.

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STATEMENTS

RESPONSE TO THE STATEMENT ON CHUKA TOWN COMMITTEE
BY THE CHAIRPERSON COMMITTEE ON LAND HOUSING
AND PHYSICAL PLANNING

Hon. Speaker: Yes, honourable Justine Kithinji, member for Magumoni. Is your response ready?

Hon. Kithinji: Thank you Mr. Speaker. Mr. Speaker, you started by asking a question and allow me to answer that question in a sentence. We held a meeting as a committee, we communicated to the CECM in charge who responded. We invited the member who sought the statement in our meeting and when we went through the answers that we were given we realized that the statement was touching on very pertinent issues and the response that was given was not satisfactory. The committee requested for a more satisfying response and in fact the CECM did withdraw his response and I am therefore seeking the extension of time, pursuant to Standing Order number 60 (1), the committee requests that you differ the response to the statement to 16th April 2021.

Hon. Speaker: Thank you honourable Justin Kithinji. Honourable members, pursuant to Standing Order 60(1) read together with Standing Order number 1 the response to the statement on Chuka town committee by the chairperson committee on land, housing and physical planning is hereby deferred to our next sitting. Is that okay or is that too soon?

Hon. Kithinji: Sorry Mr. Speaker, you said up to?

Hon. Speaker: Our next sitting. Or is that too soon?

Hon. Speaker: That is too soon considering that...

(Interjection)

Hon. Speaker: How many days do you require?

Hon. Kithinji: 14 days Mr. Speaker, therefore 16th of April will be good for us.

Hon. Speaker: Thank you. Honourable members, the response to the statement on Chuka town committee by the chairperson committee on land, housing and physical planning is hereby deferred to 16th of April 2021. Thank you.

RESPONSE TO THE STATEMENT ON NDAGANI BARTER MARKET
BY THE CHAIRPERSON COMMITTEE ON LAND HOUSING
AND PHYSICAL PLANNING

Hon. Speaker: Yes, honourable Justin Kithinji.

Hon. Kithinji: Thank you Mr. Speaker, the committee on Land, Housing and Physical planning received the response to the statement on Ndagani barter market from the CECM in charge. Upon consultations with honourable Godfrey Muchiri, who sought the statement, the committee resolved that the statement was not satisfactorily responded to. In that regard, requested the CECM to submit a detailed report on the issues raised on or before 22nd March 2021.

Mr. Speaker, pursuant to Standing Order 60(1) the committee requests that you defer the response to 6th April 2021. Thank you Mr. Speaker.

Hon. Speaker: Thank you. Honourable members, the response to the statement on Ndagani Barter Market by the Chairperson Committee on Land Housing and Physical Planning be brought to this House on 6th of April 2021. Next order.

RESPONSE TO THE STATEMENT ON MWEMA TEA BUYING CENTRE-NDAGANI
BY THE CHAIRPERSON COMMITTEE ON AGRICULTURE
LIVESTOCK AND FISHERIES

Hon. Speaker: Yes, honourable Karen Karimi.

Hon. Karen: Thank you Mr. Speaker, I rise to seek for an extension of time to bring the response. Our committee received a response which was not satisfying and we resolved to visit the site and verify a few things on the ground.

Hon. Speaker: How much time do you require?

Hon. Karen: 14 days will be enough.

Hon. Speaker: Is 6th April okay with you?

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Hon. Karen: Yes, Mr. Speaker.

Hon. Speaker: Honourable members, the response to the statement on Mwema tea buying centre-Ndagani by the Chairperson Committee on Agriculture Livestock and Fisheries be brought to this House on 6th April 2021.

Honourable Karen I am being advised that the 6th April 2021 will fall within our recess. So can we do it on 23rd of March?

(Hon. Karen stood in her place and bowed to agree)

Thank you. Honourable members, the response to the statement on Mwema tea buying centre-Ndagani by the Chairperson Committee on Agriculture Livestock and Fisheries be brought to this House on 23rd March 2021.

I am not taking the House back again but honourable Kithinji after being advised that 6th April 2021 fall within our recess, do you wish to take another date? Either before 6th or shortly after 6th April 2021.

Hon. Kithinji: Mr. Speaker let it be on or before 6th of April so that I can bring it even before 6th of April.

(Laughter)

Hon. Speaker: Honourable Justine Kithinji, this is a House of order. Let the response be brought on the 23rd of March.

Honourable members, for the purposes of the Hansard record, the response to the statement on Ndagani Barter Market by the Chairperson Committee on Land Housing and Physical Planning be brought to this House on 23rd March 2021. Thank you.

RESPONSE TO THE STATEMENT ON NITHI WATER AND SANITATION COMPANY
WATER CONNECTION METERS BY THE CHAIRPERSON COMMITTEE ON
WATER, ENVIRONMENT AND NATURAL RESOURCES

Hon. Speaker: Yes, honourable Margret Gitari, member for Chogoria.

Hon. Margret: Thank you Mr. Speaker. I have a response for the statement that was sought. After it was sought we sat down as a committee and wrote to the CECM water and

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environment who responded on 1st of march 2021. The committee sat down and invited the honourable member who has sought the statement. If you allow me I will go through the Statement first.

Hon. Speaker: Kindly proceed.

Hon. Margret: Thank you Mr. Speaker. The statement on Nithi Water and Sanitation Company water connection meters.

In reference to your letter referenced Tharaka Nithi TN/CA/ADM/2/VOL4/561 dated 16th February 2021 on the above subject this is the response to the matter raised:

1. Why are the title deeds required?

The title deeds are required during new applicant's connection for the following reasons: identification of the key owner of the property and its location, to identify within the development (facility) where water meter is to be installed for inspection and meter reading, to avoid double registration by applicants when they have accumulated unpaid bills.

Risks of registering water connections without title deeds: registering of water connections without title deeds leaves a room for double registration, in this case, applicants abandon their accounts with high accumulated bills making NIWASCO to incur unnecessary losses.

2. What will happen to those who have a shared title deed?

In connection of a shared title deed, an inspection and assessment of a facility is carried out where water is required. The applicant is registered for connection if the facility is found to be distinct. However, the shared title deed is still used as the reference point.

3. What will happen in instances where one does not have a title deed or the ancestral land has not been subdivided?

In this particular case the applicant is required to provide the following. A plot number, a letter from the area chief ascertaining the said person to be the owner of the property that needs water connection.

The response is signed by Eng. J.A.M Nkanya, the CECM for lands, physical planning urban development, water and irrigation, environment and natural resources.

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Mr. Speaker when we invited the honourable member, his main concern was that there are families using one title deed and in some cases there has been some problems when applying for water connection because sometimes they are denied. After discussing with the honourable member we saw it wise to invite the CECM to come and shed light on the same. We discussed it with the CECM yesterday and after a lengthy discussion he agreed that unless there are specific cases that can be brought here and we follow each specifically it cannot be handled wholesomely. If it is an individual case, it can be brought here and it will be handled by this committee individually.

Mr. Speaker that is my report.

Hon. Speaker: Thank you. Honourable member for Karingani are you satisfied with that response?

Hon. Muchiri: Thank you honourable Speaker. First let me thank the chair for that response though they could have extended their generosity by inviting me when they invited the CECM. But the committee says the cases will be dealt with at a personal level so I will stop at that although I heard the chairperson say that there some areas where the land is not subdivided and the succession has not been done because there are some families with many sons and daughters that need water but the land is still registered under the deceased parent. I do not know if that was dealt with that one. As they speak about the issue of double registration... that is why we use our IDs when we are applying. They don't allow minors to apply. When it comes to double registration the ID can be used to identify and stop that.

Secondly honourable Speaker, I think NIWASCO needs to have a network of their water connections so that they can avoid double connection if they are serious with what they are doing.

As per now let me say that I am okay I will do a follow up at a personal level. Thank you honourable Speaker.

Hon. Speaker: Thank you. Yes, honourable Margret Gitari.

Hon. Margret: Thank you Mr. Speaker. The honourable member has mentioned that when the committee met the CECM yesterday he was not called but when we, with the honourable

members of the committee, met the CECM, the member he was chairing the budget committee. It was not that the committee ignored him, thank you.

Hon. Speaker: Honourable Margret Gitari, the honourable member for Karingani has been generous to you this morning. I have also read Standing Order 58 (a) (b) and c and (c) takes care of this situation. Thank you. Next order.

RESPONSE TO THE STATEMENT ON UNIVERSAL HEALTH CARE
BY THE CHAIRPERSON COMMITTEE ON HEALTH SERVICES

Hon. Speaker: Yes, honourable member for Mitheru.

Hon. Charles Nyaga: Thank you Mr. Speaker. This is the response that our committee received from the executive. The letter that we wrote was dated 16th February 2021 and by 22nd February 2021 the executive had replied to the statement. Let me read the answer that we got.

Response on universal health coverage (UHC) implementation in Tharaka Nithi county.

As the above subject matter refers. Reference is made to the letter referenced TN/CA/AND/2/VOL4/562 dated 16th February 2021 on the above subject matter. The department wishes to respond to the issues raised as outlined below.

Introduction.

Universal health Coverage is one of the Kenyan president big four agenda according to the world health organization. UHC is defined as to access to quality, preventive, promotive, curative, rehabilitation and palliative health service coverage regardless of the ability to pay. The programme was launched in Kenya on 13th December 2018 and piloted in four counties; Kisumu, Isiolo, Machakos and Nyeri. The approach to its implementation was centred on strengthening of health systems with focus on community health services and primary healthcare system as well as ensuring availability of essential commodities and basic equipment in health facilities and removal of user fees in level 4 and 5 public hospitals.

Tharaka Nithi county government launched this program on 14th September 2018 led by HE Hon. Muthomi Njuki at a function held at Mumbuni dispensary grounds. The program targeted to support the most indigent households to purchase health insurance. Immediately after the launch, the department of health services and sanitation embarked on the

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identification of indigent potential beneficiaries and was based on a process designed to ensure effective sensitization, optimal demand creation and standardized screening of all the potential beneficiaries.

Criteria of identifying all the needy households in Tharaka Nithi county;

A person qualifies for County Health Insurance enrolment if he or she:

- i. Is a resident of Tharaka Nithi County.
- ii. Not benefitting from any other form of health insurance.
- iii. Suffering from a chronic condition and unable to raise the required monthly premium.
- iv. Persons living with disability, i.e. physical and mental and unable to raise the monthly premium
- v. Widow or widower and unable to raise the monthly premium
- vi. Caregiver taking care of orphans and unable to raise monthly premium.
- vii. Elderly and venerable
- viii. Low level household income
- ix. A person who is willing to be recruited in the program

Process;

Identification of venerable or indigent persons was carried out by the county community health volunteers under strict supervision and guidance by the community health extension workers during the identification exercise. Constant feedback was given to the county administrators among other stakeholders. House to house visit were conducted where one to one interviews were conducted guided by a generic interview guide. Populated questionnaires were then submitted to the responsible chiefs for onward submission to the sub-county health offices for screening. After screening at the sub-county level the forms were to the county health offices for further screening and compilation by a committee. Compiled lists of potential beneficiaries was then submitted to the chief officer for medical services and the chief officer public health and sanitation for validation and further submission to the county executive committee member of health, public health and sanitation for approval.

The number of beneficiaries per household that have benefitted from the program 2 years down the line;

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During the identification exercise, a total of 8954 venerable or indigent persons were identified and listed. The list is here Mr. speaker. Maybe I can read it out for the curious.

Hon. Speaker: Proceed honourable member for Mitheru.

Hon. Charles Nyaga: Chogoria was given 628, Ganga 538, Mwimbi 601, Muthambi 499, Mitheru 459, Igambang'ombe 796, Mariani 455, Magumoni 704, Karingani 500, Mugwe 543, Ciakariga 721, Marimanti, 747, Nkondi 566, Mukothima 481, Gatunga 717; making a total of 8954.

The list of the identified individuals was submitted to the NHIF offices at Chuka for biometric registration which is currently ongoing. What currently ongoing means is that we cannot question it at this juncture.

Thank you Mr. Speake sir.

Hon. Speaker: Thank you. Honourable member for Karingani are you satisfied with the response.

Hon. Muchiri: Thank you honourable Speaker. I like the energy of my brother when he is saying that it is ongoing. I don't understand whether it is the recruitment that is ongoing or it is the payment that is ongoing. Is it the registration or the payment? I need some clarification.

Hon. Speaker: Honourable Charles Nyaga kindly clarify.

Hon. Charles Nyaga: Thank you Mr. Speaker it is the registration at the NHIF Chuka offices that is ongoing and also told us that the process is not closed for the desperate situations. So it is also ongoing. Thank you Mr. Speaker.

Hon. Speaker: Yes, honourable Godfrey Murithi.

Hon. Muchiri: Thank you honourable Speaker. If the payment is ongoing also I am happy for that and I request the honourable chair to extend his generosity and share that list with me so that I can also follow it up as part of my oversight duty. Thank you honourable Speaker.

Hon. Speaker: Thank you. Honourable Charles Nyaga are you comfortable with that?

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Hon. Charles Nyaga: Mr. Speaker I am very comfortable. The honourable member is my neighbour and we are friends so I have no problem with that.

Hon. Speaker: Thank you. Next order.

BILLS

SECOND READING

THE THARAKA NITHI COUNTY E-WASTE MANAGEMENT BILL, 2020

Hon. Speaker: Yes, honourable Margret Gitari, member for Chogoria.

Hon. Margret: Thank you Mr. Speaker. I present the report of the Committee on Water, Environment and Natural Resources on the Tharaka Nithi County E-waste Management Bill, 2020. Mr. Speaker allow me to go straight to the committee's findings and observations.

Hon. Speaker: Kindly proceed.

Hon. Margret: Thank you Mr. Speaker.

Overview of the Bill;

Mr. Speaker Sir, the object of the Tharaka Nithi County E-waste Management Bill, 2020 is to:

- i. Provide for a legislative framework for establishment of an institutional framework for the Management of E-waste;
- ii. Promote an environmentally friendly County that reduces health risk associated with polluted environment; and
- iii. Encourage citizens to take responsibility for their environment.

Part I of the Bill has 3 clauses with the preliminary provisions consisting Short title, interpreting of words and expressions used in the Bill and objective and purpose of the Bill.

Part II- consist of Clause 4-11 that provides for the composition of the County E-waste Management Unit, the functions of the unit, qualifications for appointment the terms of office, vacancy and responsibilities, powers and staffing of the unit.

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Part III of the Bill has clauses 12-21 containing provisions of general nature including application for E-waste management license and its issuance, application for renewal, revocation, alteration, suspension, surrender of the license, appeals and offenses.

Part IV of the Bill has clauses 22 – 26 that provides for the Financial Provisions on Establishment and management of E-waste fund, annual estimates, accounts and Audit and preparation of annual reports.

Part V has clause 27 and 28 that provides for miscellaneous provisions empowering the County Executive Member to make regulations generally for the better carrying out into effect of any provision in the Act.

The enactment of this Bill will occasion additional expenditure of public funds which shall be provided for through estimates in the county budget.

Public participation;

Public participation in Kenya is considered a crucial pillar of the Kenyan constitution. It promotes democracy by providing the public with the opportunity to take part in decision making process in Government. Governments are mandated to give effect to public participation through the Fourth Schedule Part 2 (14) which states the county will ensure and coordinate the participation of communities and locations in governance at the local level. Counties are also to assist communities to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level. Article 201(a) also outlines public participation as one of the principles of public finance alongside openness and accountability. It is upon this premise that the Tharaka Nithi County Assembly made an advert in the newspapers encouraging members of the public, Civil Societies, NGOs, professional groups, youth, women groups, persons living with disabilities, traders and faith based organizations to submit memoranda and views on the bill to tharakanithicountyassembly@gmail.com on or before 18th June 2020 as attached in appendix i.

Standing Order 152(1) provides that ‘A Bill having been read a first time shall stand committed to the relevant Sectoral Committee without question put’.

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Standing Order 152(3) provides that ‘the Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the Assembly.

Standing Order 152(4) further provides that ‘subject to the provisions of Section 87 of the County Governments Act, in conducting public participation on a Bill, the Committee shall seek the views of the concerned County Executive Committee Member and persons or institutions within the County relevant to the subject of the Bill and may seek the views of the general public by way of written submissions, public hearings, surveys, focus group discussions, direct mail or electronic platforms.

Views on the Tharaka Nithi County E-Waste Management Bill, 2019 by the public;

By the time the committee on Water Environment and Natural Resources was writing this report, they had not received any written memoranda despite having informed the public to participate by sending their views on the Bill as evidenced in the advert attached.

Further the committee sought views from the stakeholders as shown in the attached letters but did not receive any feedback.

Committee recommendations;

It is the committee’s humble submission that the County Assembly approves the Tharaka Nithi County E-waste Management Bill, 2020.

I now move that the Tharaka Nithi County E-waste Management Bill, 2020 be now read a second time. I request honourable Asumpta to second.

Hon. Speaker: Thank you honourable Margret. Yes, honourable Asumpta Gabriel.

(Hon. Asumpta stood at her place and bowed to second)

Hon. Speaker: Honourable members, I now propose the question that the Tharaka Nithi County E-waste management Bill 2020, be now read a second time. Honourable members, the floor is now open for debate. Yes, Honourable Charles Nyaga.

Hon. Nyaga: Thank you Mr Speaker. I am a member of this committee, and I support the Bill.

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Hon. Speaker: Thank you honourable Charles Nyaga. Yes, honourable member for Karingani.

Hon. Muchiri: Thank you honourable Speaker. First of all, allow me to thank the committee for a job well done, and also combing the same when it comes to E-waste management regardless of the situation. It is something that needs to be looked at in our County before it gets out of hand. I believe that these Bills that we pass into law, I believe they are implemented. There is also need to undertake civic education especially where our people gets involved before we start arresting them whereas they do not know that we even passed that Bill in this honourable House. I believe we need to strengthen our publicity department i.e. we need to have an information centre. This will enable us to release information on what we are doing in this honourable House.

Honourable Speaker, allow me once again to say that after going through the Bill, and the public having been involved, it is a Bill that needs to be passed with a lot of attention. I am happy because of this Bill because it will be very useful within my ward. My ward is the most populated that needs a lot of attention when it comes to some of these Bills.

I therefore support.

Hon. Speaker: Thank you honourable Godfrey Murithi. Yes, honourable member for Magumoni.

Hon. Kithinji: Thank you Mr Speaker. I am rising to seek some clarification from the mover of this Motion. This is particularly in page 9. I believe that the copy I have is what she has. There is a place that is a bit confusing. It is talking of Tharaka Nithi County public nuisance Bill 2019, but the Bill that is before this house, it is totally a different Bill. May be she can give some clarification.

Hon. Speaker: Thank you for that observation honourable member for Magumoni. Yes, honourable Margaret Gitari.

Hon. Margaret: Thank you Mr Speaker. I sincerely thank honourable member for noting that. I had already noted it. That is a mistake. It should not be Public Nuisance Bill, but it should be E-waste Management Bill. Sorry for that error.

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Hon. Speaker: Thank you honourable Margaret Gitari. Are you satisfied with that clarification honourable Justin Kithinji?

Hon. Kithinji: Mr Speaker, I wanted it to go to on Hansard that it is a Bill on E-waste Management. Otherwise, I support.

Hon. Speaker: Thank you honourable Justin Kithinji. Honourable members, the floor is still open for debate. Yes, honourable John Njagi Mucee.

Hon. Njagi: Thank you Mr Speaker. I do support the Bill, that the E-waste be well handled since they can cause some problems to the public which can lead to diseases to our members of public. Once one is sick, this becomes another cost to the household leading to deviation of money from the line of development to the line of health.

I therefore do support.

Hon. Speaker: Thank you honourable John Njagi Mucee. Honourable members, regard being taken to the mood in the House, and pursuant to standing order 106(4), may I now call upon the mover, honourable Margaret Gitari to reply.

Hon. Margaret: Thank you Mr Speaker. Mine is to sincerely thank the honourable members for contributing in this report and also passing it. It will be very important in this County especially in Karingani where there is a lot of waste. If there is a Bill that is controlling the disposal of the waste, it is going to help us as the residents of Tharaka Nithi County. I thank the honourable members for unanimously supporting the Bill. Thank you.

Hon. Speaker: Honourable members, allow me now to put the question.

(Question put and agreed to)

(Orders for the second reading read for the second time)

ADJOURNMENT

Hon. Speaker: Honourable members, there being no other business in the Order Paper, this House stands adjourned until the next sitting.

****The House rose at 10:17am****

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