

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 4th November, 2014**

The House met at 2.50 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****APOLOGY FOR DELAY**

Hon. Speaker: Good afternoon Hon. Members. I will start by apologizing for the delay. We had a liaison committee meeting that took more time than expected and the office of the Speaker is sincerely sorry. Let us proceed, Clerk. It was the apology that I delivered. Proceed.

NOTICE OF MOTION**INVENTORY OF ALL ASSETS AND LIABILITIES**

Hon. Muthuka: Thank you Mr. Speaker, Sir. I wish to give notice of the following motion that this house discusses and approves the inventory of all assets and liabilities in Machakos County. Thank you, Mr. Speaker.

MOTIONS**INVENTORY OF ALL ASSETS AND LIABILITIES**

Hon. Muthuka: Mr. Speaker, Sir, aware that there has been existing assets and liabilities inherited from the defunct local governments and those which have been acquired since dispensation of the new constitution, and aware that there is need to establish the strengths and weaknesses in terms of wealth and debts, further aware that one of the roles of MCAs is oversight, that is finances, property, utilities and others, Mr. Speaker, Sir, aware that the County

Government Act, the Constitution, the Public Procurement Act, Public Finance Management Act and other legislations seek to give economic empowerment to the counties and seek to protect the same.

And further aware that accountability is key to economic growth, I wish to move the motion that this hon. house discusses and approves the inventory of all assets and liabilities in Machakos County. Thank you, Mr. Speaker, Sir, and I wish to call hon. Francis Matheka to second my motion.

Hon. Matheka: Thank you, Mr. Speaker, Sir, and the house at large. I stand here to second the motion that this house discusses and approves the inventory of all assets and liabilities of Machakos County. I beg to support, Mr. Speaker, Sir.

Hon. Speaker: This is to the mover of the motion. I just wanted to, perhaps, make you aware that, do you know the Transition Authority is in the process of undertaking this procedure and that the arms of the government have been called to do that, and there is actually a representative from the Assembly doing that. I don't know whether you are aware there is something going on?

Hon. Muthuka: Thank you, Mr. Speaker, Sir, but I am aware of that. We know the lifespan of the TA is coming to an end and, so far, we have no reports concerning the same. So there is a fear that by the time there time expires, we don't have an inventory of what we can say belongs to Machakos and also we know that there are a lot of utilities. We have those houses which were constructed and were being run by the defunct County municipalities and the county local governments. I thought it was wise.

Hon. Speaker: I think you have made the point.

Hon. Muthuka: Thank you.

Hon. Speaker: I propose we refer the motion to the committee on devolution to investigate and file a report that we can adequately debate before the house.

Hon. Muthuka: Thank you, Mr. Speaker, Sir. Much obliged, but we need to give a timeline.

Hon. Speaker: We need to give the committee timeline?

Hon. Muthuka: Yes.

Hon. Speaker: Is the chairman of the committee on decentralized units with us? The matter is referred to him. You should report back to this assembly within the next 14 days. Maybe the Clerk will make that communication. Thank you very much.

PURCHASE OF LAND FOR ESSENTIAL SERVICES

Hon. Matheka: Thank you Mr. Speaker, Sir, and the House at large. Mr. Speaker, Sir, aware that the county government has no land for construction of strategic institutions and development of housing and aware that the county has to engage most of the government on preserved property, Mr. Speaker, Sir, any institution that stands without land is bound to pay very high cost on rent to run its businesses.

Mr. Speaker, Sir, aware that the county government has to engage in building the infrastructure and that the value of land is growing very fast and aware that land is limited and a big parcel that a government may need in future, are getting divided for residential and business purposes, I wish to move the motion that this Hon. House discusses and approves the Machakos county government, moves fast and allocates funds to buy land for essential services.

Mr. Speaker, Sir, I call upon Hon. Dominic Maitha to second the motion. Thank you, Mr. Speaker, Sir.

Hon. Maitha: Thank you, Mr. Speaker, Sir and the hon members. Mr. Speaker, I stand to second this motion bearing in mind that we had even passed a budget for the last financial year 2013/2014 to buy land for the establishment of buildings for county functions which, so far, we are yet to get that information but in total support of the same. You remember, Mr. Speaker, we sat here about a week ago and we received a report from the committee on health regarding the status of our hospitals within the county, and one major issue that was touched upon and was mentioned adversely is the issue of land, to an extent where some hospitals had less than a quarter of an acre.

So I am in total support of this motion so that we can acquire land as soon as possible such that when expansion time comes, we don't have to go back to the drawing board and say that we don't have sufficient land. So, Mr. Speaker, Sir, I am in total support of this motion and I call upon this hon. house to discuss it, dispense it fully and see the need of the county investing

in parcels of land that can be used for building infrastructure. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think the motion is before the house for discussion. I invite those in support of the motion to make their contributions. I think it is clear and straightforward motion. Yes hon. Muthuka.

Hon. Muthuka: Thank you Mr. Speaker, Sir. I wish also to support the motion. As a representative of my ward, we have challenge of land because today, even if we have a donation to build a hospital or a dispensary, the community is the one coming together and contributing for these noble ideas.

So Mr. Speaker, Sir, I wish also to commend the mover of the motion, because most of our offices cannot even expand because of lack of land and if we had allocated some finances to buy land in different sub counties and wards, it is the high time that this house passes this motion so that we can speed up the process and also support, even if we get a supplementary budget which will be geared giving services to our people. So I stand to support. Thank you.

Hon. Speaker: Thank you. Let us hear somebody who has not spoken.

Hon. Kamitu: Thank you, Mr. Speaker, Sir. I stand here to support the motion. It is a well-thought motion, because even my fellow hon. MCA for Ndalani has said there are some wards that are surrounded by homesteads and we don't have any public land. A good example is my Tala Ward and as we are talking now, there is an area that we wanted to identify so that because Tala is growing and may have an expansion of the Tala market but we are finding it very difficult because we don't have any public utility.

My request would be on the comment of supplementary budget, because I don't know what happened. Last year, 2013/14, we budgeted for money to buy land but 2014/15 budget, there is no money allocated for any public utility in regard to buying it. So my humble request is to stand and support the motion because it is an important aspect for any town to grow, it has to have land. So I strongly stand and support the motion. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you.

Hon. Ndeto: Thank you Mr. Speaker, for this opportunity. I stand to support this motion and as I support the motion, I am remembering when the hon. chairman for education said they

went somewhere and found that the land in which one of the polytechnics was constructed was less than an acre and this is very important.

If this house can consider to come up with a budget and also pass this motion in order for the county government to purchase land, knowing that land is a scarce resource and we are living in a time whereby people are not willing to give freely but if they are given money in exchange, we will get land and we will be able to construct buildings and offices in wards where there is no land. So I support and I congratulate the mover of this motion. Thank you.

Hon. Speaker: Yes hon. Nduva.

Hon. Nduva: Thank you Mr. Speaker. Mr. Speaker, Sir, I stand to fully support this motion and congratulate the mover of the motion. Aware that most of our towns, the growing towns, they don't have enough land for expansion. Mr. Speaker, you note that in these towns, we need dumping sites. Giving an example of Matuu town which is a growing town, they have no dumping site. So you find that litter is dumped within the center.

We also need cemeteries in these growing towns and many more other needs of land. So it is a noble idea to pass this motion because even in other towns we don't have land to construct toilets. So Mr. Speaker, I fully support this motion.

Hon. Speaker: Thank you. We can Hon. Ngunzi, Hon. Kathinzi and Majority Leader at the back.

Hon. Ngunzi: Thank you, Mr. Speaker. I would want to say that this motion is timely and I want to support it because in my ward, Ikalaasa dispensary stands on 100 by 100 plot and I kept wondering how we will in future expand the facility. Now that this motion has come I am happy that a solution is almost being found. So I want to sincerely thank the member and support this motion.

Hon. Speaker: Thank you. Yes Hon. Kathinzi.

Hon. Kathinzi: Thank you, Mr. Speaker. I stand to thank the mover of this motion and I fully support it, but I support with amendments, Mr. Speaker, that due to the land grabbing which we have being seen within the country and especially in Machakos town, most of the public utilities have been grabbed by public and private developers. As we discuss this motion I request that we amend and include that the county government of Machakos should utilize this

time to include that we should reposes the grabbed land so that we can be able to get at least enough land to do whatever we want to do in terms of development.

Mr. Speaker, I would also like to add that, for instance in my area there is one school which was funded in 2011 by the area MP and there are two classes which have been built using CDF money but the land is not there.

The school administration has been taken to the Chiefs' office. There is a tug of war between the size of the land where the school is built and the children have deserted that school to the neighboring. Therefore those are the issues I think this motion as my predecessor has said that it is very much timely and I suggest and support this motion totally but with amendment that we should reposes the lands which have been grabbed by the private developers, Mr. Speaker. Thank you.

Hon. Speaker: Hon. Kathinzi, I don't know when you say repossess, do we have the power to repossess? Let me hear you on that point.

Hon. Kathinzi: Mr. Speaker, I mean we need to pass a regulation that the county assembly has to give authority or request authority that, for instance I have a evidence of two or three houses within the Machakos town that have been property of the defunct municipal council but during transition period, those houses have been grabbed by private developers and they have already been exchanged hands maybe. That is why I am saying we need to see the way forward because we are losing assets, Mr. Speaker.

Hon. Speaker: Thank you. Let us hear Minority Leader at the back.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker, I stand here to support this motion and it is timely because if you happen to go to Mbiuni market, you will find that the livestock yard, is within the market. So this is the high time we set aside some funds within our county, for this purpose. Because you understand that is why we never set aside money to buy land in this financial year, I propose that we may come up with a supplementary budget to put this in place, so that we can buy land and because we have a new finance committee, we can refer this motion to finance committee so that they can look into it. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. But my view would have been that we first have the matter dealt with the Environment, Energy and Natural Resource committee that will come up with a report that will identify those lands and then after that, we can now discuss a motion on

appropriation. What do you think? We can have the final contribution because it is a matter that I think there is consensus.

Hon. Maitha: Thank you, Mr. Speaker, for seeing my hand. Mr. Speaker, in continuation to support the motion and with the proposed amendments, I am really supporting that amendment and I want to put to your awareness that I think land has been devolved to the county government and that is why a report on land board was brought for discussion and approval.

The issue of land grabbing is becoming a serious menace. I am a victim of land grabbing. I happen to come from cosmopolitan ward where land grabbing is an issue of concern and most of the land that we are talking about is the one that were meant to be public utilities. Those public utilities are registered under the county lands registry that is the ministry of lands in Machakos.

So in supporting the motion with that amendment, I would request this house passes that motion and puts it very straight and very strong, that all land that was meant to be public land has been grabbed and developed or not developed, this house to pass very punitive measures and recover those parcels of land plus even penalties for those who were engaged in the land grabbing issue. Soon, we might not even have areas to construct and come and develop with basic requirements that the community needs.

So in support of this as well, I want to say this. The committee that we have mandated to take care of that, I want them to handle the matter with a lot of caution to avoid embarrassing scenarios whereby, we know very well for example, you go to Masinga or Mwala, an acre of land might cost Ksh 100,000 and then we start purchasing the same parcels of land because it is being bought by the county government. We are told an acre will cost Ksh 1m. That will amount to extortion, Mr. Speaker.

So those are some of the measures that need to be put down so that we can avoid embarrassing the face of this beautiful assembly, Mr. Speaker. Thank you very much.

Hon. Speaker: Thank you. Let us hear finally the chairman legal services committee. Maybe he can touch something on land acquisition.

Hon. Itumo: Thank you Mr. Speaker, for catching your eye. I must say whoever came up with this kind of motion actually God had a purpose for him. First, I stand to support this important motion and to say the committee, to which the motion has been deferred, should be

serious about this motion. I want to tell this hon. house that, at my place (Kangundo Central Ward), where the town lies, it is stinking to see a government officer grabbing a land parcel.

If you come to my place, one land that initially belonged to the government, ministry of works of has settled on and moved to Tala-Matungulu Sub County. That land parcel has been grabbed and even the land, initially before the MOW, used as a cemetery.

You find that that, two gentlemen who are civil servants have grabbed that land. It is like a grown up person who tries to undress himself in public. Mr. Speaker, this is no joke, we must come up with regulations that whoever has grabbed government land should return and pay penalties so that the rest may learn a lesson from that.

Mr. Speaker, I support this motion fully and I want that particular committee to come up with serious resolution. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Members, I think the house is in unison that the motion passes. Then I proceed to put the question.

(Question put and agreed)

With additional directions that the motion will be referred to the Lands, Environment and Agriculture Committee that will file a report in the earliest and the office of the Clerk will guide. Sorry hon. members, I am advised those who belong to the house business committee can meet this afternoon to enable us facilitate house business for tomorrow.

ADJOURNMENT

Hon. Speaker: Thank you and have a good afternoon.

The House rose at 3.20 p.m.