

MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Thursday, 11th August, 2016

The House met at 2.30 p.m.

[The Speaker (Hon. Mung'ata) in the Chair]

PRAYERS

Hon. Speaker: Good afternoon Hon. Members. Let us proceed.

PAPERS LAID

DEVELOPMENT OF THE MACHAKOS NEW CITY

Hon. Ngunzi: Mr. Speaker, Sir, I beg to lay the following paper on the floor of the House today, Thursday 11th August, 2016: the report on progress of implementation and the development of the Machakos new city. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, paper is laid. Proceed.

BENCHMARKING VISITS WITH KISUMU AND MOMBASA

Hon. Manyolo: Mr. Speaker, Sir, I beg to lay the following paper on floor of the House today, Thursday, 11th August, 2016: the Education and social welfare committee report on benchmarking visits with Kisumu and Mombasa Counties. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you, the paper is laid. Proceed.

NOTICES OF MOTIONS

DEVELOPMENT OF MACHAKOS NEW CITY

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Hon. Ngunzi: Mr. Speaker, Sir, I wish to give notice of the following motion; that this Hon. House discusses and approves the report on the progress of implementation and development of Machakos new city. Thank you.

Hon. Speaker: Proceed.

BENCHMARKING VISITS TO KISUMU AND MOMBASA

Hon. Manyolo: Mr. Speaker, Sir, pursuant to Standing Order No. 44, I wish to give notice of the following motion: that this House discusses and approves the Education and Social Welfare Committee report on benchmarking visits with Kisumu and Mombasa Counties as laid on the floor of the House today Thursday, 11th August, 2016. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Proceed.

MOUNTING OF TRAILERS TO TRACTORS

Hon. Nzeki: Thank you, Hon. Speaker. I wish to give a notice of a motion that this Hon. House discusses and approves mounting of trailers to tractors of Machakos County Government to make them multi-purpose and use them for garbage collection as I lay it today, Thursday, 11th August. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you notice issued. Proceed.

STATEMENTS

BUSINESS OF THE HOUSE FROM 11TH TO 25TH AUGUST, 2016

Hon. Kasimu: Mr. Speaker, Sir, I stand under Standing Order 141 (2) (a) where during the statement hour, a member of the House Business Committee designated by the Committee for that purpose shall every Thursday on the last sitting day for not more than 10minutes, present and lay on the table, a statement informing the House of Business coming before the House in the following week.

Mr. Speaker, Sir, the House business committee met today, Thursday 11th August, 2016 pursuant to the provisions of the Standing Order 151, balloted additional business for the day, Thursday, 11th August, 2016 and balloted on business for starting 23rd to 25th August, 2016 as follows:-

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Thursday Afternoon (11th August, 2016)

1. Report of Environment, Land, Energy and Natural Resource Committee
2. The Machakos County Non-Motorized Vehicles Bill 2016, first reading.
3. Machakos County management of quarrying activities Bill 2016, first reading.
4. The Machakos County flags and other symbols Bill 2016, first reading.
5. The Machakos County Public Market and Stall Bill 2016, first reading.
6. The Machakos County ward Development Fund amendment Bill 2016, first reading.

Tuesday Afternoon (23rd August, 2016)

Report of committee on selection and replacement of Membership.

Report of *ad-hoc* Committee investigating revenue potential in our County.

Wednesday Morning (24th August, 2016)

Report on Trade, Planning and Industrialization Committee on projects implemented by trade, economic planning, investment and industrialization department for the first three quarters of 2015/2016 financial year debate.

Wednesday Afternoon (24th August, 2016)

Report of Education and Social Welfare Committee on construction of ECD classes.

Thursday Afternoon (25th August, 2016)

Report of Transport, Roads and Public Works Committee on phase 2 and phase 3 road construction project. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Proceed.

AD-HOC COMMITTEE ON INSPECTORATE OFFICERS

Hon. (Ms.) Ndinda: Mr. Speaker, Sir, the *ad-hoc* committee on Inspectorate Officers was constituted by this Hon. House with a specific mandate to investigate on a petition from the inspectorate officers in Mavoko Sub-County. Further, the committee had a timeline on submission of its report which expires today. Having not completed the process of interrogating various parties on matters of the petition, the committee hereby requests for extension of time to submit its report on 1st September, 2016. Thank you, Mr. Speaker, Sir.

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Hon. Speaker: Thank you, the prayer is granted. Proceed.

BILLS

First readings

MACHAKOS COUNTY NON-MOTORIZED VEHICLES BILL, 2016
MACHAKOS COUNTY MANAGEMENT OF QUARRYING ACTIVITIES BILL, 2016
MACHAKOS COUNTY FLAGS AND OTHER SYMBOLS BILL, 2016
MACHAKOS COUNTY PUBLIC MARKETS AND STALLS BILL, 2016
MACHAKOS COUNTY WARD DEVELOPMENT FUND (AMENDMENT) BILL, 2016

Hon. (Ms.) Kaluki: Mr. Speaker, Sir, pursuant to Standing Order 119, I would like to present the Machakos County Non-Motorized vehicles Bill No. 10 of 2016 to this Hon. House for the first reading. Thank you, Mr. Speaker, Sir.

Hon. Speaker: The Bill stands committed. Proceed.

Hon. Ngunzi: Thank you Mr. Speaker. Mr. Speaker, Sir, pursuant to Standing Order 119, I would like to present the Machakos County Management of Quarrying Activities Bill No. 11 of 2016 to this Hon. House for the first reading. Thank you.

Hon. Speaker: Thank you, Clerk. The Bill will stand committed to the committee of environment. Proceed.

Hon. (Ms.) V. Mbithe: Mr. Speaker, Sir, pursuant to Standing Order 119, I would like to present the Machakos County Flags and other symbols Bill No. 13 of 2016 to this Hon. House for the first reading. Thank you, Mr. Speaker, Sir.

Hon. Speaker: The Bill will stand committed to the committee on Culture and Tourism. Proceed.

Hon. Kavuu: Mr. Speaker Sir, Pursuant to Standing Order No. 119, I would like to present the Machakos County Public Markets and Stalls Bill No. 14 of 2016 to this Hon. House for the first reading. Thank you, Mr. Speaker.

Hon. Speaker: The Bill will stand appropriately committed to the Committee on Trade, Planning and Industrialization. Proceed.

Hon. Ndolo: Mr. Speaker, Sir, pursuant to Standing Order No. 119, I would like to present the Machakos County Ward Development Fund (Amendment) Bill No. 15 of 2016 to this Hon. House for the first reading. Thank you, Mr. Speaker, Sir.

Hon. Speaker: The Bill will stand committed to the Ward Development Fund committee. Proceed.

(Orders for First Readings read - Read the First Time and ordered to be referred to the relevant Sectoral Committees)

MOTIONS

DEVELOPMENT OF THE NEW MACHAKOS CITY

Hon. Ngunzi: Mr. Speaker, Sir, aware that on 28th November, 2013 this House approved a motion for the development of the new Machakos City; further aware that the Executive has received investment proposals and the companies thereof have made the relevant recommendations; Mr. Speaker, remembering that the parcel of land LR. No. 1491/R which is intended to be used for establishment of the new city was reserved for investment purposes by the National Land Commission; Mr. Speaker, Sir, noting that section 9 sub-section 3 of the Land Act, 2012 requires the County Assembly to approve conversion of public land to private land, Mr. Speaker, I wish to move the motion that this Hon. House discusses and approves the report on progress and implementation of the development of the Machakos new city. Thank you, Mr. Speaker. I call upon Hon. Sila the vice chairman to second.

Hon. Sila: I stand to second that this Hon. House discusses and approves the report of Environment, Lands, Energy and Natural Resource on the progress of Implementation of Development of the Machakos new city. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you. Proceed with the report. Let us proceed. The motion is laid.

Hon. Ngunzi: Mr. Speaker, this is the report by the committee on Environment, Lands, Energy, and Natural Resources on the progress of implementation on the development of the Machakos new city. Mr. Speaker, Sir, on 28th November, 2013, a motion was tabled in this Assembly by Hon. Joshua Mwonga, the Majority Leader, requiring this House to approve the development programmes spearheaded by the Executive arm of the Machakos County government for the benefit of residents of Machakos County and Kenyan people at large.

Mr. Speaker, the motion highlighted that a parcel of land LR. No. 1491/R measuring 2,200 acres and situated within Machakos town had been reserved for investment purpose by the National Land Commission via a letter addressed to H.E. the Governor Dr. Alfred Mutua dated 5th November, 2013. The motion also indicated that public participation was done and that the public endorsed the idea for the new Machakos city. Mr. Speaker, it also came clear from the motion that the Machakos County Executive Committee member had considered the investment proposals and the companies thereof had made recommendations accordingly. This motion was approved by all the Hon. Members of this House.

Mr. Speaker, Sir, the committee is mandated to deal with all matters related to the implementation of specific National Government policies on natural resources and environmental conservation including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisance and outdoor advertising, land survey and mapping, boundaries and fencing, electricity and gas reticulation, image regulation, water management systems in buildup areas and water sanitation services.

Mr. Speaker, Sir, on 3rd August, 2016, a letter was received in the office of the Clerk and directed to the committee on environment, lands, energy and natural resources for discussion. Mr. Speaker, as per the Land Act 2012 section 9 (3) on conversion of land, the letter required the County Assembly to approve conversion of public land to private land for the period under leasehold. Mr. Speaker, the process of zoning the said parcel of land LR. No. 1491/R has been concluded and the list of investors will be forwarded to the National Land Commission. The zones to be approved are as follows:-

1. Residential which is 144.76 hectares and will absorb approximately 50 investors
2. Industrial which is 53.89 hectares and will absorb approximately 30 investors.
3. Educational which is 46.95 hectares and will absorb approximately 50 investors.
4. Recreational which is 170.89 hectares and will absorb approximately 30 investors.
5. Public purpose which is 64.96 hectares and will absorb approximately 30 investors.
6. Commercial which is 75 hectares and will absorb approximately 30 investors.
7. Public utility which is 55.02 hectares and will absorb approximately 20 public utilities.

Mr. Speaker, on receipt of the letter the committee retreated to 67 airport view hotel on 5th August, 2016 to consider this assignment.

Mr. Speaker, Sir, allow me to quote some relevant laws that apply to land matters. Section 9 of Kenya Land Act No. 6 of 2012 on conversion of land states that:-

1. Any land may be converted from one category to another in accordance with the provisions of this Act and any other written law.
2. Without prejudice to the generality of sub section 1(a), public land may be converted to private land by alienation. Section 2 defines alienation of land as the sale or other disposal of the rights to land.
3. Any substantial transaction involving the conversion of public land to private land shall require the approval by the National Assembly or County Assembly as the case may be.

The Constitution of Kenya 2010 Article 62 sub-articles a, b, and d, defines public land as land which at the effective date was an alienated government land and as defined by an Act of Parliament in force at the effective date.

b. Land lawfully held, used or occupied by any state organ except any such land that is occupied by the state organ as leasee under a private lease.

d. Land in respect of which no individual or community ownership can be established by any legal process.

Article 64 defines private land as:

- a) Registered land held by any person under any freehold tenure.
- b) Land held by any person under leasehold tenure.
- c) Any other land declared private land under an Act of Parliament.

Article 67 (1 and 2) provides that there is established the National Land Commission whose function is to manage public land on behalf of the National and County Government. Article 10 (2) of the Constitution of Kenya 2010 outlines the national values and principles of governance as:

- a) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people.
- b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized.
- c) Good governance, integrity, transparency and accountability.
- d) Sustainable development.

Based on the definition of private land as stated in Article 64 of the Constitution, private land can be owned on freehold or on leasehold basis, the County Government will issue the land to the interested investors on leasehold basis.

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The committee confirmed that the National Land Commission, through a letter on 5th November, 2013 reserved that parcel of land 1491/R for investment purpose. The National Land Commission is mandated in Article 67 (2) of the Constitution to manage land on behalf of the National and County governments.

The completed development plan for the Machakos new city was gazetted in the Kenya Gazette volume No. 67 on 30th May, 2014 as required by the Law.

The County Government held their first stakeholders meeting on 12th March, 2014 which was aimed at sensitizing the concerned parties on preparation of the Machakos new town physical development plan. This is in line with the provisions of Article 10 (2) of the Constitution that provides for transparency and participation of the people in decision-making. In the meeting, the participants called for creation of an orderly, functional town that takes into consideration the spiritual, economic, educational and recreational needs of the people.

Mr. Speaker, the vision of Machakos County as stated in the Machakos development plan is to be a globally competitive investment hub that ensures optimal utilization of resources, social and economic sustainability for the prosperity of all and wealth creation.

Mr. Speaker, the committee was satisfied that the procedures that the County Government was required to undertake from the time the motion to endorse the creation of the new city was tabled in this House have been concluded and that the role of the Assembly to approve the conversion of the said parcel of land to pave way for further implementation is crucial. Article 185 (4) of the Constitution provides that the County Assembly may receive and approve plans and policies for management and exploitation of the county's resources and development and management of its infrastructure and other institutions.

Mr. Speaker, the committee agreed that this is a large investment that is intended to change the economic face of Machakos County especially in the field of employment, a problem which the County government is striving to look for a solution. Mr. Speaker, land being a pre-requisite for any development project, the committee recommended for conversion of LR. 1491/R from public to private but on leasehold basis and on leasehold period of a maximum of 99 years. This move will help the residents of Machakos to reap the benefits that will result from the investment programmes. There should be commitment from the investors to embrace smart city concept technologies by way of tapping energy resources like utilizing of natural light, water harvesting techniques and urban green technologies.

Mr. Speaker, for Machakos County to grow, we should go the industrial way so that we reduce overdependence on agriculture. As the County strives to discover means of increasing revenue collection, it is important to consider growth of new towns and cities as a major contributor. It is therefore my sincere wish to forward this report to this House for approval. Thank you, Mr. Speaker.

Hon. Speaker: Let us begin by hearing those in support of the report. Yes, Hon. Itumo.

(Applause)

Hon. Itumo: Mr. Speaker, I take this opportunity to applaud the committee that came up with this particular report because as the chairman went through the report, I saw the future of our younger ones, Mr. Speaker. If this report is approved Hon leaders 50 per cent of all our people are going to get jobs Mr. Speaker. Mr. Speaker, Sir, I have now started seeing future of our follower and remember Mr. Speaker the future of this nation lies on the shoulders of those who are young, Mr. Speaker, Sir. Mr. Speaker, Sir, all those investors, if actually they are going to do their business with us, Machakos County will never be the same again and I see the light of this county.

I just carry on and ask the Hon. Members, without any external force, to carry on their mandate and just approve the report immediately. As you know, Mr. Speaker, Sir, our Governor is a good leader and I know because of his good fame, all the investors will feature in this county and then start doing investments. We will see a good report and I know each and every member here will rise and support it in wholly. Thank you so much, Mr. Speaker, Sir. Thank you once again.

Hon. Speaker: Yes, Hon. Kilonzo.

Hon. T. Kilonzo: Thank you Mr. Speaker, Sir, for giving me this humble time to say something about this report. Mr. Speaker, Sir, I want to support this report in so many points. That land has been lying idle while our people lack somewhere to put buildings, to put industries, our investors to put their industries there where our people can get jobs, Mr. Speaker, Sir. This town, if you walk in this town, Mr. Speaker, Sir, it is so congested. If you go to the bus park it is like a market. If you access our roads, they are all congested all the time you will meet jams in the town during rush hours, Mr. Speaker, Sir.

It is the high time for this House to pass this document so that we can have investors coming in and trying into put up their businesses so that we can move some of the things that are being done in the town to that area so that we can have better place where people can rest, where people can go and do their businesses. Our bus park also needs to be moved from the old town to the new town where people can get easy transport to Nairobi and leave the old bus park to the transporters who ply the rural routes and by doing so, we will put our county at a better place. Thank you, Mr. Speaker.

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Hon. Speaker: Thank you. Let me hear Hon. Manyolo.

Hon. Manyolo: Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, the wise say the fear of competition is the beginning of poverty and for you not to get into problems, you have to face everything because determination is the achievement. If we are divided, we have to fail but united we have to achieve and I understand here we are going to achieve.

(Applause)

Mr. Speaker, Sir, the time we traveled to Dubai and happened to meet excellent people there. Mr. Speaker, Sir, if we trace the history Dubai, you will find that there is a time people sat and came out with the decision of rebuilding their country and Dubai as it is today. Today, Dubai is recognized as one of the richest and also beautiful and industrialized centers in the world. Mr. Speaker, Sir, the idea of Machakos County City is an achievement by the county and also by the world as it is today. We have to learn from the other people who have achieved on how we were going to achieve. If we go to Singapore, we will find the same.

Recently, just last week but one, I was in Gaborone, Botswana. Mr. Speaker, Sir, the Hon. President of Botswana is Khama. Khama is trying to see how that country is going to develop. He is also encouraging people to invest in Botswana. How come people are rejecting investors to come to Machakos? This is a very nice idea by the mover of the motion. I stand to support and shame those who are against the motion. Mr. Speaker, Sir, thank you.

(Applause)

Hon. Speaker: Let us hear Hon. Ndumi.

Hon. (Ms.) Ndumi: Thank you, Mr. Speaker, Sir. As you know, I have travelled all over the world and I know all the cities. I want to tell the Hon. Members, if we get our city, we will be very happy because somebody like me who is an international businesswoman, I will be just going near here, in our County. So, I support the report. Thank you, Sir.

Hon. Speaker: Let us hear from Veronica and then Hon. Muli.

Hon. (Ms.) V. Mbithe: Thank you Mr. Speaker, Sir. I stand here to support this motion having been the pioneers of devolution. It would go very wrong in the books of history for this Hon. House not to support this motion because this City is bringing development on board and our people there on the ground are asking for jobs and our young people have graduated in universities having been given bursaries but have no jobs. Remember if we do not make history, history will judge us harshly.

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Mr. Speaker, Sir, it is within the jurisdiction of this House to ensure that things are moving right and I believe the idea of the City is the right motive. Let us look at the future for example 10 years to come, if we approve this City to be implemented, it will be very good for us even as we age to be associated with the beginning of a New City with a difference. Thank you Mr. Speaker, Sir. I support this motion.

(Applause)

Hon. Speaker: Thank you. Let us hear Hon. Muli.

Hon. Muli: Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, let us first appreciate and honor the person who came up with this noble objective. Sure enough, establishing a new City within our County is an idea which will mitigate challenges of unemployment within our County as the mover of the motion was taking us through the investors who are supposed to dominate the acres in that land, I came to realize we shall have a capacity of holding about 300 investors whereby these investors will make sure the economy of our County appreciate.

Mr. Speaker, Sir, Machakos town in general is coming up rapidly. You find the economy of Machakos has appreciated within three years to a tremendous perspective and I believe, if these investors are given opportunities to create industries, it will be now the Machakos which is the place to be and observing things in the optimistic side, I totally support and believe this document should be passed without any alteration. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you. Let us hear our chairman of finance committee.

Hon. Nzeki: Mr. Speaker, Sir, I will be the happiest MCA or Hon. Member in this Hon. House if this document is passed. First, it will be constructed in Machakos County, Machakos sub-county and more so in Mua Ward and so Mr. Speaker, Sir, I pray this Hon. House passes it. I have been in municipal council for ages for two consecutive terms that is, five years and the land has been staying idle as our former Mayor has said and because we have seen people with vision, why can't we pass this motion and be happy as I have said. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Hon. Members, let us hear from those against the motion. Hon. Nzoka.

Hon. Nzoka: Thank you, Mr. Speaker, Sir. When you see this document, it has some differences like when you open page two, you see the second paragraph mentioning LR. No./1491/R measuring 2,200 acres. When you still go to the last page, which is page six last paragraph, that says that conversion of that LR 1491/R from public to private, converting the whole land. If you come to the zones, that is on page three, it is indicated in hectares. If you

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convert the 2,200 acres to hectares or the hectares to acres, there is a difference of 690 acres and it is not mentioned where that land is. Do the calculation one hectare is equal to 2.471. If you combine the whole, there is the missing 690 acres. It is the duty of this House to know that this land is not given just anyhow and we get some losses of land.

Hon. Speaker: Order, Hon. Nzoka! I want to refer you to Land Act section 9 sub-section 3, which spells the obligation of the House which is to give approval to any substantial transaction involving the conversion of public land to private land and shall require that what shall require the approval of the County Assembly. We are not awarding land, we are only approving land.

Hon. Nzoka: Thank you Mr. Speaker, Sir. What we are approving, I am saying, is not what is on the paper here. We should approve exactly what is requested. You cannot request 10 then we approve 15. I am saying, according to the zoning, the total zoning is less than the whole sum which we are allocating and again when you see to this zoning, there is a paragraph that was withdrawn. It was saying that these zones, you can see there are some 30, 50 investors. We do not know who these people are.

We have to be careful with this. In fact, we are dealing with an issue which is very sensitive. So, if we are approving 50, you can see it is 50 here. We are saying, yes, who is that? Is it me? Is it Kalunde? Is it Speaker? Who is he here? So we need to know. We should have gotten the right thing. It should be documented well, this is this and this is this. So I urge the House, this is a House of respect not of fools. We need to be careful when we are doing something. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Let us take a point of order from Hon. Ndawa.

Hon. Nzoka: I don't need that point of order.

(Laughter)

Hon. Speaker: Let us take that point of order.

Hon. (Ms.) Ndawa: Thank you, Mr. Speaker, Sir. I think that Member is completely out of order because he is a Member of the committee, a member of the environment committee and he did not raise these issues in the committee level.

(Applause)

Why raise it here? He approved from the committee level but he is here giving us stories. It is really not in order, Mr. Speaker, Sir. Not in this House

Hon. Nzoka: Can I respond Mr. Speaker, Sir. I said no and there are many who said no. It was brought under thorax.

Hon. Speaker: Order! Let me hear Hon. Matheka.

Hon. Matheka: Thank you, Mr. Speaker, Sir, and the House at large. Mr. Speaker, Sir, the idea of a new City is a noble idea because it will bring employment to our people which is a main issue all over the world but Mr. Speaker, Sir, according to the report there are some issues as *Mheshimiwa* from Matungulu North is saying which need clarification from the Chair. A motion was brought in this House to approve that and surely it was but Mr. Speaker, Sir, the main issue here is public participation.

He is mentioning all the dates when other things were done but he is ignoring when the public participation was done. As far as my memory serves me and if it serves me right, I don't remember any public participation on the New City anywhere in Machakos and all the Members around who were around in this House by then can attest to that and Mr. Speaker, Sir, going to what Hon. Nzoka was saying, we cannot approve a blanket list of investor.

Yes *Mheshimiwa* from Ndithini said they are around 300 but where are they from? Why weren't they listed? Is it harmful to list them? Those are the questions we need to be answered by the chairman and Mr. Speaker, Sir, we should also know how many are local and how many are foreign. We cannot just come here and approve a report for people to come and invest in our County and we do not know them. Mr. Speaker, Sir, some things need to be said clear and straight for this House to approve. Mr. Speaker, Sir, yes, history might judge us harshly but also history will not forgive this House if we dish out our land to foreigners and maybe somebody is gaining from this, somebody is selling this land.

Mr. Speaker, Sir, I don't think there any free things anymore in this world apart from air. The other things need to be exchanged with monetary gains. That money can go to building Machakos County. The idea is noble but we need some answers from the Chairman. Thank you.

Hon. Speaker: Let us hear Hon. Rachel

Hon. (Ms.) R. Nduku: In fact, I am the one who needs the City like yesterday because my people are jobless in Mlolongo. The issue of land is sensitive when we come to talk of investing in our land. I want to emphasize on public participation. In fact what we are talking about here about the Machakos New Town is very important but as a Hon. House, what we are debating here, whatever we are approving here, I have gone through the report, Mr. Speaker, I want to remind you that Machakos residents, if there are people who are aware of the sensitization, according to the report, page five, number four, it is talking that the Machakos County government held the first stakeholders meeting on 12th March, 2014 which was aimed at sensitizing the concerned parties on the preparations of Machakos New Town.

Mr. Speaker, I want to remind you that this paragraph is talking of concerned parties. This county belongs to the people of Machakos and according to me, I think what we are doing here belongs to the concerned people because as per what my colleagues have said, when we

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look at the investors and the way they have been allocated, whatever they are going to do there, whether it is residential, industrial, educational or recreational and so forth, Mr. Speaker, I want to remind you that this House should be very sensitive when we are approving this issues because we know what has been happening in this House since 2013 up to now.

So, I want to remind by fellow Hon. Members that as much as we need a new city, as much as we need our children and our generations to have jobs and new towns, let us remember what is going on. This county of Machakos is under poor governance. Thank you, Mr. Speaker.

Hon. Speaker: Let me take the point here.

Majority Leader (Hon. Mwonga): Mr. Speaker, can we get to know how this House has been operating for the last three years because I have carefully listened to the last contributor, Hon. Rachel, although I am not amused when she is a new convert. Can we get to know how the county, not the county Mr. Speaker, how the operations of this assembly have been going on. Thank you.

Hon. Speaker: I direct that debate proceeds. Let us hear Hon. Kathinzi.

Hon. Kathinzi: Thank you, Mr. Speaker. I am on my feet to reject this report with reasons. One, the total acreage, please protect me, Mr. Speaker. The total acreage is less than---

Hon. Speaker: Let me first hear him.

Hon. Kathinzi: 2,200 acres and the total allocation, that is on page three, which says in the last paragraph, 'the process of zoning the said parcel LR. No.---

Hon. Speaker: Order! Hon. Kathinzi, let me now take the point of order. What is the point of order?

Majority Leader (Hon. Mwonga): The Hon. Member for Kivaa is a member of this committee and when you go to point six, first paragraph, allow me to read; Mr. Speaker, the committee was satisfied that the procedure the county government was required to undertake from the time he motion to endorse the creation of a new city was tabled in the House had been concluded.

Here it says, the committee, where the Hon. Member for Kivaa sits and we don't have a minority report showing that he had a dissenting voice in the committee. Mr. Speaker, I think the Hon. Member is out of order because the report says, the committee, it doesn't say Hon. Kathinzi or any other member had dissenting voice in the committee sitting. So, Mr. Speaker, I think that member is out of order unless we have a minority report. Thank you.

Hon. Speaker: Thank you. That point of order is sustained. Let us hear the next contributor. What is your issue about? A point of order?

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Hon. Nzoka: Thank you. I agree with the Majority Leader but when we were in the committee we were forced and we requested for a minority report and he was there---

(Applause)

They said No and Luka said No. So, what do you want us to do?

Hon. Speaker: Order! Hon. Nzoka. Let me hear Hon. Kasimu.

Hon. Kasimu: Mr. Speaker, I stand as a member of that committee. I would like the two members to clarify who ordered them to bring the report without their consent. Thank you, Mr. Speaker.

Hon. Nzoka: Can I respond?

Hon. Speaker: Let me hear further contributions on the motion at hand. Hon. Mutuku, at the back.

Hon. M. Mutuku: Thank you, Mr. Speaker, for granting me an opportunity to make a contribution. I would like to say the idea of a new city is a noble idea, we acknowledge it. However, Mr. Speaker, as you can read the mood of the House, it seems there was no consensus in the committee.

(Loud consultations)

We have two arms of the government in the county government of Machakos that is the legislative arm and the executive arm. The two teams must work in consensus, in teamwork and as we are aware, our mandate is oversight and representing the citizens of Machakos. In line with that, what the Hon. Members are questioning, like who are the investors, it is part of oversight and representation.

Mr. Speaker, I personally do support the idea of creating a new city. However, in real sense, as a Hon. Member, I am conversant with land. When we say lease it is a kind word of saying selling because 99 years is really a long time. If you give lease for land for 99 year, you have actually given that person land.

So, there is a need for this House to have consensus on who are the investors, foreign and local. Probably, even some Hon. Members can invest. We can say we can have building of residential houses and you realize there able Hon. Members who can build those residential houses and probably they have not been listed as investors. Where are we? In view of those observations, I wish if the House can be given more time to consult and make an informed decision. Thank you.

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Hon. Speaker: Hon. Mutuku, I don't know whether you were here when this debate began. I had read the section 9 sub-section 3 of the land act and I want this House to understand the obligation of the assembly. The obligation of the Assembly is to approve conversion of public land to private land. Today we are not allocating land to any investor. If allocations will be done, this House has not lost its mandate on oversight that is what I want perhaps this House to understand and it is on that basis that I understand the report that is before the House. Maybe we could hear Hon. Kalunde and then we can hear Hon. Muinde at the back.

Hon. Kalunde: Mr. Speaker, you started by saying that you would like to welcome people who are in support of this motion. Then it came to a time of the people who are against the motion but as you have said repeatedly, this is not the time to allocate the parcels of land. This is the time to pass a motion so that we can extend our City so that we can have a new City in Machakos. At the same time, this City is the only place where we can extend our town and even if you ask a blind person or a person who has come to Machakos yesterday, he or she will tell you that this town needs an extension.

(Applause)

So, Mr. Speaker, Sir, I wonder when we are being told that we should know who the investors are, whether they are black or red, all we need are investors so that we can extend our city. We are always crying that our youth do not have employment but still I wonder why again we are opposed to the people who can come and invest so that our people can get employment. Mr. Speaker, Sir, I am standing to support the motion. Thank you.

(Applause)

Hon. Speaker: Let me hear Hon. Muinde at the back.

Hon. Muinde: Thank you, Mr. Speaker. I am not opposed to the establishment of a new City. Machakos needs to grow. We need space and perhaps the only available space is on this piece of land Mr. Speaker. There are times when people need to consult and build consensus. I will be of the view that those supporting and those rejecting or opposing, if through your guidance, Mr. Speaker, because some issues like consensus in the Committee and two, the area marked here when you convert the hectares to acres and Mr. Speaker even the issues of the particulars of investors. Let Members not be gagged because we are passing a law and we also have a duty of oversight.

Mr. Speaker, if this issue could be given more time, and consensus being built and we must not always fight, we must not always reject anything that comes to the House. But consensus building is very important Mr. Speaker, and I would wish more time is given and

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under your guidance, the issue surrounding the questions that are being asked can be addressed so that we pass this motion when we are speaking in one accord.

Mr. Speaker, issues of land are very sensitive, we know what has been happening in this Country since independence and it will be better that as we go out, we are either rejecting in one voice or we are accepting in one voice. My view would be yes, the idea is noble but these grey Ares, the red flags that are being raised by those in position could be better addressed through a consensus and I am sure an amicable solution is the better way other than forcing the few who are against to accept a majority rule because even the minority have their own say and perhaps this is one of the ills of democracy where majority always takes their way and sometimes majority could be wrong. Thank you, Mr. Speaker.

Hon. Speaker: I take it that that is a secondment on the request by Hon Mutuku that the matter be given more time. I proceed to put the question that those in support that those in support that this motion be deferred for further deliberation.

(Loud consultations)

Majority Leader (Hon. Mwonga): Mr. Speaker, the question is not clear. Mr. Speaker, I want to tell you those who have said Ayes did not understand the question.

(Laughter)

Mr. Speaker, come up again and be clear. Mr. Speaker. Thank you.

Hon. Speaker: Order! Hon. Members. Now I would urge Hon. Member to listen to the question. That those in support this motion be deferred for further deliberations.

DIVISION

(Question put and the House divided)

Then I hold a division. You may be seated.

(Question negatived by 25 votes to 9)

Therefore, the matter proceeds. Let us hear Hon. Kasimu.

Hon. Kasimu: Thank you, Mr. Speaker. There has been the issue of the difference of acreage of land. Mr. Speaker, Sir, in every way that we are planning this city, we have given, as

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a committee, the zones to be approved and they have mentioned residential, industrial, educational, recreational, public purpose, commercial, public utility, and they have also given the number of approximately number of investors who will be required to invest in the zones but Mr. Speaker, we have not seen the zoning for the roads, for the railways, for the bus park, as Hon. Mayor said.

Mr. Speaker, Sir, we did not do every zoning here. There are other issues that have been raised in planning of this city and I think the fear of the Hon. Members will be captured then. There has also been an issue of public participation. Mr. Speaker, Sir, I stand to remind some Hon. Members in this House that we were invited in investors' conference. Our people, mainly from all the wards were also invited and ferried in this conference and Hon. President was in this County. Our people also were invited to come and participate and we took a list of the members who were there and we also took a list of the members of the County Assembly who were there and as far as I am concerned that is part of public participation.

Public participation does not mean we go to the wards. Public participation means we can bring our people to the city and see it and we educate and sensitize them on that city. Mr. Speaker, Sir, the main manifesto of the Governor of this County, the manifesto of this government is to bring a new city to the people of this county and we will be questioned if we do not build up this city and am sure that some of these members who are standing to oppose are just are just bringing an opposition to the agenda of this government so that they will find a pulpit or an opportunity to pin the Governor down when he comes for his campaign period.

Mr. Speaker, Sir, I would like to ask members to put politics aside and look at this city as a city we will invest to our people not only for us but even for 90 years from now the city will still remain and employment will still be there. Nairobi city stands as a city that was once a public land and it was given to private investors and the city has been a source of employment to all of us. Mr. Speaker, Sir, I urge this House to look let this document positively and pass it. I stand to support. Thank you, Mr. Speaker.

Hon. Speaker: Let me hear Hon. Kamitu. As debate continues, under the constitution, land is not totally devolved and allocation of land is done by the National Land Commission. We are only giving an approval. We are not allocating land. There is the final authority that is in the constitution.

Hon. Kamitu: Thank you very much, Mr. Speaker, Sir. Mr. Speaker, Sir, I stand here to share my experience with my other Hon. Members in regard to the duty that was assigned to this committee and Mr. Speaker, Sir, I would urge my Hon. Members to stand and remove the fear that they have. Mr. Speaker, Sir, as we were saying all the procedures in regard to what is required in land allocation has been made as an observation by the committee. If you go to page

five, the committee observation, they are very clear indicating the importance through a committee representing this House.

If you go through these committee observations, they are well-analyzed, have a lot of meaning, so as you said Mr. Speaker, us as a House we are supposed to legislate. We are only supposed to follow the committee observation and as we said so as you mentioned in regard to the National Land Commission, Mr. Speaker, Sir, if you go to page three, in regard to the zoning, it is also well clear and well defined in regard to the procedures that are supposed to follow.

So in this regard, Mr. Speaker, I would urge my Hon. Members, we are not supposed to waste a lot of time because the committee sat down, came up with a very good report that, if it is taken into what is required, our Machakos County, Mr. Speaker, Sir, our residents, our boys, our investors and as I said I have gone, I have travelled to many areas and what we call development, this is now an eye-opener that has been opened by our committee and this is the time now, Hon. Members, we should think very positively in regard to the growth of Machakos as a county. To our new city, the committee, Mr. Speaker, Sir, has already documented the expectation of the Machakos residents, our youngsters, our investors, and on a very sincere note, Mr. Speaker, Sir, a country grows through industrialization.

The new city, as per the zoning has covered the educational aspect of it, the industrial areas about it and where our people are going to gain. So, I stand to support and tell other Hon. Members this is the time we are supposed to wake up and be sincere to issues concerning our electorate, our youth, our county as the county No. 1. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Yes, let me hear Hon. Member for Muthesya.

Hon. Nzioki: Thank you, Mr. Speaker. Mr. Speaker, today this House is required to approve the conversion from public land to private land. Speaker, I stand to support that this House approves that conversion.

(Applause)

Mr. Speaker about the allocation that is a mandate of the National Land Commission and Mr. Speaker, we should not deliberate further on who acquires this land other than the conversion approval. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Then in that case, Hon. Members, I will proceed to put the question that those in support that the report to be adopted as debated today.

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(Questioned put and agreed to)

(Several Members stood in their places)

Again, Hon. Members, I thought I had made a ruling where the Ayes have it but for the avoidance of doubt you may be seated the clerk can take division.

DIVISION

(Question carried by 25 votes to 7)

(Applause)

Let us proceed, clerk.

BENCHMARKING VISITS TO KISUMU AND MOMBASA

Hon. Manyolo: Thank you, Mr. Speaker, Sir and the House at large. Mr. Speaker, Sir, can I request for a deferral of this motion please, Mr. Speaker. Sir, to next week but one on Tuesday please, Mr. Speaker, Sir.

Hon. Speaker: What is the reason Hon. Manyolo.

Hon. Manyolo: Mr. Speaker, Sir, as I can see most of the Members are now moving out and yesterday we had also another motion and due to lack of Members, it was also referred back to House business committee so Mr. Speaker, Sir, I may request for deferral please kindly Mr. Speaker, Sir.

Hon. Speaker: Hon. Manyolo, give me a better reason.

Hon. Manyolo: Mr. Speaker, Sir, I have found in the report that there are some documents which are missing, like we do not have the photos of the site visits of Kisumu and also the also the ones for Mombasa. So, Mr. Speaker, Sir, for me to bring a complete report, I beg to attach all those reports because there are no photos here and in the report, if you go to

page three, see annex of photos attached and because the photos are not attached. Mr. Speaker, Sir, I don't want to bring an incomplete thing. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Let me take the point of concern by Hon. Muinde.

Hon. Muinde: Mr. Speaker, I think the Hon. Member is taking this House for a ride. Mr. Speaker the Hon. Member seems to want time to go and celebrate the vote that has just been taken. We have Members in this House. There is need to transact this business, Mr. Speaker, until such a time that the House may lack quorum. Mr. Speaker, I wonder what the change of heart is. It is only a few minutes when he laid the paper and tabled the motion and it is now time for him now to allow us go on with the report. Mr. Speaker, I think the Hon. Member must take this House seriously and that he must transact the business of the day. Thank you.

Hon. Speaker: Thank you. Hon. Manyolo, I am persuaded that you will either proceed with your motion or you withdraw your motion or you allow me to dismiss your motion.

Hon. Manyolo: Thank you, Mr. Speaker, Sir. With that, let us proceed, Mr. Speaker, Sir. Mr. Speaker, that aware that education and social welfare committee is mandated with all matters related to primary education, village polytechnics, home clubs and children, child and social welfare pursuant to Standing Order 190 (5) at the Fourth Schedule of Constitution of Kenya 2010, cognizant to the fact at the purpose of committee benchmarking visit is to identify and implement best practices, Mr. Speaker, Sir, aware that the need to benchmark was triggered by the committees concern or the slow implementation of projects by department of education youth, social welfare.

Further, the same department has not been submitting legislation proposals for consideration. Mr. Speaker, further aware that the committee benchmarked with Kisumu County on 19th to 20th November, 2015 and Mombasa County on 15th to 16th April, 2016, I wish to move a motion that this Hon. House discusses and approves the education and social welfare committee report on benchmarking to Kisumu and Mombasa Counties, Mr. Speaker, Sir. I beg Hon. Peter Nzoka to second the motion.

Hon. Nzoka: I belong to that committee and I stand to second that motion and Mr. Speaker, as you can see the House, you can confirm the *kuku* is being taken outside so everybody is rushing. I propose that we still adjourn but it is seconded.

(Laughter)

Hon. Speaker: Let me take the point of order.

Hon. Kasimu: Mr. Speaker, can the Hon. Member clarify what *kuku* is taken outside. Thank you, Mr. Speaker.

Hon. Nzoka: I can say so. Thank you so much *mheshimiwa*. You can see after that debate, the motion we had which you all spearheaded with the majority, all your people are out. Why? You can give us more details on that and that is why we laboured in that committee and we said No and we were told that---

Hon. Speaker: Order! Hon. Nzoka, your duty is to tell us about *kuku*.

Hon. Nzoka: I have explained to him. His friends are outside after the motion, sharing the loot---

Hon. Speaker: Yes. Point of information.

Hon. Kanui: Thank, Mr. Speaker, Sir. I can see the House has no quorum. Why should we continue, Mr. Speaker, Sir.

Hon. Speaker: Clerk, kindly advice. May the bell be rung.

(Quorum Bell rung)

Hon Members it appears clearly that quorum is lacking. Order! I think that Serjeant at Arms, that will suffice.

ADJOURNMENT

Hon. Speaker: So Hon. Members it appears clearly that quorum is lacking. We are now unable to transact further business. It is unfortunate. However, I have noted that the entire of next week, the entire of the Assembly Membership will be engaged for the KICOSCA games and there will be no business next week. So the House will resume that other coming week and the appropriate notices will be posted in the members' pigeon holes. The House adjourns.

The House rose at 4.03 p.m.