

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF MACHAKOS**  
**OFFICIAL REPORT**

**Wednesday, 7th June, 2023**

The House met at 10.48 a.m.

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

PRAYERS

**NOTICE OF MOTION**

FORMULATION OF REGULATIONS TO CREATE A FUND  
FOR CREDIT FACILITIES FOR BODABODA OPERATORS

**Hon. Speaker:** May I invite Hon. Raphael Lucky Nzau to proceed and give the notice of Motion.

**Hon. Lucky Nzau** (Matungulu West, WDMK): Thank you, Madam Speaker.

Hon. Speaker, that aware that under the Fourth Schedule of the Constitution, the County Governments are responsible for county transport including county roads, traffic, parking and public road transport;

Further aware that according to Motorcycle Assembly Association of Kenya, the motorcycle business in the county is generating over Ksh. 400 million daily;

Informed that the County Government of Machakos is committed to facilitating the mobility of the populace in an economically and environmentally sustainable manner and that the industry has brought additional advantages in the transport sector at the grassroots such as faster way of beating traffic jams, ability to operate in places where taxis and buses cannot operate in addition to being cheap;

Cognizant that pursuant to Section 116(1) of the Public Finance Management Act, 2012, the County Executive Committee member for Finance may establish other public funds with the approval of the County Executive Committee and the county assembly;

Noting that in this County, the bodaboda sector has influenced positively, the lives of many families in the areas through solving unemployment menace and poverty reduction; and that many of the operators are youths who are not well facilitated financially;

Aware that H.E. the Governor in her manifesto of promoting the youths promised to support the bodaboda sector;

Hon. Speaker, I wish to give notice of the motion THAT this House resolves that the County Executive Committee Member for Finance formulates and forwards to the County Assembly for consideration, regulations that create a fund to provide credit facilities to bodaboda operators.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member.

**MOTION**  
PROTECTION OF PUBLIC LAND FROM GRABBING

**Hon. Speaker:** May I invite Hon. Judas Ndawa, MCA Matuu Ward to proceed and move the Motion.

**Hon. Mbili Ndawa** (Matuu Ward, MCCC): Thank you, Madam Speaker.

Hon. Speaker, that aware that the Fourth Schedule of the Constitution of Kenya provides for Land surveying, mapping and boundaries, and fencing as a function of the County Government;

Aware that land is a valuable resource and actions involving land use have always caused a great deal of concern, sparked curiosity, and stirred up feelings;

Informed that the County Government of Machakos inherited Assets from the defunct Council in which land was one of the key assets and that the County Assets and Liabilities Committee through its report in 2018 recommended securing all public land in the County;

Further aware that after Devolution, the County Government of Machakos inherited lands across the County for purposes of establishing public utilities and construction of Government offices;

Cognizant that H.E the Governor of Machakos through her speech dated 27<sup>th</sup> September, 2022 vowed to secure all public land in the County and ensure that any grabbed land and property reverts back to the County;

Further aware that as per the report of Chief Officer, Lands Department during an interrogation of ADP in May 2023 stated that public land security across the County has never been implemented since onset of devolution following budgetary constraints and that this failure has led to encroachment of land reserved for public utilities such as schools, dams, markets, playing grounds among others;

Aware that Munina Cattle Dip in Matuu Ward and other parcels of land reserved for a vocational college in Kithimani Ward has been grabbed by influential persons from the area resulting in denying residents of the said area essential services related to the planned land use;

Noting that this action has stirred up reaction by the residents of the affected Wards and that the County Government has so far not taken any steps to address this upcoming land vice;

Hon. Speaker, I wish to move the motion THAT this House resolves:

- i) That the Department of Lands and Physical Planning identifies, surveys and secures all public land within the County.
- ii) That the Assembly in the next financial year allocates enough funds to undertake the identification, survey works and fencing.

Thank you, Hon. Speaker. I call upon Hon. Paul Muli who is also interested/affected party to second the motion.

**Hon. Speaker:** Hon. Muli.

**Hon. Paul Muli** (Kithimani, MCCC): Thank you, Madam Speaker. Madam Speaker, as I support this Motion, I want to give clarification on the land which was mentioned in my ward that is Kithimani ward. The land was allocated by Matungulu Ranching Company in 1979; the plot number is Ndalani/Ndalani Block 1/870. After allocation, it was issued to the public the the said Matungulu Ranching Company in that year. This motion, in my knowledge, will help the people of Kithimani ward where we have professional land grabbers who went ahead and acquired the title deed of that land through dubious ways.

They later subdivided the land into small portions and used the same method to acquire small title deeds whereby up until now, they have more than 10 title deeds in that land. Madam Speaker, i want to add this; after protection, we revoke those title deeds and we hand over the land to the community and development starts immediately. Thank you, Madam Speaker. I support the motion.

**Hon. Speaker:** Thank you, Hon. Member, for that very elaborate inclusion.

*(Question proposed)*

May i invite Members to debate this motion; it is very critical and let us start with the Chair Lands Committee, Mheshimiwa Ndwiki.

**Hon. Daniel Ndwiki** (Mlolongo/Syokimau, WDM-K): Thank you, Madam Speaker . I support this motion and as I support, you are aware that there was a taskforce that was commissioned by Her Excellency the Governor to go and investigate all the public lands in Machakos County and bring a report. Madam Speaker, I am aware that the taskforce is in place and they are compiling the report but I do not know the status of the report. I do not know whether that case will be part of the report from that task force.

This is just one of the thousands of cases especially in Mavoko where we have more cases of public land being grabbed by individuals. Madam Speaker, sometimes, there is confusion between grabbers and squatters; grabbers are powerful persons with great connections, who are able to produce titles and if you go for the search you will find that the title is properly in records. But the acquiring of that title is through backdoors. We have a problem in Machakos because of those grabbers.

Like in my place, we do not have a market because all the public land was grabbed so I do not know when the report can come into this House so that we can know first whether that case is in that report so that we can avoid duplication of activities. I urge this House to take matters of land grabbing seriously because they have negative effects to the people of Machakos because we are lacking facilities. In my place we are lacking a market, playing grounds, public facilities are lacking because of public land being grabbed. Madam Speaker, I support this motion and I want the government of Machakos to be firm on grabbers. I beg to support. Thank you.

**Hon. Speaker:** Thank you, Hon. Ndwiki; that is great. Hon. Helen Ndeti.

**Hon. Helen Ndeti** (Nominated, WDM-K): Thank you, Madam Speaker. I support the motion on land. Land matters are very volatile, they can bring war and I stand here to speak because I know of cases in Mavoko where people had land, acquired their land many years ago but foreigners and when I talk of foreigners, these are people who are not from Machakos. They go to the National government, they are allocated title deeds and you are holding your allocation by the County Government but somebody else in Nairobi is holding the title of your land.

I think to prevent chaos in this county especially, it is the high time the taskforce that was put in place by our Governor works very fast to bring the report so that we can look at it at come up with measures to prevent our people from losing their land in funny ways. This is a serious matter and it should be addressed with the seriousness it deserves. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member. Perhaps as we continue debating on this matter of land grabbing in the County, we should come up with resolutions and way forward so that we do not just debate and leave it hanging. I know the prayers are that we have them identified, surveyed and maybe fenced and we also allocate funds for those works but let us also come up with resolutions. This is a matter that has been really emotive and there is much going on.

Recently Members, you remember we had an issue along Machakos; that land at Kyumbi, where there was an issue two weeks ago. So, let us take this matter seriously and let us come up with resolutions today that can move us forward. I understand there is that task force and I was not even aware of it but now that it exists, let us see how we can also come together as a county and address this matter together. May I have more input on this matter; Hon. Leader of Majority *mwenyewe*.

*(Laughter)*

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Madam Speaker. It is an honour to be in this House. As we all know, land is a capital of production especially for people in the profit-making industry. Those who see prime land, their appetite to grab is very high and I understand when my two brothers say that this land is prime for production. However, land is also a social capital for public good like construction of schools, playgrounds, hospitals, slaughter houses and many more and this is where the government and this House comes in to protect public land so that our people enjoy the public service that they deserve.

I want to say that we also have to deal with the issue not from the grabbers point of view but also those who are aiding grabbing because, the person grabbing the land, on his own is not able to infiltrate government department to change documents. We also have to put notice to those government officers who are aiding those who want to grab public land. I think Her Excellency the Governor is on record especially when we went to rescue the public land in the area around Kyumbi.

I also think the County Government looks at the leases that are about to expire because, these people who are looking to grab land seem to be ahead of government or ahead of government officials. They seem to know leases that are going to expire in the next two years, three years and they start doing their ground work to prepare to grab so I think the government

should be on the lookout. Most importantly, I think there is a very important document for the County Government of Machakos that they must be able to update it, the Valuation Roll.

Without the Valuation Roll the County Government of Machakos will never know its assets, will never know their liabilities in terms of fixed capitals so I think that when the CECM for finance was presenting his budget proposals, I saw quite a significant amount of money for the County to be able to update the Valuation Roll, so I think it is something we need support because minus that there is public land that is somewhere but since may be it is not captured in the Valuation Roll, it will go with the grabbers.

So I need support the government to come up with the most updated Valuation Roll. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Majority Leader. Hon. Helen.

**Hon. Helen Ndeti** (Nominated, WDM-K): Thank you, Madam Speaker. I am sorry I had spoken and thank you for allowing me to speak for the second time.

**Hon. Daniel Ndwiki** (Mlolongo/Syokimau, WDM-K): Point of information, Madam Speaker.

**Hon. Speaker:** Yes.

**Hon. Daniel Ndwiki** (Mlolongo/Syokimau, WDM-K): Is it in order for a member to contribute twice in the same motion.

**Hon. Speaker:** I have given permission.

**Hon. Daniel Ndwiki** (Mlolongo/Syokimau, WDM-K): Okay. As per under Standing Orders!

**Hon. Speaker:** Yes, invoking Standing Order 1.

**Hon. Daniel Ndwiki** (Mlolongo/Syokimau, WDM-K): Thank you, Madam Speaker.

**Hon. Helen Ndeti** (Nominated, WDM-K): Thank you, Madam Speaker, for your protection from my colleague here. Now I stand here because I noticed there are some title deeds for land in Machakos that are issued in Nairobi at the Ministry of Lands in Nairobi. There are other pieces of land in Nairobi whose title deeds are issued in Machakos.

May be if our Governor and our County talks to the National Government so that all title deeds for Machakos be issued in Machakos then at least our County will have a better way of handling land matters in our County because most of the title deeds that I am already aware of and the people are complaining were issued in Nairobi. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Ndeti. Harmonizing of issuance of title deeds is another issue that is bringing this confusion because some title deeds are being issued in Nairobi, others are issued in the registry of Machakos and that brings a lot of confusion and it is very key. Hon. Ndolo

**Hon. Philip Ndolo** (Mitaboni, UDA): Thank you, Madam Speaker. I want to contribute and also support this motion. Madam Speaker, the issue of land is now scarcity in this County and also in our country and the demand of land is too high and the supply is not there. As we are looking on the plan of our county, you find that there is a plan which was planned for the markets and also in our area and you find that after a certain duration you find those title deeds have been converted from public to individuals.

My take is that also we have from our counties and also from our wards, we identify all the lands that are for public and we have a record from the ward, sub-counties up to the county so that we know land that belongs to the county. You find that like now the growing markets as we are talking, you find that we do not have land for public utilities even for *mama mbogas* to sell do not have any place to sell their items and also as we allocate some things to be done in the wards, you find even some MCAs do not even have their offices because there is no land to build those offices.

**Hon. Speaker:** Yes; very key.

**Hon. Philip Ndolo** (Mitaboni, UDA): This is a very serious issue. So it is an issue that should be looked on and we as Members of County Assembly support that motion. Thank you.

**Hon. Speaker:** Thank you, Hon. Member. Hon. Lucky.

**Hon. Lucky Nzau** (Matungulu West, WDMK): Thank you, Madam Speaker, for catching my eye. I want to contribute supporting this motion from our Senior Hon. Ndawa about land and categorically say in this House that especially Kambas and our Kambaland has been taken for granted. Madam Speaker, if history treats me well, Kambaland was from Museum Hill in Nairobi initially and due to the fact that we have not identified, we have not beacons, we have not put into paper ownership and the borders of our land, we have been pushed and pushed and even today we are still been pushed.

At this juncture I would want to applaud and appreciate the current political leadership starting from the Wiper Party Leader Dr. Kalonzo Musyoka, Her Excellency the Governor Machakos County, Madam Wavinya Ndeti, Deputy Governor, Hon. Francis for their effort because they are always preaching about our land and no more grabbing. In this state especially from my ward, Madam Speaker, we have many ranches that have been subdivided and I will call for effectiveness in the Land Act because we do not have public lands marked in those divisions and as the Act carries out a certain piece of land when sub divided, we are supposed to have public land.

I will put effort that the taskforce calls the directors of the current ranches to give and detail the earmarked public land because we have several in my ward, several in the County and land has been subdivided and public land has not been given to the public and to the County. As a remedy, I wish the directors of the current ranches be summoned and commissioned to give the public land that they have already set aside for public utilities. I sit down supporting and asking for titling of all public land into the County ownership. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you very much, Hon. Members. I just want to make these observations that, and as I have stated earlier that we need to come up with some directions today concerning this land and although the prayers were different rather they have not tackled some issues, we need to add on them other issues. For instance, I want to request that we have the matter on the taskforce on land that was commissioned by her H.E the Governor, Wavinya Ndeti to be brought also before us to look at it and see how it has tackled the land in addition to what we have discussed today in this motion so that we can also have our lands identified, fenced, surveyed and also allocate funds to undertake that exercise; that is identification survey and works of fencing.

Finally, I also want to make this observation that for those lands that have already been issued title deeds, from a legal point of view, it is only the High Court that can nullify them so I think we may have to go to court to nullify those and nullification can be done through, we have good grounds because we know the land belongs to the County Government of Machakos and somebody has taken it for themselves fraudulently may be through cartels that are aiding grabbing.

So therefore at the end of the day, we may also have to go to court once these lands have been identified and found to belong to us and they have already being issued titles to other people who are not the County Government of Machakos, then we will have to go to court to nullify those and the grounds will be fraudulently issuing titles. So we have a lot of task ahead of us Members to protect the land that belongs to the County of Machakos. Thank you. Now I proceed to call the mover of the motion to reply.

**Hon. Mbili Ndawa (Matuu, M CCP):** Thank you, Madam Speaker, for the opportunity and the guidance. Hon. Speaker, I start by thanking the Hon. Members for the very important sentiments that they have given in this House. I want to say thank you for supporting the motion. Secondly, Hon. Speaker, the two plots mentioned that is Munina and Kithimani are just examples of such plots. The motion seeks to address land issues in the entire County and not the two plots so we seek to address the issues of all land issues in Machakos.

Hon. Speaker, it is very hard and it is almost impossible for government land to be transferred to an individual. Individuals can donate land to the government but the government does not give its land to one particular person; it is almost impossible. Again Madam Speaker, there is what we call land control boards which are all over; in every sub-county there is a land control board and for land to be sub divided the owner has to go and seek consent from those land control boards.

So, Hon. Speaker, from where I stand I can see there are some elements of forgery because if the land was owned by the government, who went to those land boards to seek consent? So it means somebody must have colluded with another person. So for this matter I am recommending that the DCI, EACC and any another investigative agency to commence investigations immediately and apprehend all those found culpable.

Hon. Speaker, the other issue I want to talk about is our lands office here. Hon. Speaker, our senior citizens from our respective wards when they come to our land office to get a search, they do not get the search in less than a month or two months. Why? Because there are many brokers here. We are also urging the Land Registrar in Machakos to remove those brokers from that office because they are the ones that are hindering or obstructing our senior residents from accessing services that they are supposed to be getting.

It has now turned that I must look for a broker and give him or her Ksh. 2,000 to get me the search which is supposed to be free. Hon. Speaker, we want to say here today that the Land Registrar in Machakos has to move with speed and to ensure that no brokers are in those corridors.

The other issue Hon. Speaker, I mentioned Munina Cattle Dip. Hon. Speaker, as of now, the land belongs to County Council of Machakos which is Machakos County. There are some citizens who were purporting to own that land and when we sat in Matuu to identify where to build a stockyard market and we identified that plot as the most viable plot to have that stockyard market. The moment we sent a contractor to start construction the stockyard, the said grabbers went to court and obtained orders barring the County from constructing the market.

Hon. Speaker, I want to take this opportunity to thank the County Attorney because he moved with speed, went to court and the orders were set aside and the reasons why the orders were set aside is because the grabbers were purporting to act on behalf of a larger group and one of the reasons why the orders were set aside is that those who signed the permission to sue, some of them about 11 of them died over 10 years ago and their signatures were appearing on that list. The magistrate said there is an issue of forgery and those who forged need to be brought to book.

Hon. Speaker, to conclude my contribution and response, Hon. Speaker, I am very sure the land has moved from grabber No. 1, grabber, No. 2, No. 3 up to the last grabber. I am urging the investigative agencies to arrest all the thieves. We need to bring them to book so that in future nobody will attempt to get into government land without permission. Thank you.

*(Applause)*

**Hon. Speaker:** Thank you very much, Minority Leader.

*(Question put and agreed to)*

### ADJOURNMENT

**Hon. Speaker:** The House adjourns to Wednesday, 7th June, 2023 at 2.30 p.m. Thank you Hon. Members.

The House rose at 11.25 a.m.