

**REPUBLIC OF KENYA**  
**MANDERA COUNTY ASSEMBLY**  
**THE HANSARD**

**Wednesday, 29<sup>th</sup> July, 2020**

*The House met at the Assembly Chambers  
County Assembly Buildings, at 2.30 p.m.*

[The Speaker (Hon. M. A. Khalif) in the Chair]

PRAYER

**NOTICE OF MOTION**

ADOPTION OF THE REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE  
ON ANNUAL DEVELOPMENT PLAN 2020/2021

**The Speaker** (Hon. M. A. Khalif): Chair Budget!

**Hon. Ahmed Rashid** (Gither): Thank you, Mr. Speaker. I would like to give Notice of the following Motion; -

THAT, this House adopts the report of Budget and Appropriations Committee on Annual Development Plan 2020/2021

Thank you.

**STATEMENTS**

**Hon. Alinur Hassan** (Dandu): Thank you, Mr. Speaker.

**The Speaker** (Hon. M. A. Khalif): What are you saying?

**Hon. Alinur Hassan** (Dandu): I have a statement to issue.

**The Speaker** (Hon. M. A. Khalif): We have statement by honorable Teno. Honorable Hassan!

STATUS OF ROAD THAT LINKS UP COMMUNITY LIFE CENTRE  
AND TOWN IN DANDU WARD

**Hon. Alinur Hassan** (Dandu): Mr. Speaker, pursuant to the provision of Standing Order No. 44 (2) (c), I wish to seek statement from the chairperson Roads, Transport and Public Works Committee on the following;

1. Whether the department is aware that the road that links community life center to the town was cut off by the recent floods thus hindering medical services in the area.
2. Any plan the department has put in place to repair the said road.

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Thank you.

**The Speaker** (Hon. M. A. Khalif): Committee on Roads!

**Hon. Abdiaziz Dakat** (Arabia): Mr. Speaker, we need to be given four weeks to respond to that, may be after recess.

Thank you.

**The Speaker** (Hon. M. A. Khalif): You are aware we are going for recess from 13<sup>th</sup>.

**Hon. Abdiaziz Dakat** (Arabia): Yes.

**The Speaker** (Hon. M. A. Khalif): Okay just immediately after Recess. He said four weeks and the recess itself is four weeks.

Next is statements to be responded to and the first one is by honorable Yussuf, statement number 3. I was told it was not conclusively responded to. I am made to understand that it is statement number 3, 5 and 9. It is written the response is available. Was the response read on the floor? Is the member satisfied with the response? Where is the member for Alungu?

**Hon. Yussuf Maalim Dakane** (Alungu): Mr. Speaker, the member is not satisfied with the response and we are also going to show displeasure because the issue of the road is affecting both Lafey and Alungu wards. Where the road has been cut off is right in Lafey town between Lafey town and slaughter house and the department said the main road is A13 which falls under Kenya National Highway Authority (KeNHA). We are saying we are not satisfied because roads within towns fall under the county government.

Thank you.

**The Speaker** (Hon. M. A. Khalif): But if I read the honorable member's question was whether the department is aware that the road between Alungu to Lafey is cut off. So, according to me I think he is talking about Mandera-Lafey-Arabia-El-wak road, is that the position? The department said it falls under Kenya National Highway Authority (Kenha) or Kenya Rural Roads Authority (KeRRA). I have read the statement myself but I am sure it is either under KeNHA or KeRRA. Most likely it is under KeRRA because KeRRA is doing construction from Mandera all the way to Fino. So, if they said it does not fall under their class. The roads were classified; there was KeNHA road, KeRRA, KURA and then County Roads. So, it is not under their mandate. I do not think we have to push the committee. May be you refer this issue to the Member of Parliament for Lafey Constituency to take up with the relevant department in Nairobi because we can only discuss what is within our mandate. So, we leave that there. We move to move to No. 4, was it responded to? Committee on Public Works, Roads and Transport on the County Rest House, County Headquarters and Governor's residence, was that responded to?

**Hon. Mohamed Rashid** (Kutulo): No. They have responded to that statement but we have found it that it is not satisfactory. We returned it back to them so that they bring another response which is satisfactory to what the honorable member asked. We are waiting for the response from them. We have written a reminder to them.

**The Speaker** (Hon. M. A. Khalif): You are a member of that Committee?

**Hon. Mohamed Rashid** (Kutulo): Yes.

**The Speaker** (Hon. M. A. Khalif): But you could have allowed the Vice-Chair to respond. Anyway you assisted him. Or he was absent that day? Ok.

**Hon. Issack Dahir** (Nominated): Mr. Speaker, he is in order and we are in agreement.

**The Speaker** (Hon. M. A. Khalif): Statement No. 4, I am told the response is available for the Deputy Speaker, member for Libehia's Statement No. 5, or was it read?

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**Hon. Farah Abdi** (Libehia): It is true that the response has been read. They combined all the three statements in one response. For this one of Libehia, it is true that in FY 2019/2020, we had 10 Million for that road. But recent rains washed out and cut many roads including this one of Libehia A-13. As we speak that road is not passable. We were doing water tank and this big tanker cannot pass that road. Still we are asking the department to do something on it. But otherwise the response is ok and I am very much satisfied with it.

**The Speaker** (Hon. M. A. Khalif): Then we will leave that there. We will move to the next. There is statement No. 6 for Committee on Public Works, Roads and Transport by honorable Alinoor Derow Abdullahi. Was that disposed of?

**Hon. Mohamed Rashid** (Kutulo): Yes.

**The Speaker** (Hon. M. A. Khalif): Member for Wargadud.

**Hon. Alinoor Derow** (Wargadud): Thank you, Mr. Speaker.

**The Speaker** (Hon. M. A. Khalif): I am hearing it has been disposed of.

**Hon. Alinoor Derow** (Wargadud): Last week, I was not present. In fact, I am just realizing it now. I am not satisfied with the response.

**The Speaker** (Hon. M. A. Khalif): Which response because you were not present?

**Hon. Alinoor Derow** (Wargadud): Regarding the statement on Wargadud-Qoqay Road.

**The Speaker** (Hon. M. A. Khalif): Where are you referring to because it has been disposed of last week and you were not there? So, it has been disposed of.

**Hon. Alinoor Derow** (Wargadud): But I am seeing it here right now.

*(Laughter)*

**The Speaker** (Hon. M. A. Khalif): Order Member for Wargadud! Once the question is discussed and disposed of then I do not think the House can discuss it again.

We move to Statement No. 7, was it disposed of? Committee on Lands, Housing and Physical Planning on statement by honorable Abdirahman Aliow? He was asking the department whether it has taken planning in Banisa Town. You have a response?

**Hon. Halima Billow** (Nominated): No. I have no response. We have sent the statement to the department and still they have not responded. We have sat this morning as a committee and we wrote a reminder for them to respond.

Thank you.

**The Speaker** (Hon. M. A. Khalif): You said that you will get feedback by next week, Wednesday. Statement No. 8 by honorable Adan Maalim Mohamed member for El-wak north to the Committee on Water, Energy, Environment and Natural Resources.

**Hon. Ibrahim Ali Wariyo** (Shimpir Fatuma): Mr. Speaker, on that, we have the response. But we have a sitting tomorrow. We have not discussed it still as a committee. We hope to deliver by next week.

Thank you.

**The Speaker** (Hon. M. A. Khalif): Are you satisfied with that? Members not putting on their masks properly, please let us do it. You do not put the mask on their beard, you mask the nose and the mouth.

Statement No. 9. I am told it is available. Statement by honorable Alinoor Derow to the Committee on Water, Energy, Environment and Natural Resources.

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**Hon. Ibrahim Ali Wariyo** (Shimpir Fatuma): I also believe that this one is with the committee. We are yet to discuss. For your information, last week, we had no quorum. We hope to get quorum tomorrow, Insha'Allah; that will be a sitting day. We will still deliver this one because the response is with the committee.

Thank you.

**The Speaker** (Hon. M. A. Khalif): Member for Wargadud, have you heard that?

**Hon. Alinoor Derow** (Wargadud): I am satisfied.

**The Speaker** (Hon. M. A. Khalif): Statement No. 10. There is a statement by honorable Adan Maalim Mohamed to the Committee on Water, Energy, Environment and Natural Resources.

**Hon. Ibrahim Ali Wariyo** (Shimpir Fatuma): We were to discuss that last week as a committee. I have said we have missed quorum last week. We will sit for that business tomorrow. We will make sure that it will be sent to the Executive by tomorrow. As at now we have not yet resolved to send to the Executive.

**The Speaker** (Hon. M. A. Khalif): Member for El-wak south is that ok?

**Hon. Abdinoor Diisow** (Elwak North): Thank you, Mr. Speaker. The Chair was just saying that he has not forwarded to the department, and he equally talks in discussing it tomorrow. Can he quietly come clear on this? Because I sought this statement by three weeks ago and it is due today. Still they have not deliberated it and sent to the Executive.

**The Speaker** (Hon. M. A. Khalif): Chairperson.

**Hon. Ibrahim Ali Wariyo** (Shimpir Fatuma): I have said that we have honored the very important message requested by the honorable member for Elwak South. We have also agreed to sit on that business tomorrow. We were to discuss last week but because of quorum hitch we could not manage. Hopefully, we will deliver equally like others next week.

Thank you.

**The Speaker** (Hon. M. A. Khalif): I think that is clear. Make sure you finish the standing before the end of the session.

Next Order! House Business Committee!

BUSINESS FOR WEEK COMMENCING  
TUESDAY 4<sup>TH</sup> AUGUST, 2020

**Hon. Halima Billow** (Nominated): Thank you, Mr. Speaker. Pursuant to Standing Order No. 44 (2) (a), I want to lay on the table the following businesses slotted by House Business Committee;

1. Wednesday, 29<sup>th</sup> July, 2020 Afternoon- Notice of Motion, it was read by the honorable Chair for Budget and Appropriations Committee for Annual Development Plan 2020/2021.
2. Tuesday, 4<sup>th</sup> August, 2020 Afternoon- Paper Laid, El-wak Municipal Charter (Amendment) 2020.
3. Tuesday, 4<sup>th</sup> August, 2020 Afternoon- Notice of Motion, Mandera County Public Service Board Report, 2019.
4. Tuesday, 4<sup>th</sup> August, 2020 Afternoon- Motion, Budget and Appropriations Committee report on Annual Development Plan 2020/2021

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5. Wednesday 5<sup>th</sup> August, 2020 Afternoon- Motion, Mandera County Public Service Board Report, 2019.

6. Wednesday 5<sup>th</sup> August, 2020 Afternoon- Response to statements.

Thank you, Mr. Speaker.

**The Speaker** (Hon. M. A. Khalif): Leader of Majority do you have any statement to make? Leader of Minority! Next Order!

## MOTION

### SAFE MANAGEMENT AND DISPOSAL OF ASBESTOS IN ALL BUILDINGS IN THE COUNTY

**Hon. Abdinur Diisow** (El-wak South): Thank you, Mr. Speaker. I rise to move the following Motion-

THAT, aware that part 2 of the fourth schedule of the Constitution of Kenya 2010 provides for the functions of the County Government which includes amongst others refuse removal, refuse dumps, solid waste disposal, control of air pollution and implementation of specific national government policies on National Resources and Environmental conservation;

FURTHER, aware that Article 43 (1) of Constitution of Kenya, 2010 outlines that every person has the right to a clean and healthy environment which includes the right to have the environment protected for the benefits of the present and future generations through legislation;

CONCERNED, that there has been careless disposal of waste such as medical waste, asbestos and harmful chemical to the environment;

FURTHER CONCERNED, that asbestos wastes have hazardous materials that may cause chronic health problems such as asbestosis, lung cancer and mesothelioma especially if handled without caution;

ACKNOWLEDGING that, the National Environment Management Authority (NEMA) has established guidelines on disposal of asbestos waste and other waste treatment;

This Assembly urges, the County Executive to;

1. Enforce NEMA guidelines on the safe management and disposal of asbestos in all buildings in the County.
2. Establish regulation on the County Solid waste management in the County.
3. Ensure construction/ buildings of public institution with asbestos roofing be replaced with galvanized iron sheets in order to avoid the health and environmental risk associated with asbestos for financial year 2020/2021.

Mr. Speaker, this Motion stick to address the changes of the roofing from all the public institutions. It was during 1985 that most of these roofing were placed on public institutions especially hospitals. As we speak Mandera County Referral Hospital roofing is asbestos, Elwak and Takaba the same. Asbestos are classified as known human carcinogen and there are sufficient evidence to that effect like lung cancer. Asbestos contained roofing release poison to the air especially if disturbed or damaged. It is disturbed or damaged maybe by rain, maybe if it aged because I just told you it was since 1985, it is very ancient dilapidated and through some physical impact like repair and renovation.

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Finally, there is also disease associated with that called asbestosis. That any materials contained in that product causes diseases called asbestosis that are serious and chronic but non-cancerous respiratory diseases with no effective treatment hence very fatal. In this County of ours for almost now seven years down the line we are grateful that we have enormous resources but it has never attracted the attention of the government to replace those simple materials that are very hazardous to the community.

With those few remarks, I wish to seek honorable Shaban to second.

Thank you.

**Hon. Shaban Hassan:** Seconded

*(Question Proposed)*

**Hon. Abdinoor Dakane** (Khalalio): Thank you, Mr. Speaker. In fact the issue of asbestos changing them to galvanized iron sheets is something which is on the right direction but we are in the Assembly and all of us as you can see we are having face masks just because of the Corona virus. If now iron sheets which all of us in one way or the other got contact with these asbestos, I remember nomadic primary school in Rhamu, the whole of that institution where children are attending has got asbestos. We are even wondering why these companies in Kenya who are manufacturing iron sheets like asbestos allowed that in this country. This is already causing cancer. Most of Kenyans are suffering from cancer they cannot be able to treat them because it is expensive and most of the people have died and these companies should have already been put into task and even contribute to the medical bill of those people who are suffering from cancer. It is better for NEMA to take immediate action in this county to make sure that all those premises where asbestos are should be condemned and make sure that those roofing are replaced.

This is a good move and it will save many people from going to suffer lung cancers and asbestosis. There are many diseases which are associated to this. In fact, one of the victims is in my ward where solid waste normally goes and there are no bills to this. I was just called by one KPR and saying that there is a vehicle carrying solid waste to Karo. I had to go to MANDAWASCO and ask them what happened. They asked to give them time so that they come up with a bill so that it comes through the Assembly. So, some people used to pay some money to the community around Karo, dig a very big hole, put that waste and then later they pay those people around there. Such hazards that impact on the environment should immediately be addressed and be brought to the Assembly so that we can do something about it.

I support the Motion.

Thank you.

**Hon. Kulow Alio** (Rhamu): Thank you, Mr. Speaker. I stand to support the Motion as it is before the House. One of my expertise is respiratory diseases as a medical professional and I want to give some professional aspects on this. Asbestos contains six elements that if inhaled or ingested, it directly goes to the lungs. Asbestos was used at first place during the 1985 and the rest because most of the exporters of the asbestos are Russia and China. It is flexible, it is soft, it is resistant to heat and electricity and it is also resistant to corrosion. That is why initially it was used but later it was found out that the ingestion or the inhalation of these asbestos materials can actually damage the lungs. Once these microscopic substances goes to the basis of the lungs, it

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causes what is called inflammation. After the inflammation subsides it becomes scarring it heals with scars. After scarring, it can now lead to cancer and there are many cancers that these asbestos can actually lead to. I have seen a fast hand patient who suffered from asbestos disease in Kenyatta National Hospital and this is a male over sixty years who has worked in a factory where asbestos are made over 20-30 years and I can assure you once a person gets cancer of the lungs due to asbestos then the recovery is almost zero. Because that old man was ever on oxygen throughout his life and there was no hope of him coming back to life because he had to depend on oxygen.

It is not only the cancer that these asbestos causes normally the underlying of the lungs has got two layers and in between those two layers what medically we call pleura an empty space which can be occupied by fluids. Once it is occupied by fluids or become inflamed or get heated, there are many diseases that it can lead to. One of them is called pleural effusion where there is going to be a fluid that accumulate around the lungs. Others is called pleuritis where between those two layers, it become inflamed, it becomes heat with many symptoms and the person normally complains chronic chest pain.

Not only that, there is also what is called plural thickening where the spaces between the lungs those two layers becomes thick and there is no space and there is what is called addition of where the two layers normally stick together. There are many diseases that can result as a result of asbestos. Maybe those times we are in another century, now we are in the twenty first century and the use of asbestos is discouraged all over the world. Even though these asbestos can be used in many other aspects like clothes making but every country now is going towards the twenty first century revolution and they are looking at all the buildings in public buildings because most those buildings that normally has these types of iron sheets are actually public institutions they are now replacing all the asbestos roofing in their counties and Mandera should not be the one to be left behind.

Therefore, I want to support the honorable Member for Elwak South when he came up with this Motion that all those old buildings which has got asbestos, the County should budget it and actually be removed and the only problem with the Motion, it has no budgetary line. It has to have which financial year the government is supposed to do this because this one comes with a cost and it is one of the element of the Motion that has to be considered. Also these old buildings can be tested. There are test kits that are in the market that can be done to proof that your building has got asbestos or not. The county can actually buy that and implement that and do the testing of these buildings so that if it is elements of asbestos then it can be prevented but above all what is important is the new buildings now. All the new buildings that are coming up must be asbestos free.

Mr. Speaker, I stand to support the Motion.

Thank you.

**Deputy Speaker** (Hon. Farah Abdi): Honorable Wariyo.

**Hon. Ibrahim Ali Wariyo** (Shimbari Fatuma): Thank you, Mr. Speaker. I rise to support. Hon. Kula said very well and anything that touches the health of this population must be of our general concern. Once the honorable Member representing Elwak South have actually realized that this kind of roofing is available in our health facilities especially Mandera County Referral Hospital and the way the Member for Khalalio, Hon. Rafat, said that it is also available in his ward. We should actually start counting the number of facilities that this roofing has covered.

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This Motion is budget related and I want to say this is the right time for this Motion because we are trying to send advice to the Executive to consider it into the Budget. This is timely and it touches on the life of this population that is why I support. Normally we move Motion and we leave it like that. I know my brother the able Member for Elwak South is also the chair for implementation. I want him to give a very good attention on this especially also the chair for budget is around. If you know this kind of roof is affecting our population and people are dying and we are people's representative. This is a very good move and I want to thank the Member for Elwak South for actually noticing this and bring to the attention of this honorable House. Let us not leave this Motion after we pass it. What is more important is passing it and making sure that it is implemented in this financial year because we are the mouthpiece of the people. I want to seek your indulgence because you are the chair today, when this Motion is being discussed, after approving this kind of roofing is available on the facilities of Mandera County Referral Hospital, the chair for health is here we should give him an assignment to confirm to make sure how many houses are being covered by this kind of roof. After we approve this, we must give it a weight and make sure that this is implemented. Otherwise, we should not only approve and leave it. I support and urge honorable Members to give this Motion a very good attention to make sure that it is implemented.

Thank you.

**Deputy Speaker** (Hon. Farah Abdi): Honorable Shaban.

**Hon. Shaban Hassan** (Ashabito): Thank you, Mr. Speaker. I rise to support the Motion. Asbestos is a natural mineral product which was resistant to heat and corrosion and was extensively used in the past for making floor tiles and roofing. This product has been found to be hazardous and exposure to this chemical called asbestos cause serious health hazards the ones honorable Kulow has mentioned. These asbestos roofing you have been seen all over Mandera County especially staff quarters of Mandera Referral hospital, nomadic primary school and Elwak sub county hospital these asbestos releases microscopic dust or fibers which are in air and once you inhale it goes directly to the lungs and once it goes to the lungs it blocks the blood vessel which supply the lungs called alveoli and once it blocks it interferes with the elasticity of the lungs; the movement or contraction and the relaxation of the lungs. So, it predisposes lung cancer.

When this thing was done in 1980s the NEMA in USA discovered that many people working in asbestos industry roofing sectors developed lung cancer and it has been banned totally and those buildings with asbestos roofing has been replaced with other roofing materials. Therefore, as a county, we should be mindful of our staffs and our citizen. This roofing has to be replaced with environmentally friendly roofing materials. The exposure usually happens over long term after the cancer is noted which is 20 to 40 years. These things are ageing and releasing microscopic fibre dust to the environment. It is high time the county replace these buildings. Ideally, if you visit these hospitals you should be in mask to avoid inhalation of this dust.

I rise to support and this thing has to be replaced in this financial year 2020/2021.

Thank you.

**Deputy Speaker** (Hon. Farah Abdi): Honorable Bishar Maalim Abdullahi.

**Hon. Bishar Maalim Abdullahi** (Takaba): Thank you, Mr. Speaker. The Motion is a very important one that touches on the lives of community in Mandera at large. It has no borders. Mr. Speaker, these are a very poisonous substance that are emitted and can cause public health

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and has caused the increase of cancer and other related disease in terms of public health. This is a very critical Motion which the county government needs to deal with it as first as possible. The roofing of the asbestos is not many and it does not involve that amount of money. Starting from this financial year because it is touching and very chronic substance, we need to assist the executive to do away with asbestos roofing and best replace with galvanized iron sheet which is easily within our reach. More importantly, the Motions that have been passed in this House and most of them have not been implemented. How many of our Motions that have passed through the first Assembly and second assembly have been implemented. No member of this House can oppose this Motion. I request you to put the question so that it is fast-tracked for implementation.

Thank you.

**Deputy Speaker** (Hon. Farah Abdi): Minority Whip.

**Hon. Ahmed Gabnan** (Waranqara): Thank you, Mr. Speaker. When you hear of substance that increases the chances of one getting cancer is really a concern. In Mandera County, we lose people to cancer related diseases than the so called Corona Virus which people fear so much. I welcome the Motion which is good but I would have preferred if the member who proposed the Motion would have said because it is not only in the public place where materials which have this substance are used. The public are already using and they are oblivious of the risks involved. The homes using water with this roofing are more than the people who are using it in the public places. You do not expect the members of the public to use the roofing in Mandera County Assembly or in the referral hospital but the same public are using the same roofing in the villages, so what is the essence? I am unable to understand the rationale behind saying you just want to incur unnecessary expense that you want to remove from the public places but the public are not sensitized on the risk involved. So, it is plus one minus one. It will not add any value. Let us not pass Motions just because you want to pass Motions for the sake. Let us defer the debate on this Motion which is important but needs to be enriched further before we pass it. Public sensitization aspect is not there. Members of the public are continuing using it and you want to remove the few on public hospital.

I humbly request the debate to be differed.

Thank you.

**Deputy Speaker** (Hon. Farah Abdi): Honorable Teno.

**Hon. Abdinoor Teno** (El-wak South): Thank you, Mr. Deputy Speaker. As much as I welcome the concern and opinion of the Honorable member, I really doubt whether he has absorbed the content of this thing. What we are trying to address is asbestos roofing which after thorough investigation we realized that it is in public places and the old and the ancient ones which were built back in the 1980s when the asbestos materials were largely in use. Mr. Deputy Speaker, the honourable member just said that it is also in the village which is news to this House. Let us verify more and tell us which village has got such things.

Thank you.

**Deputy Speaker** (Hon. Farah Abdi): Each and every member has the right to contribute to the Motion the way he thinks but at the end of the day after we put the question there will be another option of taking NAY or AYES. I now give the chance to the mover of the Motion to reply.

**Hon. Abdinoor Teno** (El-wak South): Thank you, Mr. Deputy Speaker. I wish to take this opportunity to thank those Hon. Members who found this Motion necessary at this time and supported it.

I request you to put the question.

Thank you.

*(Question put and agreed to)*

ADJOURNMENT

**Deputy Speaker** (Hon. Farah Abdi): Hon. Members, having exhausted our business on the Order Paper, we will adjourn the House to next week Tuesday 4<sup>th</sup> August, 2020 at 2.30 p.m.

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