

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Thursday, 28<sup>th</sup> November, 2013**

The House met at 10.30 a.m.

*[The Deputy Speaker (Hon. Nathaniel Nganga) in the Chair]***PRAYERS****NOTICES OF MOTIONS****LAND FOR NEW MACHAKOS CITY**

**Majority Leader (Hon. Mwonga):** Mr. Speaker, Sir, I beg to give notice of the following motion:-

That aware that His Excellency the President of the Republic of Kenya and Commander in Chief of Defense Forces Hon. Uhuru Kenyatta launched the new Machakos City and investors program; aware that the public, during the public participation forums organized across all the 40 wards on 5<sup>th</sup> August, 2013 endorsed the idea for the New Machakos City; aware that the project has the capacity to employ 500,000 people in the county with significant spill-over effect and further aware that the National Land Commission through a letter dated 5<sup>th</sup> November, 2013 reserved L.R. No. 1491/R for investment purposes, this house approves the development programs spearheaded by the Executive arm of Machakos County Government for the benefit of the residents of Machakos County and of the Kenyan people at large.

**Hon. Deputy Speaker:** Thank you. You may call for a member to second the motion.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I would wish to call my colleague, that is the Leader of Minority, to second my notice of motion

**Minority Leader (Hon. Kasoa):** I stand to second the motion.

**CREATION OF MORE SECTORAL AND SELECT COMMITTEES**

**Hon. Katela:** Mr. Speaker, Sir, I beg to give notice of the following motion. That aware that some sectoral and select committees have a lot members and that number of committees are not efficient and aware that some members are not members of at least three committees and

further aware that if more committees are formed, responsibilities will be shared among us hon. members, I beg that this House directs formation of more committees. The proposed committees are as follows;

- Urban and decentralized units committee.
- Information, broadcasting and IT committee.
- Natural resources committee.
- Youth, women and sports affairs committee.

**Hon. Deputy Speaker:** Secunder.

**Hon. Katela:** I call upon Hon. Mwonga to second.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I stand here to second this notice of motion.

### MOTIONS

#### LAND FOR NEW MACHAKOS CITY

**Hon. Deputy Speaker:** Hon. Mwonga.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker. I beg to move the following motion today being 28<sup>th</sup> November, 2013. Mr. Speaker, I would wish to remind the house and yourself that this is the motion which I intended to move on 21<sup>st</sup> November, 2013. If my mind serves me well, I did not move this motion, I only withdrew from moving it on the material day.

Now, Mr. Speaker, having gotten permission from you, I want to move the following motion:-

That all the parcel of land known as L.R. No. 1491/R measuring about 2200 acres and situated within Machakos town reserved by the National Land Commission for investment purposes through the provision of the Constitution of Kenya, 2010 and the National Land Commission Act, 2012 and through an approval of the chairman of the Commission through a letter referenced NLC/CA/331 dated 5<sup>th</sup> November, 2013 addressed to His Excellency the Governor, Dr. Alfred Mutua, Mr. Speaker, I have a copy of that letter which was written by the Chairman, National Land Commission.

Mr. Speaker Sir, on this land the County Government of Machakos proposes to construct the new Machakos City which was launched by His Excellency the President and Commander in Chief of the Defense Forces on 8<sup>th</sup> October, 2013. Mr. Speaker, on 5<sup>th</sup> August, 2013, while discussing the County Integrated Development Plan (CIDP), the public endorsed the project through public participation forums organized in all the 40 wards in our County. Mr. Speaker, the advertisement for the first Machakos investment conference was carried out in the local newspapers on 12<sup>th</sup> April, 2013 and on May 2013 and expressions of interests to invest in the

proposed new Machakos City through investment proposals were received. Currently, Mr. Speaker, the total investment proposals stand at approximately Ksh. 1.5 Trillion. This is a large investment coming to our county which we estimate to employ over 500,000 people. Mr. Speaker, the Machakos County Executive committee has been considering the investment proposals and the companies thereof and recommended the following proposals:

1. Presentation of detailed proposal outlining the kind of business an investor is planning to set up.
2. Proof of availability of funds through bank statements and all guarantees.
3. Clear proposals on absorption of local labour force, local raw material and other local benefits.
4. Clear modalities on transfer of technology through training of local population.
5. Detailed analysis of the number of jobs the investments will create both directly and indirectly among others.
6. Commitment to fence and break ground within 30 days after issuance of lease or documents with a clear understanding that if an investor does not break ground within 120 days of issuance of leasehold, the land automatically reverts back to the county.
7. Provision of a detailed, phased development plan such that the first phase of the investment must be open for use within 18 months after breaking ground.
8. Commitment to embrace smart city concepts technologies by way of tapping renewable energy resources: utilization of natural light, water harvesting techniques and other green technologies.
9. Clear proposal on how the investment integrates with the County development agenda and service delivery strategy including the national development blueprint, Vision 2030

Mr. Speaker, it should be noted that Machakos county has an acceptable property rate of over 62 per cent hence very urgent need to reverse this trend. I do believe that through this new initiative, this will be achieved.

Mr. Speaker, it is upon the above that I request this house to approve that the County Executive proceeds with this project in order to reap the benefits of the project and uplift the living standards of our people.

With these few remarks I beg to move, Mr. Speaker. At this juncture I would like to call Hon. Thomas Mweu Kasoa, the Leader of Minority to second my motion and beg all the members to stand up in one voice and support this important motion.

**Hon. Deputy Speaker:** Thank you. Minority Leader.

**Minority Leader (Hon. Kasoa):** Thank you, Mr. Speaker. As I stand here to second this motion, you understand, Mr. Speaker, that this land has been lying idle for the last 70 years and it is very important that we support this motion so that the investors can come on board so that we can create employment for our youth. Earlier this year, we had an investment conference

whereby they signed proposals for investment worth 1.5 Trillion for our county. To enhance our county in terms of development, it is very important that members of the County Assembly support this motion in one voice. With those few remarks I stand here to second the motion.

**Hon. Deputy Speaker:** Thank you leader of minority. Having heard the submissions from both sides, I want to invite members to make their contributions towards the same motion. Yes, member for Mutituni ward, Hon. Kalunde.

**Hon. Kalunde:** I stand here to support the motion but in fact Mr. Speaker we have a Kamba saying which says that ‘you need not to chew a soft meat; instead, just swallow it.’ This motion is beneficial for Machakos County and even the people of Kenya. I am seeking approval from all the members and I think there is no point of wasting time discussing something which is beneficial to our people so I call upon you people, Hon. Members of this house to stand up and approve this motion. Thank you.

*[Several Hon. Members stood in their places]*

Asante. Mr. Speaker, thank you very much and let us end there.

**Hon. Deputy Speaker:** Member for Lower Kaewa, what is your point of concern? You want to contribute?

**Hon. Mbithi:** Mr. Speaker, what is beneficial for Machakos County should be treated with utmost respect and because the issue of investment on this land is of great importance as has been stated by the majority leader, I want to say I want to support this motion. However, some issues must be put very clearly. We have the Memorandum of Understandings (MoUs) and on the issue of jobs, we have different categories of jobs. It is very true it is going to create more than 500,000 jobs but is it the white collar jobs or is it the blue collar jobs?

Because we have sweepers and we have technicians and there should be a clear distinction of what kinds of jobs our people will get. We have doctors from Machakos County, we have engineers and we have semi-literate people who can do the sweeping and the gardening. It should be very clear what kind of jobs our people will get so that we don’t give people the work of gardening and they can’t make decisions on behalf of the companies or the investments being made in Machakos County. Thank you.

**Hon. Deputy Speaker:** Thank you member for Kaewa. What is it member for Kyanzave? You want to say something?

**Hon. Nzoka:** I stand here to say that it is even overdue taking into consideration that since we became independent, all that land has been lying without anything. So it is our duty and

I wish and hope this assembly will appreciate itself and come up with a solution of assisting our people and also coming with a city which was robbed from us as we knew before. The Kenyan city was Machakos, now we are returning that glory. It is the time of this house to be proud of itself because we have returned that glory. Again, we appreciate the work that will be done there like the industries. It will be employing our people and we shall export and bring revenue to this County. Let us hope that this works well as it has been designed so that we have good income and we shall have a wealthy county. Thank you very much.

**Hon. Deputy Speaker:** Thank you. Majority Whip.

**Hon. T. Kilonzo:** Mr. Speaker, Sir, I completely support the motion and say that this land has been lying there for many years and many grabbers from this town and other parts of Kenya have been trying to grab the land and this time because God has been merciful to us and now the land is ours, we should try to utilize it immediately and not waste time debating on an issue that is important to us all. Members, I think all categories of people will benefit from this.

Those who are learned will go to be doctors and other jobs that will be relevant to them and those who can work as labourers will have their jobs because we shall build houses, we shall have hospitals and everybody will fit in that city. So Mr. Speaker, I support the motion and ask members to support it and stop wasting time on this very important issue. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Member for Ekalakala.

**Hon. Muinde:** Thank you Mr. Speaker for catching my eye. Mr. Speaker the way to go to industrialize any County or country is to go the industrial way. We know all the cities in this world that have grown, it is through industries. We cannot continue depending on agriculture. Today Nairobi, the capital city of Kenya, is rich, not because of agriculture but because of industry and business.

By accepting that we use this land to build a new city, we will be reclaiming what was taken from us where Machakos city was the first capital of this country. It is now time we built a new city. This city cannot be built in space; it must be built on land. It is the right time and I urge all members to even stop this debate and vote that we now with one accord declare that we are ready to support the creation of a new city. Therefore, I support. Thank you.

**Hon. Deputy Speaker:** Member for Machakos town.

**Hon. Kitheka:** Thank you Mr. Speaker. I stand here to support the motion which has been supported overwhelmingly by the entire house. But Mr. Speaker, the only simple question I have is, on the 6<sup>th</sup> clause which has been given here addressing the issue of the leasehold, it should be specific on the number of years we lease this land. So I wish we correct it, we give the

details of the leasehold number of years so that at least the people we are giving the land can benefit and can see sense on the kind of land we are giving. Thank you very much.

**Hon. Deputy Speaker:** Member for Muthwani.

**Hon. Maitha:** Thank you, Mr. Speaker. In support of the motion regarding the investment, we all understand the benefits that our county is going to gain. But we need to come up with proper legislative mechanisms on how this land is going to be distributed because if we just say let us distribute land, we need to ensure that the committee in charge of land in this assembly is fully aware of whatever transactions are taking place so that this house does not stand to be blamed that we allowed land to be subdivided, to be given out, without following the due process of the law.

Inasmuch as we want to support it, let the proper legislative measures be taken reason being, we need to nail these people who will be given that parcel of land because this is public land. Are they worthy to invest in that land? This is to avoid people just sitting somewhere and coming up with their own cronies that 'this is a brother of mine, this is a sister of mine, she can afford to raise Ksh. 100 Million,' yet we have another potential investor who can afford to raise even a Billion shillings. These are some of the things we need to put proper legislation about. We also need to avoid duplication of allocation. If someone is investing in real estate, we don't have to allow 100 people to be given land to invest in real estate, because at the end of the day, we will be abandoning other important investments within that small portion of land. We might think 2000 acres is big but it is quite small. These are some of the things that we also need to put in place.

Supporting the issue of employment, we need 70 per cent as per the Constitution employment in that land, in those factories, to be given to our people. We promised jobs to our people and if we are going to poach people from outside then we are going to be wasting time. We have seen incidents in the executive side where people are employed from other counties to come and work in Machakos County yet we have potential people who can deliver the same services. If we cannot get those services in Machakos, then we can opt for outsourcing. So those are some of the things we need to be very careful; proper legislation to avoid locking out potential investors. We also need to come up with legislation regarding the timelines. We are going to give you 100 acres to come and invest.

We need to come up with timelines. What is the minimum period that an investor should be given to start his/her investment and to finish his/her investment? Because we might give some people land, they come invest Ksh. 15 Million then they go and hold our land at ransom; for another 15 years, it is not developed. So those are the mechanisms I am talking about so that in the next two or three years, Machakos County achieves the dream of a new city. Even the structures that will come up there need to be controlled because some people may decide to come up with another Kibera in Machakos town. We don't want that. So we need proper mechanisms

and let the committee on land handle those matters as it is supposed to handle. Otherwise, I have no objection, I do support the motion. Thank you.

**Hon. Deputy Speaker:** Thank you Hon. Member from Muthwani. There are issues that have been raised by that member and also the previous speaker, the member for Lower Kaewa ward. I want to call upon the majority leader to respond to those issues and lay the strategy on the way forward on administration of the land and the policy itself.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, when I was moving this important motion, I laid down 10 proposals which will be followed by the committee and the other issue which has been raised by the Hon. Member who spoke before member for Muthwani – I don't remember who it was . . . ., yes, member for Machakos Central, about how sure are we that the investors will be given land on leasehold basis?

Mr. Speaker, the government, that is the Machakos County government, is coming up with a board which is going to sit and come up with legislation on how this land is going to benefit the common mwananchi of Machakos County and at the same time benefit the investors and those who will be working there as we build the new city. Mr. Speaker, we should have no worries about this; we are coming up with a board, I will table the members of the board and the same members (of the assembly) are the ones who are mandated to approve or disapprove the names on that board. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** And finally, member for Kola ward.

**Hon. Ndeto:** Mr. Speaker, I stand to support this motion. However, we need to think of the many plans in our country, Kenya which are in papers but when it comes to implementation, things seem not to work. In particular, when you think of Konza city, it has been there for quite some time. I do support this motion and urge each one of us members to take our responsibility as the oversight team to see to it that this dream whose time has come of a city in Machakos comes to be actualized within the shortest possible time by giving all it takes in support of any legislation including what the mover of the motion gave in points that we discuss them and come to the end by giving the right direction of this city. I support and call upon members we support this and we move on so that we can go to another motion please.

**Hon. Deputy Speaker:** Member for Ndalani. The final speaker.

**Hon. Muthuka:** I am standing here in support of the same motion. Recently, I was in Israel and I could see cities surrounded by hills but we now have a bigger dream and we'll have Machakos, the only city surrounded by mountains, not hills. Having supported the same motion, I think it is good to go systematically. There is no emergency in approving things. There are laid procedures and I think having supported the same thing we need to forward it to the relevant

committee so that we can get substantive information on the issues that are being raised by members and then the whole house can be furnished as we approve and then we'll move on. Thank you.

**Hon. Deputy Speaker:** Thank you members. Going by the mood of the house therefore, I would like to put the question that those in support for the development of the new Machakos City on the land registered under LR No. 1491/R.

*[Question put and agreed to]*

Members, we have another motion that needs to be debated.

### CREATION OF MORE SECTORAL AND SELECT COMMITTEES

**Hon. Katela:** Again, I am Hon. Katela. I stood earlier to give notice of a motion I now stand here to move a motion of creating more sectoral and select committees for efficiency and easy working and interaction of members. As I said, those committees will enhance easy working relations within the House, efficiency in serving the electorate. They are the committee on urban areas and decentralized units, the committee on women, youth and sports, the natural resources committee and broadcasting committee. As you are aware, those who accompanied us when we went to Nakuru, you saw that they had live streaming, social media and how they have taken photography in their archives. There is no need to be left behind. Please, I urge you, again and again so that you can do the necessary and have this committee created.

**Hon. Deputy Speaker:** Thank you. You can call for your seconder.

**Hon. Katela:** I still call upon the Majority Leader to second me.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker and honourable members of this House. For the benefit of members in the gallery, I know we have visitors from Nyeri County who are members of the County Public Service Board. Mr. Speaker, I stand here to second this motion. To start with, Mr. Speaker, you will agree with me that the committees we have already like sectoral committee are eight and they have more than 22 members each and when these members went around visiting other counties, we saw that none of this committees had more than 12 or 13 members. Mr. Speaker, you will agree with me that the committees we have very huge numbers. Mr. Speaker, this is why when members of a committee had to travel all the way to Israel, we could not manage and had to take 11 and the others still now complaining they were left behind.

Mr. Speaker, this is a noble idea of creating more committees because it will pave way for moving some members from this large committees to new ones so that whenever we have an



invitation, we will not be leaving some members behind and say ‘let us have some going and others remaining behind.’ Mr. Speaker, when time comes for this motion to be debated, because now we have a committee mandated on creating more committees that is the Rules and Procedure committee, because in your wisdom, that is where you will direct the motion to. When it comes to the House, let members approve formation of more committees. We can even come up with more committees, not only these four so that members can be contented and we can have more chairmen of these committees and more vice-chairmen and at least everybody will be a chairperson or a vice-chairperson in this House. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. And therefore, as the matter stands, there is he relevant committee which stands to handle that issue and I would like to urge members who have other proposals to submit them to the office of the Speaker of Clerk because I am aware the relevant committee to undertake that will be sitting soon so that they can consider all those issues at once. So, I will refer that issue to the relevant committee that is committee on Procedure and Rules to proceed and discuss the mandate of the various committees that have been proposed and the responsibilities of the various office holders that will be brought on board by those committees. With that matter having been dispensed, there is an issue that has come to my attention and we had already bypassed it and I would like to invite the Chairman on Budget and Appropriations committee to submit his petition.

**Hon. Muinde:** Mr. Speaker, thank you for finding time for me to bring back the issue that already been left out. Mr. Speaker, I have received a petition from Machakos County Kenya National Chamber of Commerce and Industry (KNCCI) where they are petitioning the Budget and Appropriations committee to have a re-look at Machakos County Finance Act 2013 because they felt as the representative of the business community in Machakos County, that there were some Fees and Charges that by far exceeded what the business community expected this House to pass. Mr. Speaker, you are aware that two weeks ago or a week plus ago, there were demonstrations in this town which were led by KNCCI. I want to say that KNCCI had not written to this House complaining of any Fees or Charges contained in the Finance Act 2013. Now they have seen the light and done the right thing and written to the Clerk of the County Assembly.

The petition has been forwarded to us and the committee is willing and will engage all stakeholders just to listen to them and hear what they have to say and perhaps report back to the House. Since Machakos County Finance Act 2013 is already a law, it is no longer a Bill, the necessary steps will be followed if you allow that this petition goes to the committee so that, perhaps, if there are genuine issues that have been raised by KNCCI and any other member of the public who feels injured by the Act, can be considered and perhaps, a Miscellaneous Amendment Act can be enacted by this House so that members of the business community don’t feel we are here to kill investments but here to ensure we create an enabling environment for big

and small investors to trade in Machakos. Thank you, Mr. Speaker and I wish that the petition is granted and the committee on Budget and Appropriations can proceed with it. Thank you.

**Hon. Deputy Speaker:** This is a matter that is well-known by all members of the Assembly and it is for our own interest that we address issues that are brought to us by our people. It being a public petition, I would like to refer it to the relevant committee so that it can be considered and they write a report back to this House informing us of the necessary recommendations so that the House, in unison, can make a decision on the same. So that matter is referred to the same committee. I urge the Chairman to expedite the whole issue because I understand it is of essence for our citizens.

### ADJOURNMENT

**Hon. Deputy Speaker:** There being no other matter pending before the House, the House is adjourned *sine die*.

The House rose at 11.10 a.m.