

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Thursday, 18<sup>th</sup> February, 2016**

The House met at 2.34 p.m.

*(Temporary Deputy Speaker (Mr. Raphael Mutuku) in the Chair)***PRAYERS****Hon. Temporary Deputy Speaker:** Good afternoon Hon. Members. Clerk proceed.**NOTICE OF MOTION****FUNDS EARMARKED FOR CEMETERIES IN ALL SUB COUNTIES**

**Hon. Kyuli:** Thank you, Mr. Speaker, Sir. Mr. Speaker, pursuant to Standing Order number 44, I wish to give a notice of the following motion; that this House discusses and approves that the County Government sets aside funds to acquire land for cemetery for each Sub-County and their headquarters and to employ modern standards of burial to exhaust and safeguard the use of burial land. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Notice issued. Proceed.**STATEMENTS****BUSINESS OF THE HOUSE FOR NEXT WEEK**

**Hon. Kavuu:** Thank you, Mr. Speaker. Mr. Speaker, Sir, every Member should be aware that the statement of the House Business committee should come first. Thank you, Mr. Speaker. Mr. Speaker, Sir, a statement of the business of the House for the week starting on 23<sup>rd</sup> to 25<sup>th</sup> February, 2016. Mr. Speaker, Sir, I stand under Standing Order 41 (20 (a) where during the statement hour, a Member of the House Business Committee designated by the Committee for the purpose shall, every Thursday or on the last sitting day, for not more than 10 minutes, present and lay on the table a statement informing the House of the business coming before the House in the following week.

Mr. Speaker, Sir, the House Business Committee met today, 18<sup>th</sup> February, 2016 and balloted business for the following week as follows:-

1. Tuesday Afternoon 23<sup>rd</sup> February, 2016 - report of Justice and Legal affairs Committee on violation of human rights at Athi River Steel Plants

The County Government to repair and maintain street lights and flood lights in market centers to reduce instances of insecurity.

2. Wednesday Morning, 24<sup>th</sup> February, 2016 - the County Government to offer subsidized tractors program instead of free service.

Motion to restrict the Department of Education from undertaking any new project before completion of the stalled ECD classes.

3. Wednesday Afternoon 24<sup>th</sup> February, 2016 - report of Education and Social Welfare Committee on construction of ECD classes.

Motion to establish honey processing plant in the next financial year to exploit potential in honey production areas.

4. Thursday Afternoon 25<sup>th</sup> February, 2016 -report of Public Accounts and Investment Committee (PAIC) on audit report of 2014 to 2015 financial year.

Motion to fund co-operative societies with chillers to prevent cases of milk going bad. Thank you, Mr. Speaker.

## STATEMENTS

### ENCROACHMENT OF LAND BETWEEN KITUI AND MACHAKOS COUNTIES

**Hon. (Ms.) Nzioka:** Mr. Speaker, Sir, pursuant to Standing Order No. 41 (2), I wish to seek a statement from the Chairperson, Environment, Lands, Energy and Natural Resources committee on the status of encroachment of land at the boundary between Kitui County and Machakos County in Kanyonyoo (Embu Road) near Kangonde Market in Masinga Central Ward and the measures in place to solve this land problem. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you, next.

### MONEY SPENT ON WATER MAPPING AND ITS IMPACT

**Hon. Kyuli:** Thank you, Mr. Speaker. Mr. Speaker, pursuant to Standing Order No. 41 (2c), I wish to seek the following statements that:-

1. How much money was spent on water mapping, the one that was done by the County Government.
2. What is the impact of the same, that is, what is the impact of water mapping on our people. Thank you.

### CONSTRUCTION OF MUMBUNI HEALTH CENTRE

**Hon. Kavuu:** Thank you, Mr. Speaker. Mr. Speaker, Sir, I now want to seek a statement about the construction of Mumbuni Health Centre. Mr. Speaker, Sir, I would like to know the status of construction of Mumbuni North Health Centre since in the 2013/2014 budget, funds were set aside for the purchase of land and construction of the facility. The land was identified for purchase and up to date, neither the purchase of the land or construction of the Health Centre has commenced. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you.

#### RESPONSE TO STATEMENTS

**Hon. Manyolo:** Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, it is mid last year when I sought a statement to know the whereabouts of how many contractors have been paid, how many have never been paid and up to date, no answer, no response. And I also sought another statement on the number of contractors who are within the County and no response Mr. Speaker, Sir. It may also seem the number of statements issued in the Assembly, maybe, we may not get answers to the statements. So, Mr. Speaker, Sir, may we know why most of the statements are not answered. Thank you, Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Maybe for the purpose of record, Hon. David Manyolo, maybe you can remind us the kind of statement that you sought.

**Hon. Manyolo:** It was last year June and I sought a statement requesting to know the how many contractors have been paid and how many contractors have never been paid and why. The other one was the number of the casuals in the County. Thank you, Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you. Before we go to that, yes Hon. Kyalo Kyuli

**Hon. Kyuli:** Thank you, Mr. Speaker, I want to notify you Mr. Speaker that it is not only Hon. Manyolo's statement that is not being brought; there are other statements. For example, on revenue collection, in May last year, I sought a statement on revenue collection machines that have been collecting revenues and revenues that have not been remitted, Mr. Speaker. At the same time, Mr. Speaker, I had sought another statement the same way that I have done today on water mapping and many other Members that are present, others that are not present today, have been seeking.

Mr. Speaker, I personally have been insisting on implementation of everything that this Assembly does. Therefore, seeking is one thing; getting reports on the status is another. So Mr. Speaker, my plea is that further to seeking statements, Mr. Speaker, may we get proper responses on these statements because they come from our electorate, Mr. Speaker. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you. For the statements that have been sought today, I direct the relevant committees to undertake and within seven days you report to this House. We have Chairperson, Lands, Energy and Natural Resources; there is a statement that is

directed to your Committee and you give an undertaking that, within seven days, you will be able to respond. Chairperson.

**Hon. Ngunzi:** Mr. Speaker, the issue on encroachment of land near Kanyonyoo may take more than a week to come back here because it involves the County of Kitui and the County of Machakos. That means we have to liaise with committee on land in Kitui and visit the area as a team to see who is entering into whose territory. That may take more than a week, but the statement sought on how much was spent on water mapping will be ready for tabling in the House on Thursday. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Members, it has been brought to my attention that most of the statements that were sought were not answered. Do we have the Chairperson, Finance Committee? Vice Chairperson, Finance Committee? Kindly, there was that statement which was sought by Hon. Manyolo; can you, maybe, update the House how far you have gone with it.

**Hon. (Ms.) B. Nduku:** Thank you, Mr. Speaker. I request the committee to be given one week. Seven days so that we can---

**Hon. Temporary Deputy Speaker:** Seven days are okay?

**Hon. (Ms.) B. Nduku:** Yes.

**Hon. Temporary Deputy Speaker:** So, within seven days respond. I also direct that, for all other statements that were sought and have not been answered, next week on Thursday we will expect response on the same. I can see we have Deputy Majority Whip; can you take an undertaking in this House that you will communicate to the relevant Chairpersons that they bring responses to this House by Thursday, next week.

**Hon. Kavuu:** Thank you Mr. Speaker. I will do that.

**Hon. Temporary Deputy Speaker:** Thank you. Yes Hon. Kitheka.

**Hon. Kitheka:** Mr. Speaker, assuming that I was not in the House to hear what Hon. Member for Mumbuni North has said and I go by the Standing Order, please, I think there is a mistake in the way it has been framed because there is nothing like what he has said. He said a different thing and this is a different thing in the paper. He talked about a health centre and here is just nothing like a health centre. So, we need some clarification because in this House, we stand by the documents which are brought into this House. Pursuant to Standing Order No. 41 (2)(c), the statement by Hon. Kavuu on the status of the construction of Mumbuni North Ward. What?

**Hon. Temporary Deputy Speaker:** Hon.....yes, Hon. Leonard Katela.

**POINT OF INFORMATION**

**Hon. Katela:** Thank you. Mr. Speaker, Sir. Maybe Hon. Kitheka is living in another world and I remind him that Hon. Kitheka is the one who tells us that ‘do not follow me, I am lost.’ So, Hon. Kitheka, is lost. Maybe you are holding another paper for yesterday. Hon. Kitheka, can you wake up?

*(Loud Consultations)*

**Hon. Manyolo:** Mr. Speaker, Sir....

**Hon. Temporary Deputy Speaker:** Order, Hon. Members.

**Hon. Katela:** Mr. Speaker, Sir, what I am holding and what Hon. Kavuu read, Mr. Speaker, Sir, I would like to know the status of construction of Mumbuni North Health Centre since 2013/2014. That is what I am reading here.

*(Laughter)*

Then is it, is it Hon. Kavuu’s mistake?

**Hon. Temporary Deputy Speaker:** Order, Hon. Kitheka. Hon. Members.

**Hon. Katela:** That is not Hon. Kavuu’s mistake. He does not print these papers.

**Hon. Temporary Deputy Speaker:** Kindly address the Chair. Hon. Members, before me I have a statement that has been sought by Hon. Gideon Kavuu. And if I may just go through it, it talks of, “I would like to know the status of construction of Mumbuni North Health Centre.” What is appearing in the order paper, is just an abbreviation. Maybe it could have been a typing error so I am convinced the statement that has been sought is what is before me. Clerk, proceed. Yes, what is the point of information and you want to inform the Chair?

**POINT OF INFORMATION**

**Hon. Nduva:** Mr. Speaker, the document I am holding reads Mumbuni North Ward not Health Centre.

**Hon. Temporary Deputy Speaker:** Point of information dismissed. I have given directions on the same.

**Hon. Members:** Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Order, Members. I have said I have a statement and I would direct Hon. Kavuu, maybe in your own time, ensure that you supply a copy to Hon. Kitheka.

*(Applause)*

We can proceed.

**Hon. Kitheka:** Mr. Speaker, this is not what is in the Order Paper

*(Low Consultations)*

**Hon. Temporary Deputy Speaker:** Yes, Hon. David Manyolo.

**Hon. Manyolo:** Mr. Speaker, Sir, I understand we go by the Order Paper and the Order Paper we are holding, Mr. Speaker, Sir---

**Hon. Temporary Deputy Speaker:** Hon. Manyolo.

**Hon. Manyolo:** True, it states that---

**Hon. Temporary Deputy Speaker:** Hon. Manyolo.

**Hon. Manyolo:** It states that---

**Hon. Temporary Deputy Speaker:** Hon. Manyolo.

**Hon. Manyolo:** Let us not indicate something which is not in the Order Paper.

**Hon. Temporary Deputy Speaker:** Hon. Manyolo, resume your seat.

**Hon. Manyolo:** You are just amending it Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** The matter concerning the statement sought by Hon. Gideon Kavuu, I have done a ruling on the same and I do not see why we should go round discussing the issue. We have a statement before me which is containing all the details of the statement of what has been sought.

**Hon. Kitheka:** That is what you have, not what we have.

**Hon. Temporary Deputy Speaker:** Dismissed. Kindly proceed, clerk.

*(Low Consultations)*

**Hon. Temporary Deputy Speaker:** Order, Hon. Katela. Yes, what is the point of order?

### POINT OF ORDER

**Hon. Kavuu:** Mr. Speaker, I wonder. I think Hon. Iveti is not properly dressed and if he has no tie, Mr. Speaker, I can request to go and give him one in my car. Thank you, Mr. Speaker.

*(Laughter)*

**Hon. Temporary Speaker:** The Hon. Member has obeyed. Proceed.

### MOTION

#### FUNDS EARMARKED FOR CEMETERIES IN ALL SUB COUNTIES

**Hon. Kyuli:** Thank you, Mr. Speaker. Mr. Speaker, I had laid a notice of motion and Mr. Speaker, pursuant to Standing Order number 47 (1), aware that the Yemitheu Public Cemetery is almost fully occupied and soon there will be an urgent need for a burial site; aware that modern burial methods to safeguard the use of available land by digging deep graves to accommodate more people in one grave have not been applied; aware that there is high demand for land in Machakos that has led to subdivision of land to small portions; noting that this has increased the reality to acquire the required large parcels of land within the towns, the County Government should consider acquiring more land as a burial ground for long term planning.

Aware that population in towns within Machakos County immensely increased in the last two years since inception of devolution, Mr. Speaker, Sir, aware that our people respect and honour burial sites according to the culture of our community; further aware that identifying the suitable land will additionally require consultations with the local residents and the admissibility for mass burial within the acquired area, Mr. Speaker, Sir, I wish to move the motion that this Hon. House discusses and approves that the County Government sets aside funds to acquire land for cemetery for each sub-county headquarters, Mr. Speaker or even other big towns within the sub counties. An example is Wamunyu Town, Mr. Speaker, Sir, and then to employ modern methods of burial to exhaust and safeguard the use of burial land. I, Mr. Speaker, call upon Hon. Alexander Kathinzi to second the motion Mr. Speaker.

**Hon. Kathinzi:** Thank you Mr. Speaker. I am on my feet to second this motion because it is a well thought motion and idea which is going to take care of many more issues as I would say. Mr. Speaker, in our major towns there are what we call “*chokoras*” and they are homeless; these people are homeless and especially they are now trickling down especially when the inspectorate department has pushed them from the major towns. You could find *chokoras* in Matuu, in Wamunyu, in Katangi, they are all over Mr. Speaker and if as a County Government we are not going to take care of the burial sites for especially such classes of people, Mr. Speaker, we will be putting our county, land and people into jeopardy of health in terms of health factors.

As I support Mr. Speaker, I agree and fully second this motion and request the Hon. House to adopt and put the best foot forward to ensure that the best is acquired from that.

However, when you look into the major towns most of the land has been sub divided making it not possible for any department to acquire big chunks of land but I think this is something we can, as the mover of the motion has tried to elaborate Mr. Speaker, I agree that we can acquire and move forward as a county. Thank you very much.

**Hon. Temporary Deputy Speaker:** Thank you. The motion is properly before the House. Before I allow members to contribute, maybe I will allow the mover of the motion to clarify whether you are talking of setting funds aside to acquire land for cemetery plots for each Sub County headquarters. That is what I have. I can see it is Sub County headquarters.

**Hon. Kyuli:** For clarity purposes Mr. Speaker, and as I elaborate we are all aware because some two weeks ago, we were called for a meeting at the Machakos University and we were talking about planning Mr. Speaker, and everybody and the towns that the department of planning or whichever department it was Mr. Speaker, they were highlighting on making new plans for new towns, Mr. Speaker. However coming from the meeting we had in Mombasa Mr. Speaker...

**Hon. Temporary Deputy Speaker:** Hon. Kyalo Kyuli.

**Hon. Kyuli:** As I explain, I wanted to draw you Mr. Speaker. My thinking was that in every sub-county if we can devolve like devolving the Yemitheu issue here to the headquarters of every sub-county Mr. Speaker---

**Hon. Temporary Deputy Speaker:** Hon. Kyalo Kyuli, for the purpose of the House, are you talking of sub county or sub county headquarter.

**Hon. Kyuli:** Mr. Speaker, I am talking about if we can devolve...for example we have one in Machakos here where the county has its headquarters so my thinking was that in every sub-county maybe at the headquarters of sub-county and by extension, the big towns that are within the sub-counties Mr. Speaker, so coming from the meeting that we all had in Mombasa, there was a suggestion of the same and therefore a dire need since we are doing planning of most of our big towns. Therefore to incorporate this Mr. Speaker, for use of our people. Thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Leonard Katela.

**Hon. Katela:** Thank you Mr. Speaker, sir. As much as I want to support that motion from my neighbour, I want him to shed some light whether he has cushioned the Kamba customary way of burying their dead because as far as I am concerned, I do not think Wamunyu has any deficit of burial sites and as we are aware, every Kamba wants to bury their relatives at home; in fact next to their bedrooms. Which town, and in our town, the headquarters is in Masii and Kyalo knows almost everyone in Masii, who in Masii would like to be buried in Masii town? Others in Kamuthanga or Muthetheni. Hon Ngunzi has a lot of land which in fact he is sharing with monkeys. Who will bury someone in a cemetery?



**Hon. Temporary Deputy Speaker:** Let us hear the point of information from Hon Edrick Ngunzi.

### POINT OF INFORMATION

**Hon. Ngunzi:** Mr. Speaker, the immediate speaker, the Hon. Katela, is misdirecting this House when he says that Kambas should only and only be buried in their homesteads. We are doing this for future planning when even our own children and grandchildren will have nowhere to be buried. When our towns, the towns we are calling today small towns like Masii, will be a big town like Nairobi and there will be all sorts of people and they will want to bury their kinsmen where they live. This is not for today; it is for the future when we will have nowhere to acquire land from. We need to set aside land for future generations that will come, not ourselves today, Mr. Speaker. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Anne Wairimu.

**Hon. (Ms.) Musyoki:** Thank you Mr. Speaker, Sir. I stand here to support the motion. In Matungulu and especially Matungulu West, majority of the people are from other counties who have come to live there.

**Hon. Member:** Point of information.

**Hon. (Ms.) Musyoki:** Mr. Speaker, Sir, protect me.

**Hon. Temporary Deputy Speaker:** You are protected. Proceed.

**Hon. (Ms.) Musyoki:** Thank you Mr. Speaker. Mr. Speaker, Hon. Katela just knows about Muthetheni where he stays. Even Muthetheni has been invaded by outsiders and Mr. Speaker, sir, in Matungulu West, we have a very big land, government land which is 1700 hectares whereby we can create a cemetery there if we are given 20 to 30 acres or hectares; we can be able to burry our people there...

**Hon. Temporary Deputy Speaker:** Give the member time to conclude her contribution. Proceed.

**Hon. (Ms.) Musyoki:** We can be able to have a cemetery there if Kangundo do not have land. Matungulu we have land. We can accommodate all these people even those ones who are surrounding us. Mr. Speaker, Sir, I stand to support the motion and let me tell Hon. Members here, in Matungulu West we are having the biggest problem; people are buying plots worth 40 by 60 and when the people die, they are all buried at the plots. If we can have a land which is set aside by the government which is KBC land, then I believe Mr. Speaker, we can be safe and secure. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Yes what is the point of information?

## POINT OF INFORMATION

**Hon. Katela:** Mr. Speaker, I have not been answered. I sought to be informed on the Kamba customary way of burying and then I am being answered by somebody who is not a Kamba. How did she know the customary way of burying?

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order, order, order. Hon Katela, apologize to the Hon Member. Kindly apologize to the Hon Member.

**Hon. Katela:** With all due respect I apologize but I sought on the Kamba burial rites.

**Hon. Temporary Deputy Speaker:** I understand that the mover is noting down. I will give you time as members contribute, to react. Hon. Ndumi.

**Hon. (Ms.) Ndumi:** Thank you Hon. Speaker, Sir. I stand to support the motion by Hon. Kyalo Kyuli, the Hon. Member from Wamunyu. Mr. Speaker, Sir, I do not agree with Hon. Katela because in our customary law, sometimes a woman maybe married somewhere and the husband refuses to bury her. We have so many cases Mr. Speaker, Sir.

*(Applause)*

So what we can say Mr. Speaker, Sir, in the way Hon. Kyuli was asking, we can get a *shamba* or somewhere where we will be burying our people. We do not go by customary law and I think in this House, only Hon. Katela is behind by following Kamba customary law, Mr. Speaker, Sir. I stand to support. Thank you Mr. Speaker, Sir.

*(Applause)*

**Hon. Temporary Deputy Speaker:** Hon. Kitheka.

**Hon. Kitheka:** Thank you Mr. Speaker. I quoted earlier that we may be having misleaders in this House. Mr. Speaker, I wish to notify the one Hon. Katela that most of the urban towns in this country are cosmopolitan and the issue of Kamba customary laws are not applicable in towns

*(Applause)*

So the issue of talking about where to bury your Mkamba does not count anywhere in cosmopolitan areas of this country. So Mr. Speaker, with that note, I wish to support the motion which has been laid by one Hon. Kyalo Kyuli on the issue of burial and burial land. Mr. Speaker, pointing out about the issue of burial or a cemetery, I wish to give an example of the cemetery which is in Machakos, Yemitheu by the name. That cemetery right now is almost full and it has

been in existence since this country gained its independence and majority of the people who are buried there might not be coming from Ukambani, they come from all over Kenya because we have big facilities like hospitals, we have many issues in towns; you expect us to use such a cemetery in large numbers.

Mr. Speaker, to point out on the issue which has been given by that Hon. Member I think it is also prudent enough for us to consider improving the cemeteries which are existing because some of them which are existing like the one in Machakos is a cemetery having a dumpsite in it and there is a small river running in between. So Mr. Speaker, because of health issues, we need to reconsider improving the status of the cemeteries which are available like that one in Machakos and any other which is elsewhere.

Mr. Speaker, the population of Machakos County is growing at a very rapid rate so even Mr. Speaker, we might be calling upon the Hon. Member even to add something like cremation which might be in favor of those people who do not want to bury their people; they can roast their people. In simple words, that is the meaning of cremation because some people might not know what we are saying like Katela---

*(Applause)*

Simply because we want to keep the space for burial. Most of the developed countries right now are not giving land for cemeteries; they are just constructing a very decent cremation area and they do it. In fact as we talk on this issue, we should also focus on the West to see as if we can even move towards the developed countries to do what they are doing. Mr. Speaker, I wish to 100 percent support the motion.

**Hon. Temporary Deputy Speaker:** What is your point of order?

### POINT OF ORDER

**Hon. Manyolo:** Mr. Speaker is it in order for a Hon. Member to say some members are not learned. Can he prove that these members are not learned; that they cannot understand English and they are here elected and they represent people? How comes they are not learned, Mr. Speaker, sir?

**Hon. Kitheka:** Mr. Speaker, I wish to clarify because this lunch time, I was with Mr. Katela and there is a point I questioned which had a lot of grammar and he could not comprehend so that is why I am just suggesting...

*(Loud consultation)*

**Hon. Temporary Deputy Speaker:** Order, order Hon. Kitheka.

**Hon. Kitheka:** He might not know what we are talking about. In fact it is a hard vocabulary.

**Hon. Temporary Deputy Speaker:** Hon Kitheka, kindly let us restrict ourselves to the parliamentary language. Hon. Nzoka.

**Hon. Nzoka:** Thank you Mr. Speaker, Sir. In fact what is being talked about here, some people might not understand what we are here for. When you go to hospitals, there are a lot of unclaimed bodies. There are other bodies which are collected outside. Those are the ones which are much targeted. You can claim somebody's body if you want. So when we are talking of cemetery, I belong to the committee of Environment; the place is almost full and there is an outcry there.

We need to have an extra land for those people because we have those people who are working here, they cannot go far to their homes; others come, they are sick, they die, you do not know their place of birth or the home area. When we have them in the mortuary, they are unclaimed for long. I can recall in Kangundo Hospital, there is a time when we buried 42 bodies at a go; they were ferried by a tractor. In fact they borrowed our area MukaMukuu where they were buried. In my area, there is this land which used to be said Kwa Ngei; it is on sale. It is the high time now we do something quick. We have good areas there; we have also VOK where we have a hundred and sixty---

**Hon. Temporary Deputy Speaker:** Yes what is the point of order?

#### POINT OF ORDER

**Hon. Katela:** Mr. Speaker, Sir, I want it clarified to me that are we discussing the motion or we are extending our land brokerage here. We have not even reached the point of selling land and you are already selling land Kwa Ngei. We do not want land brokers here, we want to discuss the motion first. Thank you. Mr. Speaker.

**Hon. Nzoka:** Mr. Speaker, I think I echo Kitheka now, he does not know what is going on.

*(Laughter)*

We are talking of land. Where is the land now? We have to source the land first. We have to come up with a motion where we need land and I am saying that although the land was bought by Kamuthi Investment, I am saying there is an open land---

**Hon. Member:** Point of information.

**Hon. Temporary Deputy Speaker:** Let the member conclude.

**Hon. Nzoka:** And also in Koma there is an open area. Can you come up and tell us somewhere else because we are saying we need a land; the issue here is land---

**Hon. Temporary Deputy Speaker:** Order. Hon. Katela order...

**Hon. Nzoka:** Mr. Speaker, Sir, the issue here is a land for cemetery and we are now giving some light in VOK we have a thousand, six hundred and something acres. That is government land---

**Hon. Temporary Deputy Speaker:** Yes what is the point of order?

### POINT OF ORDER

**Hon. Kitheka:** Mr. Speaker, as we are in this August House, I think respect is paramount and there is a member who is insulting your position in this House. Mr. Speaker, can you deal with Hon. Katela to an extent he will never repeat when I will come to be a sectional chair as a Speaker. Thank you.

*(Applause)*

**Hon. Temporary Deputy Speaker:** Point of order noted and I will do something. Proceed Hon Member.

**Hon. Nzoka:** Thank you Mr. Speaker. I support this motion, what my colleague Hon. Kyalo Kyuli has brought here will assist in the future. We are growing at a high rate. Also we should expect we shall have a lot more unclaimed bodies so can we have something? Thank you Mr. Speaker, sir.

**Hon. Temporary Deputy Speaker:** Hon. David Manyolo.

**Hon. Manyolo:** Thank you Mr. Speaker, Sir. I stand to support the motion Mr. Speaker, Sir and as earlier quoted by Hon. Kitheka, Mr. Speaker, sir, it seems that we have some people who are not from colonial mentalities to the system we are in today because they are talking of sorcerers and myths of Kambas and we are past that. I understand what we are talking here is something that is essential.

We are from urban centers, for example I am from Matuu ward, an urban center. It is last week but one when one of the ward members passed and we tried to secure a place to bury him just around here in Machakos but we could not have space. We travelled all the way to Thika where we buried that person. It is not only that one; we have other cases whereby some people are buried at people's land. For example, Hon. Ngunzi was requested by a clan mate to be buried at his farm and this one has come at a time when we can discuss this at a serious level.

Mr. Speaker, Sir, most of the cosmopolitan markets have so many people from far areas not from there and some of them are landless. We may say they are squatters within our area so it is for us to move in the highest speed and see how we can acquire land for every sub-county and if it is possible to extend the big sub counties like Masinga, we may see if we can get two if possible, Mr. Speaker, Sir.

I stand to support the motion Mr. Speaker, Sir.

*(Applause)*

**Hon. Temporary Deputy Speaker:** Let us have Hon Mueni, Hon. Geoffrey Munyao, Hon. Joseph Muli, Hon. Philip Ndolo then we go to Alexander Kathinzi.

**Hon. (Ms.) Mueni:** Thank you Mr. Speaker, Sir. I stand to support the motion but some people here are bringing it as a joke; it is not a joke. Even they can die now and fail to have somewhere to be buried.

*(Laughter)*

Mine is to echo what Hon. Ruth has said. We have so many problems when one dies. Even Kitheka's people in Mjini have nowhere to be buried and it is very important when we buy a land not in Machakos, we can be taking the people there even if it is Masinga or where. Mheshimiwa Katela, the land you have is for your mother and I think if you die now, you can be taken there, so be careful when you are doing some things. Thank you Mr. Speaker, Sir.

*(Laughter)*

**Hon. Munyao:** Thank you Mr. Speaker, Sir. Let me start by applauding the mover of this motion Hon. Kyuli for reasoning on behalf of the dead because the dead do not reason, they don't think and he has done that for those people. Mr. Speaker, with that idea of Hon. Kyalo Kyuli, we have to back the idea because it is a noble idea for our people. As I am standing here Mr. Speaker, in Kathiani Level IV hospital, I think there are four unclaimed bodies in the last one year and now there is nowhere they can be buried. The idea Hon. Kyuli has brought to this house I think is a matter of concern. Thank you Mr. Speaker, Sir.

**Hon. Muli:** Thank you, Mr. Speaker. It is a wise decision the author of this motion has brought in this House and Mr. Speaker, before I support this motion, I would also like to request the relevant committee which is concerned with this issue, if possible to bring to this House information for us to know how many cemeteries are located in Machakos County, because I believe whenever there is a good plan which is made in a big town, there must be a site for cemetery.

Therefore, I believe concerning issues of cemetery we were corrupt and we may mandate our county to buy more land while there was a land which was allocated and pocketed by tycoons. Also Mr. Speaker, the decision to modernize and reclaim the present one---

**Hon. Kitheka:** Point of order, Mr. Speaker.

**Hon. Muli:** Mr. Speaker defend me. I would like to express my motion very soberly.

**Hon. Temporary Deputy Speaker:** Kindly continue.

**Hon. Muli:** Thank you Mr. Speaker, for your honour. Mr. Speaker, the committee needs to visit the current cemeteries and bring a report. They need to be modernized and created very well because I understand the modernized cemeteries will hold more capacity of bodies. Mr. Speaker, the mover of the motion has also considered the issue of creating cemeteries for each sub-county. I would like to put to your attention that there are some counties which are geographically disadvantaged. An example is Masinga sub-county where I represent Ndithini ward. Mr. Speaker, from Ndithini to Masinga town, you pass several towns to reach the headquarters. Therefore it is also wise if possible the motion be amended and be made that least due to geographical disadvantage, a county may find a site within every ward. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Yes what is the point of information Hon. Ngunzi?

### POINT OF INFORMATION

**Hon. Ngunzi:** Mr. Speaker, as the chairman, Lands, I would want to bring to the attention of this House that we do not have a cemetery in Machakos County. What Hon. Kitheka is referring to as a cemetery has been turned into a dumpsite. No good thinking person will bury his dead in Yemitheu today; litter is scattered everywhere. I would want to look into other counties where I see cemeteries like in Mombasa, Nairobi and Nakuru, where they are fenced off and when nobody enters.

Go into Yemitheu in Machakos; cows are grazing there and litter is scattered everywhere. You bury your dead today in Yemitheu, the coffin is exhumed that same night and brought again to the town for sale. So we do not have a cemetery in Machakos. What I am saying is that we need a designated area that is for burial in this town alone. We need to see a cemetery where I can be buried. Transports costs and costs that involve burial rights and burial places have become very high. You don't need to move your people from here to Mombasa; you can bury them here. Very soon we will not be able to afford movement of our people from here to Mombasa and from Mombasa to this place. We will need to bury them where they die.

So we need a cemetery here in Machakos town, a cemetery in Kangundo, a cemetery in Matuu, a cemetery in Masinga, a cemetery in Athi River, as soon as possible. And I am saying land will soon become very scarce. We will not be able to get a piece with money; you will have the money to buy but you will not have the place to buy. We need to move with speed, acquire land as fast as possible in those major towns that we are talking about and set them aside for burial and we need decent places that we can fence or make perimeter walls so that anybody can be buried there and we need to have guards to guard those places. We need people guarding our cemeteries.

You don't bury your dead in Yemitheu today and leave them there; it looks bushy, and you cannot bury your person in the bush. Yemitheu is a bush and not a cemetery and those of the environment committee who visited that area will concur with me that Yemitheu is *msituni*. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Chairperson, are you telling the House that that place is not set for a cemetery.

**Hon. Ngunzi:** I am saying it is a dumpsite and not a cemetery. So, I support Hon. Kyuli's move that we move with speed and acquire land for burial sites, including here in Machakos town.

**Hon. Temporary Deputy Speaker:** Okay. Hon. Philip Ndolo.

**Hon. Ndolo:** Thank you, Mr. Speaker, Sir. I stand to support this motion and say that the issue of land is not increasing and the population of this county is increasing day by day. So it is the high time now we look for space and especially in every sub-county because the issue of buying land is turning to be scarce and also the relevant committee should visit other cemeteries in other big towns and see how they take care of the dead. Thank you.

**Hon. Kathinzi:** Thank you, Mr. Speaker. As I strongly continue to support this motion, I would wonder why most of the members, and I wish Hon. Katela was here, that they keep on interrupting business of this great House. Mr. Speaker at times I think if we were on a public screen and put the people of Muthetheni watching their Hon. Member yelling in the Assembly while we need to show dignity when you enter this door, I wish we could reverse that situation and then give him a three day sitting penalty because that is very serious. I think he is a demeaning member who is not respecting the House at all.

Mr. Speaker, I would like to concur with all the members who have supported the motion that we acquire land to make sure that our descendants, not even ourselves, because I can be having a land where I can be buried, but my great grandchildren will not be having land to have that particular function take place. I would like to give you a scenario where a very old *mzee* called Nyanzwii was a chief in the times of colonial era; he is still alive, more than 100 years now.

When he was a chief in Yatta, Ekalakala and Kithyoko locations, he had very big chunks of land and he said: "I am going to demarcate this piece of land for a church and next to the church, we will have a school and next to the school, we will have a university." He had that vision and that is the vision I would like us as members to have so that we can stay in the books of record that we came up with a strategy to make sure that the county government has some burial sites for our people.

In future, 100 to 200 years to come, that time will be there even when we will not be alive but I believe and trust that our people will benefit at that time. So this is a motion whereby Mr. Speaker you can just put the question and then we proceed with the other business. Thank you.



**Hon. Temporary Deputy Speaker:** Let us hear Hon. Amina then we will have the chair reacting.

**Hon. (Ms.) Amina:** Shukrani Bw. Spika. Ningependa kuunga mkono na kumpongeza mheshimiwa ambaye ameleta huu mswada na mimi kama Muislamu ningependa kujua kama hizo sehemu zikinunuliwa, kuna sehemu za waislamu zitakuwa zimetengwa kando kwa sababu kama Muislamu huwa unazikwa pahali unaishi si pahali umezaliwa. Kwa hivyo unaweza kuzikwa mahali popote na huwa tunategemea hizo sehemu sana na sehemu zetu zikiwa kando huwa panatakikana pajengwe msikiti. Kwa hivyo nilikuwa na shauku na ningependa mwenye kuleta huu mswada anifafanulie vizuri. Shukrani Bw. Spika.

**Hon. Temporary Deputy Speaker:** Asante Sana. We can have the chairperson, but before we have the chairperson, I can give Hon. Jacqueline Nziva.

**Hon. (Ms.) Nziva:** Thank you, Mr. Speaker. Let me applaud the mover of the motion and since many of the points have been talked about, I wanted to add that in the last two weeks we had experts from the ministry of planning and they had good plans for our big towns, so I wish the committee on lands could work hand in hand with those people and incorporate those designated cemeteries so that we can go forward because if you don't plan, you are doomed to fail. Thank you Mr. Speaker, sir.

**Hon. Temporary Deputy Speaker:** Thank you. We can have the chairperson.

**Hon. Kyuli:** Mr. Speaker, when man was created, he also became a creator and that is where we have the people of Wamunyu. They can create people who do not breathe and Mr. Speaker while they are creating and while man is creating, there is a lot of destruction. I wish this Assembly would move to Wamunyu and see how we suffer when we lose one of the inhabitants that have come because of this creation of other things, that is carving, Mr. Speaker. Wood carving in Wamunyu has created an enabling environment for habitation by anybody from anywhere, including people from North Eastern, Mr. Speaker.

If you go to Wamunyu you will find '*warias*' with hotels, you will find them hawking and we have been having problems. I cite an example, Mr. Speaker, Sir: late last year, in Wamunyu town we lost somebody who was an inhabitant of that area. The town committee had to look for money, Mr. Speaker, to buy a space for burial in the neighborhood and now somebody next to the market is cashing in on that, Mr. Speaker, because Wamunyu is a cosmopolitan town. Now somebody who is having land next to the town is just waiting for them to come and buy when we lose one of the people who do not have their rural homes.

Mr. Speaker, ignited by that, I felt sorry for people of Muthetheni ward. I must say this, that I feel pity for them because they are my neighbors and I have even met '*warias*' hawking and they sleep in that town. They do not have land anywhere; some of them are single, others

married, and others have children, Mr. Speaker. Therefore there is dire need for this House to move with speed and start identifying land so that when we are doing our budgets, we budget for money to buy land in towns that have such a need.

Therefore, Mr. Speaker, I began by saying, last two weeks we sat with people from the planning department, they were trying to plan our towns and Mr. Speaker, as I looked at their plan, I asked them, 'where have you placed the cemetery for Wamunyu?' They were like Wamunyu is a small town. I told them 'no, it is coming up seriously. If you want to see a big building, go to Wamunyu you will find them. If you want to see people who speak in Kiswahili throughout, go to Wamunyu; if you want to see people who speak in English, go to Wamunyu.'

Mr. Speaker therefore, we need to move with speed as an Assembly before the end of the financial year so that in the coming financial year, we incorporate this and I wish that the sentiments of chair, Lands could be seriously put into consideration. Therefore Mr. Speaker, I want to thank members that have spoken in support of this and even those who did not see the need or did not have enough material to participate or to put this motion to where it belongs. Therefore Mr. Speaker, I thank all the members and the House at large.

**Hon. Temporary Deputy Speaker:** Before I put the question, there is an issue that has been raised by Hon. Amina Mutio concerning the Islam; you know we have to respect religion.

**Hon. Kyuli:** Thank you Mr. Speaker, Sir. I am sorry I had forgotten that. When I was coming up with the motion, I did not do enough consultation or research on the issue of the needs of our brothers and sisters from the Islam religion so if you allow me, coming next week, I lay another motion here so that we can also take care of them because when we talk about cemeteries, we are talking about burying and some of them cremate.

So Mr. Speaker, again if they also want to bury, when we are setting aside sites for burial, it does not segregate any religion but those who cremate, I also say that I need to come up with another motion next week in one of the sittings and I am sure I will have done enough research. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** I think the House is in consensus. Hon. Kitheka, one minute.

**Hon. Kitheka:** Even not one minute. Mr. Speaker, I wish to notify the member that in every cemetery, there is a portion for the Muslims. Like in Machakos, there is a small portion that has been set for the Muslim community. Thank you.

**Hon. Temporary Deputy Speaker:** Okay thank you. Hon Members, I can see we are all in consensus and reading the mood of the House, everybody is in support of this motion and I proceed to put the question.

*(Question put and agreed to)*

**ADJOURNMENT**

**Hon. Temporary Deputy Speaker:** There being no other business, the House adjourns.

The House rose at 3.38 p.m.