

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 17th October, 2023

The House met at 11.11 a.m.

[The Deputy Speaker (Hon. Stephen Mwanthi) in the Chair]

PRAYERS

Hon. Deputy Speaker: Welcome Members and good morning. I think we can start our today's session so Clerk you can proceed.

COMMUNICATION FROM THE CHAIR
VISITING DELEGATION FROM STUDENTS
CONGRESS OF MACHAKOS UNIVERSITY

Good Morning Hon. Members and welcome to this sitting. Hon. Members, I wish to acknowledge the presence of the officials of Students Congress of Machakos University who have visited the County Assembly to observe and learn from the proceedings of the Assembly to enhance their understanding of effective governance and decision making. I take this opportunity to welcome our visitors to the Assembly. Thank you, Hon. Members. Welcome, our students. You may proceed.

STATEMENT

BUSINESS FOR THE HOUSE FROM 17TH TO 18TH OCTOBER, 2023

Hon. Deputy Speaker: Under this one we have one business by the Hon. Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. Hon. Speaker, the House Business Committee met today Tuesday, 17th October, 2023 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted business as follows:

Tuesday, 17th October, 2023

Morning at 10.00 a.m.

Motion on adjournment on definite matter of urgent County Importance by Hon. Daniel Ndwiki, MCA Mlolongo/Syokimau Ward.

Afternoon at 2.30 p.m.

Motion on garbage collection and solid waste management by Hon. Jeremiah Kaloi, MCA Athi River Ward.

Wednesday, 18th October, 2023

Morning at 10.00 a.m.

- (a) Motion that the House urges the Department of Transport and Public Works makes a legal framework to enable leasing of County Machinery to residents by Hon. Muoki Musila, MCA Ndithini Ward
- (b) Statement on status on what the County Government is doing to ensure access of water to Matungulu residents by Hon. Raphael Lucky Nzau, MCA Matungulu West Ward.

Afternoon at 2.30 p.m.

Address of the Assembly by the Senator of Machakos County, Sen. Agnes Kavindu Muthama.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Majority Leader.

MOTION

ADJOURNMENT UNDER STANDING ORDER 30 TO
DISCUSS THE DEMOLITION OF HOUSES ON DISPUTED
LAND IN MAVOKO AS A MATTER OF COUNTY IMPORTANCE

Hon. Deputy Speaker: Under this one I call upon Hon. Daniel Ndwiki.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Mr. Speaker. Before I move the motion, I would like to welcome our visitors from Machakos University so that they go with us in this and learn how things operate in the Assembly.

Hon. Speaker, that aware that Article 61(1) of the Constitution provides that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities, and as individuals; further aware that the Fourth Schedule of the Constitution provides for land surveying, mapping and boundaries, and fencing as a function of the County Government;

Informed that land is a valuable resource in Kenya and that discussions and acts involving land have always caused a great deal of concern, sparked curiosity, stirred up feelings and even provoked insecurity matters;

Acknowledging that Standing Order 30 of the Count Assembly of Machakos Standing Orders provides that any Member may at any time, rise in his or her place and seek leave to move the adjournment of the House for purposes of discussing a definite matter of urgent county importance;

Remembering that on Friday, 13th October, 2023, the High Court of Machakos via a legal suit No. 74 of 2014 declared East African Portland Cement Company (EAPCC) as the legitimate owner of LR No. 10424 located in Mavoko sub-county along Mombasa road standing on acreage 4,298 after a 10-year legal battle between EAPCC and Aimi Ma Lukenya Society Association;

Considering that hundreds of squatters spent their night in the cold after roaring bulldozers pulled down structures that include residential houses, business

premises, churches, palatial homes and other establishments under heavy security guards;

Noting that this in human action took place in Machakos County and has highly affected the lives of our residents who had spent their hard-earned income to construct those demolished structures and who had stayed in the disputed land for more than 10 years;

Aware that an appeal against the said suit is being drafted by the aggrieved parties, Machakos County Government being one of these parties;

Hon. Speaker, I wish to move the Motion that pursuant to Standing Order 30, this House adjourns to discuss THAT:

- i. Machakos County Government be enjoined as interested party in the appeal case against the legal suit 74 of 2014 that was ruled at Machakos ELC Court on Friday, 13th October, 2023.
- ii. Notice to vacate from the said land was not given and that the action of demolitions and destruction of property was inhuman and hence the affected residents need to be compensated.
- iii. Administration of land in Syokimau/Mlolongo Ward be done from the Machakos Land Registry.
- iv. Boundary between Machakos County and Nairobi County be defined well to avoid administration clashes.

Mr. Speaker, with your permission I wish you allow me to elaborate a little bit on the content of the motion.

Hon. Deputy Speaker: You may proceed as you also call the seconder.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Mr. Speaker. Hon. Members as we all know that in Machakos we have people mourning in Mavoko. Mr. Speaker, this motion touches not only people from Machakos origin but all Kenyans who reside in Mavoko because Mr. Speaker, in Mavoko we have all tribes and all caliber of Kenyans. This act that occurred over the weekend affected thousands of innocent Kenyans who reside in that place. Thousands of business community who used to do their business in that place and Mr. Speaker as we speak now we are aware that several are in hospitals because of depression from the effects of the demolition.

So, Mr. Speaker, I would urge this House to take this matter with the seriousness that it needs because Mr. Speaker, over 10,000 Kenyans being displaced is not a small number and this may cause the economy of this County to go down and may bring chaos in this country. So Mr. Speaker, I urge this House to discuss and approve this motion because it is a very important and very urgent as far as representatives we are concerned. So Mr. Speaker, I urge Hon. Members to support this motion and take it with the urgency that it deserves. Thank you, Mr. Speaker. I call upon Hon. Dominic Maitha to second.

Hon. Dominic Maitha (Muthwani, WDM-K) seconded.

Hon. Deputy Speaker: Thank you. Hon. Maitha. Hon. Members, our Standing Orders 30(3) requires at least 10 Members to be up standing to support the motion. Okay, just a minute I think the clerk is counting.

(18 Members stood in their places)

Okay Hon. Members I am told we had 18 Members up standing in support of that motion.

(Applause)

Let the motion proceed on debate immediately. Let us debate on that important land matter.

(Question proposed)

I now invite Members to debate. Hon. Helen Ndeti.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Mr. Speaker, for giving me this opportunity to comment on this very important and serious matter affecting our County. I wish to state that today Hon. Members is a very sad day for this Assembly because we are discussing matters that are affecting our people. Our people not because they are Kambas but our people because they are Kenyans and they happened to have invested in our County.

We are sad because I feel the law is not being followed. Two wrongs do not make a right. If these people, by bad luck, were sold land, the government was there when they were putting up these structures to---

Hon. Deputy Speaker: Just come forward and use this one.

(Hon. Ndeti moved to the dispatch box)

Hon. Hellen Ndeti (Nominated, WDM-K): Why is the government coming so much later to come and demolish somebody's property that he has worked all his life to invest? Put up a house for his family and all of a sudden in a span of minutes your House is brought down. Why is it not possible that the government and the people of Machakos sit down and dialogue? Is this the kind of country we want to have where people are inhumane? Treating our people very badly? First of all I want to ask Portland, East African Portland was first foreign-owned. Whom did they buy the land from? This was during the colonial days. This land was for the Machakos community.

(Applause)

We went as far as somewhere in Museum Hill but with time we have been pushed as a community and enough is enough. If they bought this land and as far as I am concerned they were given the land to mine, repair the land after they have finished mining and revert it back to the community who are the Kambas. Why do they want now, today I see in the newspaper they want people to buy. How do you demolish somebody's property, leave him with no money and

now you tell him to go and buy. I mean what is happening? Somebody is not thinking somewhere. Hon. Members, this is not fair. These are our people and we should not allow them to be put in such circumstances. They have children, we have schools. What are our children who are supposed to be sitting for exams going through? Is this what we want to go through?

Secondly, if Portland...this Portland by the way has not been making any profit, they have been making losses are their years in operation so they should have been closed a long time ago because it has not been an asset to this county because you are supposed to be collecting revenue but how do you collect revenue from a dead loss-making parastatal. Why are they selling the land? When did they own this land? This land should be reverted back to Machakos County so that Machakos County can survey and map.

(Applause)

Hon. Members please taking this seriously, let us talk and air our grievances but my wish and my prayers are that the National Government sits down with the Machakos Government and dialogue so that our people do not continue to be hurt. Let them sit down and agree on how they are going to be compensated if they still want the land but this is Machakos land. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Hellen. Hon. Anastasia. Just come forward, it seems our---

Hon. Anastasia Mutevu (Nominated, WDM-K): Thank you, Mr. Speaker, for this opportunity. I stand here to support this motion on Mavoko land. I am resident of Mavoko and Mr. Speaker.....we really stand with those women and we need action to be taken on East African Portland. We do not know whether they were served with a notice of motion because if they were given at least a notice of motion our people would have prepared themselves. This is very much inhumane.

We do not know as a county how our women and people are going out without food. We know land is devolved and this action should have been taken by Machakos County Government and the two governments should have come to an agreement before all these took place. We are a sad nation. I urge Hon. Members let us support our people and stand for our people and let action be taken. Let the government be humane to our people. As a Hon. Member of this House I also--

Hon. Joshua Mwonga (Masinga Central, WDM-K): Point of information Mr. Speaker.

Hon. Deputy Speaker: Do you want to be informed? Proceed, Hon. Mwonga.

Hon. Joshua Mwonga (Masinga Central, WDM-K): She has not said that she does not want to be informed.

Hon. Deputy Speaker: Kindly Hon. Mwonga, proceed. I said you proceed.

Hon. Joshua Mwonga (Masinga Central, WDM-K): I want to start by congratulating her for standing to support this motion but I want to inform my sister that in demolitions the persons who are to be affected they are not given notices of motion but are given notices of eviction. So

notices of motion are issued in the Assemblies. Thank you; she can continue.

Hon. Deputy Speaker: Thank you. I hope Hon. Anastasia you are now informed.

Hon. Anastasia Mutevu (Nominated, WDM-K): Thank you, Mheshimiwa. The thing is really wearing me out. Thank you for that but I also urge, Hon. Speaker, if the land registry can be brought to Machakos County because land is devolved let our land registry be brought here to Machakos County so that we do all our land matters in the County Government. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Anastasia. Hon. Minority Leader.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Mr. Speaker, Sir. Before I go to the business before the House, Mr. Speaker, allow me to welcome the visitors in our gallery and request them to follow how we transact our business here. Hon. Speaker, coming to the matter before the House, the act cannot be accepted at all.

First, Hon. Speaker, it is true that there was a matter before court and the copy of plaint or the issues which were raised in that CP or copy of plaint there was no issue of demolition. What was in the copy of plaint was issue of ownership. Again Hon. Speaker, the judgement which was delivered here in Machakos did not give any orders on issue of demolition.

(Applause)

The highest document that can be obtained from the High Court is what we call a decree. If a matter has been on going in any court of law, judgement has been delivered, the plaintiff goes back to request for orders and after the orders they also request for what we call decree. The two documents are not there. No orders or decree given. Hon. Speaker, I want to say it here without any fear of contradiction that those who are doing the demolitions are criminals and they ought to be apprehended all of them and taken to court of law.

(Applause)

Hon. Speaker, there is also what we call adverse possession. If you allow somebody to remain in your land for more than 12 years there is no way you can kick that particular person out?

(Applause)

You cannot kick because that person has been residing in that land. Hon. Speaker, I want to say it here, the owners of the buildings which were demolished suffered what we call *injuria sin damnum* and again suffered *damnum sin injuria* and for this matter, we are the highest decision making organ of this County and those who are affected are our electorates. They are now watching on what the Assembly is going to say about what is happening. Hon. Speaker, this

is an act which cannot be accepted at all and it must be condemned with the loudest voice and say we need to take legal action against those who went ahead and demolished property, Hon. Speaker. A government has a duty to protect lives and properties.

(Applause)

I wonder whether the same government which is supposed to protect lives and property is the same government which is going to do the demolitions. Hon. Speaker, this thing should not be accepted at all and I think us, as Machakos County Government, because we are part of the government, we need to be included in that suit as interested and or affected parties. The victims are not only Kambas; Mavoko is a cosmopolitan town which has all the tribes. This time we are not talking about our brothers who are Kamba but we are talking about Kenyans who reside in our County.

Our law is very clear; every Kenyan is entitled to own property wherever he or she wishes to own property. So Hon. Speaker, this morning as I was listening to one of the local stations somebody called Musyi FM and informed the station that by yesterday night two victims have already committed suicide. That information we got this morning. Already two people have lost their lives and I request the Hon. Speaker, as we continue deliberating on the matter you allow the House also to observe a moment of silence in honour of the departed souls.

So Hon. Speaker, I support the motion and I support that we be enjoined in that suit as the County Government. Hon. Speaker, I am sure other Members want to contribute on this matter. We have never been hit this way as a County, we have never being hit by anything like the way we are hit this time and if we allow this to continue in Mavoko it may extend to other parts of the County. It can come this way, it can go Kangundo way, and it can go to Yatta or other areas. This is the high time we should say no to this unacceptable act of people trying to cause trouble to others.

Hon. Speaker, the person who went to construct that house has a wife and children so as the owner of the house is being punished very innocent children of this County and this nation are also punished. If where children used to call their home does not exist now that means these people are homeless. Why should we render somebody homeless? Hon. Speaker, the issue of arson is one of the capital offenses; in fact, by hierarchy or the seriousness of the matter it is number four. If you go and torch somebody's house you will be charged for an offense known as arson and if torching a small house you are charged with arson, what about demolishing this house which contains the bedroom, sitting, the store and any other room you might require. It means this act is more serious than arson.

Hon. Speaker, I request we take the necessary action and move with speed to rescue our people and I request also the court to be considering when delivering judgements. I do not want to dictate what courts are supposed to handle themselves but it is not fair to say the land belonged to so and so and that particular persons usurps powers that he does not have of going ahead to demolish people's property. Hon. Speaker, this thing is not acceptable and as a House we stand with the victims and we request the Head of this State also to hear the cry of the affected families and I am very sure the Head of the State can give what we call Executive orders to stop these demolitions.

Hon. Speaker, our people are crying about water and we are missing equipment to make dams to get water for our people; where did they manage to get all these bulldozers, excavators

and shovels to go and do destruction instead of doing dams for our people. I support the motion.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Ndawa. Hon. Constance.

Hon. Constance Mbula (Nominated, MCCP): Thank you Mr. Speaker. I want to congratulate the Member Hon. Ndwiki who brought this motion. I feel so sad and I am congratulating in sadness because what is happening there is inhumane. You look at it and ask yourself, has life lost its meaning. God gave us life for free and those people whose homes are being destroyed worked and sweat for it for so many years and we all know by the time you make a structure stand you spend money and you do not want anybody to come destroying it. What the government is doing is completely wrong even if that land belongs to the government. Who are we? We belong to the same government and people needed notice.

If the government wants to take its property, can that government arrange for where those people are going to be. We have children there, there are women, there is even a woman who gave birth at the same time the house was being demolished. What does that mean?

So, Hon. Speaker, it will not help us to keep discussing it here, everybody is saying *pole*, oh its wrong. I think we need to take action and action is, we are Machakos County. Can we demonstrate, can we move with speed and rescue our people. Let the government take the land but by all means who is better; the soil or the life. If you allow, we can walk out now and demonstrate. I think many people are laughing at Hon. Raila when he was leading his demonstrations and he had a point; if you are hurt and you do not speak out and you do not show it, how people will help you. Hon. Speaker, give us permission and we walk out now. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Constance. Hon. Kaloi.

Hon. Jeremiah Kaloi (Athi River, WDM-K): Thank you, Mr. Speaker. Hon. Member, I support the motion but I have two or three things to say on the issue of demolitions in Athi River;

One, the Kenya Kwanza Government has been talking of affordable housing and already the people went and build the houses which beats the logic of demolishing the houses that the government intends to build. Mr. Speaker, it is sad for a government to kill its people because by demolishing those houses some of the affected families are now in hospitals. Some, as you have heard have died. Another member was narrating to me that a child she went to school in the morning and when she was dropped by the bus in the evening, she found the house was not there; so, she was left crying; asking her mother what was happening.

The story of Portland is well known and I am sure there is no investor who is going to invest in that land and it is a way for some cartels to get money.

(Applause)

We need to make a statement as an Assembly protecting our people. Today it is Athi River, tomorrow is Machakos, the day after tomorrow is Kangundo. This Government, the

constitution allows people to have shelter and why are we crying while it is the government that is trying to fight or finish the people. We should stand and protect our people.

Lastly, as we make a statement here, we are politicians we also need to send a message to the government; we need to go to the ground, we need to go to the roads to protect our people. That is the only way this government is going to listen to our people. Thank you, Mr. Speaker. I support the motion; we stand with our people.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker, I think it is good the Member clarifies which government because we have two governments; he may insinuate it is the County Government yet we are the people who are crying. Can he clarify, Mr. Speaker.

Hon. Deputy Speaker: Hon. Kaloi can you clarify.

Hon. Jeremiah Kaloi (Athi River, WDM-K): Thank you, Hon. Member. I am talking of the National Government; the Kenya Kwanza government. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Kaloi. Hon. Dominic.

Hon. Dominic Maitha (Muthwani, WDM-K): I just want to recognize visitors from the gallery; welcome to this House and it is unfortunate you have come at a time when there are serious issues to tackle but they benefit you in one way or the other. Families affected in some way belong to some of you and it is a good opportunity that you may understand what goes on round here so that in the future you may be leaders as it has always been alluded to and maybe you will be perpetrators of the same in the positive or negative way. So, it is good you take note.

Hon. Speaker, when we talk of historical injustices, we talk but maybe you have never experienced the same. Today as a County we can say whatever is happening in Athi River is historical injustice. We need to draw back to where it started. The First Assembly of this nation sat in this chamber and it was perceived to be the capital city of Kenya but due to historical injustices, some few individuals who are enemies of the Kamba community decided to take back that priority and privilege to Nairobi. Hon. Speaker, the boundaries of Machakos County and the Kamba community; initially as history dictates were from Museum Hill.

At some point, the same people thought Machakos people cannot have Nairobi City within its boundaries; the same was moved to South B. They realized the Kamba community will benefit and they were not happy about it, their historical injustice continued to rise and the appetite to deny the Kamba community the privilege to enjoy such kind of facilities and amenities continued to grow and they moved us. When they sat in this Assembly and decided to do the Jomo Kenyatta International Airport (JKIA), the only best place it would be was where it is today. Then it was Kambaland. But what happened, they moved the boundaries again to KAPA so that the benefits and privileges of JKIA may not benefit the Kamba Community.

(Applause)

Hon. Speaker, this injustice is beyond. Whatever is happening in Athi River today is outright abuse of human rights. It is atrocities against humanity. Mr. Speaker, we happened to have gone to that place on Sunday and it is devastating, inhuman and to summarize it all, it is a

curse to those who did it.

(Applause)

The Hon. Minority Leader has put it right; the procedure for demolition is outright but I want to say this, the Kenya Kwanza Government and I want to quote that without any fear of contradiction and they can come to me and do whatever they want; what they did to the Athi River residents is not any way different for me they can come and do it....has been on record and our Standing Orders are very clear and they outline on the issue of statement of facts. Hon. Speaker, if you allow me, I want to play a clip here that was said by the top most second....If you give me the opportunity Hon. Speaker, because our Standing Orders say that we need to operate on statements of facts.

What the Head of State said and what the Deputy said on the same; Hon. Speaker, you may listen to what the President said because it is quite unfortunate.

(Hon. Maitha played a clip to the House from his cellphone)

Mr. Speaker, that was said by the President then. Then the Deputy President himself, the top most command.

(Hon. Maitha played another clip to the House from his cellphone)

Hon. Speaker, I do not even need to continue; it is happening when he is the President of Kenya. I want to say the acts of Saturday in Athi River, Mavoko, Machakos County can only happen in Ukambani and nowhere else Hon. Speaker because of the mockery and the manner in which they have treated the Kamba Community because of the historical injustices they have continued to mete to the Kamba community. That is why they are doing this Hon. Speaker. If the President himself can wake up and go to the public and speak of the same, be echoed by the Deputy President and they go against what they have said in public; these are masters of double speak.

We cannot apply double standards in making decisions Hon. Speaker. The Deputy President last was in Laikipia and Nakuru Counties addressing a matter on the same and he stopped the demolitions that were going on there. Why did he not come to stop the demolitions that were happening in Athi River? It means there are direct benefits and accomplices to the same, Hon. Speaker.

In the continuation of that clip, the Deputy President is saying all leaders need to be involved starting from the village elders to the village managers, the MCAs, MPs, Speakers, Senate and even the Governors. It is so shameful Hon. Speaker that the Kenya Kwanza government has outright expressed their demeanour, their disrespect to the CEO of Machakos County H.E. the Governor Wavinya Ndeti. You might mock her; you might undermine her because she is a lady but she equal powers of representing thousands and thousands of the people of Machakos County who elected her.

(Applause)

I want to urge the Kenya Kwanza government; respect Governor Wavinya Ndeti, she is the duly elected leader of Machakos County and she has the powers conferred to her by the constitution to protect the rights of the people of Machakos County.

We do not need leaders of double speak. Whatever the Deputy President said in Naivasha over the weekend ought to have been replicated in Machakos. Why is only happening in Machakos only; this is not the only place that has land. We have all other Counties that have masses and masses of land but because of their growing appetite of land, that is why they can come and subject the people of Machakos in this manner.

Hon. Speaker, Mavoko is a peaceful cosmopolitan area that houses every Kenyan; all the tribes in this country reside in Mavoko and in Machakos because that is where they can find peace. This peace is being compromised, Hon. Speaker. The actions of Saturday, Sunday, yesterday and today will deny children who ought to have become landlords in future the opportunity to do so because of the stigma they were subjected through.

The National Government as the Hon., Member for Athi River has said is now trying to tell us about low-cost housing. Those individuals whose properties were demolished opted to go for low-cost housing to achieve what the government is going to spearhead. It is not about the matter of legality; the story about Portland Cement is in public domain. It does not matter if the people had title deeds, ownership documents. It is about the humanity aspect that the president is talking about but is being put into practice, no.

It is contradictory that after they have done massive destruction, the same Portland Cement today has put an advert to sell land on the adjacent side. Why did this happen before? Why have we chosen politics to dominate our people's lives? The same Kenya Kwanza government Hon. Speaker is in record sometime last year when Portland put this advert again and engaged the public to sell these plots and they called the Managing Director for Portland cement and told to stop the process because they were collecting money to fund Azimio La Moja campaigns which is outright wrong. Why have they repeated the same process after demolitions have been undertaken?

Hon. Speaker, recently, we hosted the Managing Director for KCB Bank here and he said that the government has failed to compensate the loan that was taken by Portland which is a public listed company that has failed to give us profits because of the same people who have been in that government for the longest time possible and have been taking finances from the same to bring it down and come and sell. Hon. Speaker, it is unfortunate that a Bill was passed last week and signed by the President allowing the Kenya Kwanza government to sell public parastatal bodies without the consent of the National Assembly.

I can honestly say they will not sell it to anyone; they will buy it and own it through proxies. If the Kenya Kwanza government can go to Western Kenya, Central Kenya and bail out sugar companies and tea factories billions of shillings, why did the same government come and bail out Portland and pay Ksh. 6.7 billion that is owed by Portland Cement and revert back that land to the people of Machakos County and the Kamba Community. These are masters of double speak.

As I conclude, this is not a matter that we are going to negotiate with anyone; as a government we have to take action and all land in Machakos that belongs to the people of Machakos, must be given to the people of Machakos with no conditions. The so-called port that was said by Hon. Moses Kuria that is said to be coming up in Athi River can also be done in Thika, in Nakuru or in Kajiado. It is not a must you come and exercise inhumanity so that you can prove your point Hon. Speaker.

We want to decentralize development and those commercial parks can be done anywhere for those people to benefit; the industrial parks that are in Mavoko right now are enough, let us continue housing people. This is a matter that cannot be attributed to parties or politics it is about humanity, our people who are dying, who have lost hope, whose dreams have been killed. So, as I support this motion from Hon. Ndwiki, I want to say the resolutions and demands that the Hon. Member has requested as per the motion must be adhered to.

Today, Kiambu has proximity to Nairobi and has a registry, Kajiado's proximity is more or less like Machakos and it has a registry. Why has the Kamba Community been denied the opportunity to have its own registry?

(Applause)

Today, Matuu is a gazetted centre for registry but they have been denied the opportunity to be served with stamp because the Kamba Community will benefit. Mr. Speaker, these political and historical injustices must come to an end. Enough is enough! The County Government of Machakos through its duly elected leaders and the Hon. Members of the National Assembly elected under the Kamba community must be respected under whatever circumstances.

Finally, I want to put caution; there are Hon. Members elected in the Kamba community who are supporting these demolitions. I want to say this because it is in the public domain, I want to name and mention them because it is in the public domain: the Secretary General of the UDA Party Hon. Kawaya from Mwala Constituency, Hon. Fabian from Kangundo Constituency. I want to say this Mr. Speaker, they ought to desist from discussing matters of Machakos County Assembly---

(Loud consultations)

They mentioned the Wiper Party, Mr. Speaker, protect me. When they mentioned the Wiper Party and I am a Member of the Wiper Party---

(Loud consultations)

Hon. Deputy Speaker: Let us hear what Mheshimiwa is saying.

Hon. Rose Wavinya (Nominated, UDA): Mr. Speaker, asante. Naomba Mheshimiwa tutetee watu wetu na wacha kutaja Kawaya kama huwa unasikia.

Hon. Deputy Speaker: Just refrain, Hon. Dominic.

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, I have said our Standing Orders are clear; statement of facts. It is in public domain, if you want me to play the clip, it is here. What we are saying as we are fighting for our people is, let us fight for our people without having bring in some interests to make our people suffer. They said yesterday that the Wiper Party has benefited. When you talk about the Wiper Party, Machakos County Government is a Wiper Party government. It means that you are saying all Members elected under the Wiper

Party both in the County Assembly and in the National Government have benefited. We have not benefited from that Mr. Speaker.

We want them to be factual and desist from making any allegations about the Wiper Party. If they are saying certain people, we have no problem; let them not mention the Wiper Party because we are not involved in this. I want to say, enough is enough! The Kamba community must be respected and the County Government of Machakos must be respected unconditionally. We are not lesser children of this country; we have equal rights to be people and members of the Machakos County under the Kenyan Community. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Dominic. Hon. Katiti.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Mr. Speaker. I want to welcome the students in the gallery for coming here to listen to the debates that go on in this chamber. I go straight to the matter before us; it is paramount to us that such acts---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of order, Mr. Speaker.

Hon. Deputy Speaker: Point of order, Hon. Katiti.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. I rise because as per our Standing Order, the morning sitting is supposed to end at 12.30 p.m. and what is before the House is very important. I rise to move a motion to request for extension of time, if you allow.

Hon. Deputy Speaker: Proceed and move.

PROCEDURAL MOTION EXTENSION OF SITTING TIME

Hon. Nicholas Nzioka (Machakos Central, WDM-K):

Hon. Speaker aware that Standing Order 27(2) provides that the Speaker shall interrupt business at 12.30 p.m. for the morning sitting;

Aware that Standing Order 27(3) provides that the House may resolve to extend its sitting time;

Aware that Standing Order 27(4) requires Motion to extend sitting time to be moved at least thirty minutes before the time appointed for adjournment;

Hon. Speaker, I beg to move the Motion that this House resolves to extend its sitting time until the Business in the Order paper is concluded.

I call upon Hon. Minority Leader to Second the Motion.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you Mr. Speaker and the Majority Leader for calling me to second the motion. Hon. Speaker, the matter before the House is a weighty matter that needs to be discussed up to its conclusion. So, I second the motion that we extend time until the motion is fully exhausted. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Minority Leader.

(Question proposed)

I now invite Members to debate the motion.

Hon. Members: Just put the Question.

Hon. Deputy Speaker: Then I allow the mover to reply, Hon. Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker I agree with the rest that we need to extend time so that we give every Member an opportunity to say something in regards to this inhuman acts of demolishing houses of our people. Thank you.

Hon. Deputy Speaker: Thank you.

(Question put and agreed to)

(The House resumed business as per the Order Paper)

Hon. Katiti you may proceed.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Mr. Speaker. I wanted to go straight to the matter before us; first I want to say, this matter of Portland was in a court of law and it was ruled because there was somebody who went to the court and there was somebody who was taken to the court. The court has a right to make the ruling. I agree and I share the magnitude of the pain and the cry of the children, the wailing and weeping of the mothers and even the fathers whose houses where demolished but we must also address the root cause of this because I think and believe, last week we had a motion that was brought by Mheshimiwa from Muthwani about land grabbing.

What we said is that it is unlawful and illegal to grab a land and here, we should address who sold this land and to who---

Hon. Francis Kavyu (Kinanie, MCCC): Point of order, Mr. Speaker.

Hon. Deputy Speaker: Point of order, Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Mr. Speaker, I would like to guide the Member here; the victims of the recent demolitions that happened are not grabbers. Those are people who duly bought the land so it will be in bad faith for the Hon. Member Boniface Katiti to term them as grabbers.

(Applause)

Hon. Deputy Speaker: Yes. Point of information.

Hon. Dominic Maitha (Muthwani, WDM-K): I wish to inform the Hon. Member that I spoke about public utilities; there is a difference between public land and public utility. The land

in question in Mavoko, Portland land was public land that was supposed to be reverted to the public once it has been utilized. Further information, Mr. Speaker, to that effect; Portland advertised to sell the same land some years back and the groups that are in Portland land applied to Portland Cement company and Portland Cement factory told them it will sell them land. The last Chair of the National Land Commission Mohammed Swazuri went to that parcel of land and told the squatters to settle in that land as the government processes papers. It is pure political and the hatred for the Kamba community.

Hon. Deputy Speaker: Another point of information.

Hon. Helen Ndeti (Nominated, WDM-K): I also want to state that Portland never bought this land. This was community land that was given to Portland to mine minerals and once they finish, the land reverts to the community. So I do not even know where they are getting the guts to sell the land; it is community land.

Hon. Deputy Speaker: Thank you, Hon. Helen. Yes. I have been informed.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Mr. Speaker.

Hon. Francis Kavyu (Kinanie, MCCP): Mr. Speaker, the Member needs to withdraw that statement that you addressed our people as---

Hon. Boniface Katiti (Muthetheni, UDA): Mr. Speaker, let me be as clear as I can be. I am not saying the victims are those houses were demolished were the grabbers; those were the people there are some people who sold that land to them. There are some people and I repeat, those who sold land to them so that---

Hon. Francis Kavyu (Kinanie, MCCP): Point of order, Mr. Speaker. The Hon. Member is still misleading this House. Unless he has facts and he can point out that clearly, these are the people who sold this land to these Kenyans who are being victimized then he should withdraw and apologize for calling those people, Mr. Speaker, because if you look at today's newspaper, the same Portland Cement Company has placed an advert for the members of public giving guidelines on members of public who wish to purchase a similar block of land that is still in question.

So will it be in order in future or tomorrow if Kenyan citizens proceed and buy that land, based on that advertisement that has been placed on newspapers today and will it be right, in the future, for them to be referred as grabbers yet they have spent their hard-earned money to acquire those pieces of land. So, the Hon. Member, if he does not have facts that can be tabled in this House, then he should desist from addressing our people as grabbers because we need to see beyond our party inclination or political affiliation. He can put his point clearly, without tarnishing or maligning our people. We are in pain and we cannot entertain our people being termed as grabbers because these are honest people.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Kavyu.

Hon. Boniface Katiti (Muthetheni, UDA): Mr. Speaker, I want to ask you to request to that you may protect me so that I can deliberate on my point and substantiate even further. Experience has told me that truth has some sharp edges and even---

(Loud consultations)

Mr. Speaker, protect me.

Hon. Deputy Speaker: Hon. Katiti, allow the Majority Leader to give you a point of order.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Mr. Speaker, the Hon. Deputy Minority Leader has asked that the Hon. Member before he proceeds, he first of all withdraws the name land grabbers and apologizes. So I do not think it is in order for him to say that he is going to clarify. We know what is the meaning of the word land grabbers and we know them and we even know some of them have been even nicknamed in Kiswahili other names that I am not going to mention. So I would urge that first of all, he withdraws and apologizes before he proceeds.

Hon. Deputy Speaker: Hon. Katiti.

Hon. Boniface Katiti (Muthetheni, UDA): Mr. Speaker, I plead for your protection. Can you please? Mr. Speaker, I withdraw.

(Loud consultations)

Hon. Deputy Speaker: Okay, Hon. Members, he has withdrawn. So we are not dealing with land grabbers.

Hon. Boniface Katiti (Muthetheni, UDA): Listen to me. I have said the truth. The experience has taught me that severally the truth sometimes has sharp edges and other times has hard corners and could easily or seriously be at odds with kindness. So listen to me---

(Loud consultations)

Hon. Deputy Speaker: It is good you hear the point of order. .

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Mr. Speaker. Can the Hon. Member explain what kind of truth he just said truth. What part of truth in this matter are you referring to because you just say truth generally; expound your truth and also explain the corners so that we may understand you clearly, Hon. Member. Thank you, Mr. Speaker.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker, please. Mr. Speaker, I think this is Hon. House and it is unfortunate I am seeing some behavior of Hon. Members. Mr. Speaker---

Hon. Deputy Speaker: Are you referring to the Member o to the Members?

Hon. Joshua Mwonga (Masinga Central, WDM-K): When my time comes to contribute on this, I am going to support the motion fully 100 per cent but it is important to allow a Member to express him or herself. Let us stop this mob justice of a member who has not finished his contribution. We have Members at the gallery and they will walk out and say and to talk how our Assembly handles its proceedings. I think it is fair you protect the Member and he has been crying for your protection. Thank you, Mr. Speaker.

(Loud consultations)

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of order. Mr. Speaker, I do not agree with the Hon. Ranking Member that you continue giving a Member time to mislead this House and to insinuate people who are crying, who slept hungry, who slept in the cold, whose children are not going to school who put investments in the land that they legally bought by calling them land grabbers. We will not continue with Members to mislead this House. Mr. Speaker.

Hon. Deputy Speaker: Thank you. Let us allow the Hon. Member to proceed.

Hon. Boniface Katiti (Muthetheni, UDA): Yes. I think I withdrew the statement about land grabbing. I should just put substantiate my point to the letter. I know you have talked about the Kenya Kwanza government because I am part and a Member of UDA that is why I am being subjected to these kind of mob justice by Hon. Members. So let them listen to me as I deliberate on my point. I had said it is illegal and inhuman to demolish one's house but the law says this; before you acquire a property as a buyer, you must do the due diligence.

Thirdly, I can see even the Hon. Member of Kinanie still want you get the point of information but protect me.

(Loud consultations)

Hon. Deputy Speaker: Point of order? Okay, allowed. Switch off your mic. Also Hon. Mulinge switch off you have mic; our communication team to rectify that. Maybe you can get us the mics.

Hon. Francis Kavyu (Kinanie, MCCC): Mr. Speaker, we are willing to allow the Member to put a cross his point and contribution to this motion but this is my request Hon. Speaker that we restrict ourselves to matters to do with the matter in front of the House instead of trivializing the matter to Kenya Kwanza or to our party affiliation. The motion is very clear. If the Hon. Member wants to introduce issues for us to discuss the National Government, they should come up with a clear motion that will allow us to talk about our political affiliation.

(Applause)

I'm a member of Maendeleo Chap Chap which is an affiliated party to Kenya Kwanza but the matter that is before us is bigger than our political affiliation. I will also request if the Hon. Member wants to contribute, he should not quote things that he cannot substantiate before this House or that he has information or document that he can support because all people who are living in that land, whose houses whose homes have been destroyed, it is very clear that in Machakos County, you cannot proceed and construct a house or even have electricity connection without clear proof of ownership that you are the owner of the parcel of land.

For all those people for them to build means that they were given clearance in terms of plan, there were roads in that area that were being done by the County Government since 2014. So unless also the previous regime that was led by Dr. Alfred Mutua was part of the scheme that is alluding that land was stolen, then I do not understand what the Member means that people should have gotten clearance. Those people were cleared and their plans to build were approved by the County Government of Machakos so unless the Member is able to provide clarity to this House, we will not allow him to continue misleading this Hon. House because nobody in Machakos can even construct a simple toilet within the municipalities without clear approval.

There are members who are in that land who had gone ahead and sunk boreholes. You know very well, Mr. Speaker, for you to drill a borehole, you will need approval from NEMA, WARMA and even the County Government of Machakos. It means the government knew those people were there and there is nothing special that today or on Thursday that is when people realize that there were people who are living there. So, I will request the Hon. Member to restrain himself within the context of the motion without having to allude to other items that he cannot provide evidence for before this House. Thank you.

Hon. Deputy Speaker: It is also important Hon. Members, as you contribute, Hon. Ndwiki or the mover of the motion is seeking some four items and I think it is prudent we restrict ourselves to the four items in the motion that is if you are supporting or you are not supporting for the County Government to be enjoined in the appeals case. Secondly, if the members who are evicted were given enough notice to be evicted after the court ruling.

Thirdly, the administration of land be done in Mavoko and not in Nairobi and lastly the boundaries between Nairobi and Machakos be identified. So those are the mover's prayers that probably should restrict ourselves to.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Mr. Speaker. First, also I want to thank them for the motion because of those four issues that he articulated on and I support them. Those ones I do support because they are paramount and they are essential to the County and even to the entire country. As I finish, this issue has been here since time immemorial and I want us and I request everybody because this is will not even happen and it has not even happened in Portland and as a Kamba, I will always stand with my people; I cannot be a Kikuyu, I cannot be a Kalenjin, I cannot be anybody else.

In my veins, run the blood of the Kamba community but I want to say this; let us not just take things from here and just from top-level other than from a root level. What I was saying and my point was, I meant these people have been subjected to pain and torture and torment because as I talk now, they do not have houses where they can even lay their heads on. My point was how they acquired the land is the thorny issue but because tomorrow---

(Loud consultations)

Protect me; I want to finish. Give me one minute. This land was not---

Hon. Deputy Speaker: Just finish.

Hon. Boniface Katiti (Muthetheni, UDA): So I support I support the mover of the motion.

Hon. Mbili Ndawa (Matuu, MCCC): Point of information. Allow me to inform him.

Hon. Deputy Speaker: Proceed.

Hon. Mbili Ndawa (Matuu, MCCC): Hon. Speaker, unless the Member has interest, and I am currently requesting because there is that provision, in case you have what we call interest in something, the only thing you can do is only to declare interest and move out of this instead of wasting the Assembly's time. Mheshimiwa, the other thing, this is a protected area; we are free to see all what we used to say and there is no way you are going to start undoing what other Members are doing. It is not fair honestly and Hon. Katiti, I kindly request you now the issue of parties here does not arise here. What we are discussing pertinent issues concerning concerning our people's rights.

Hon. Boniface Katiti (Muthetheni, UDA): Point of information.

Hon. Deputy Speaker: You cannot inform a member was informing you Hon. Member.

Hon. Mbili Ndawa (Matuu, MCCC): So Hon. Speaker. I heard Hon. Katiti from Muthetheni trying to say some Members of Parliament were mentioned and I also heard from Mheshimiwa.

Hon. Rose Wavinya (Nominated, UDA): Eh ni mimi.

Hon. Mbili Ndawa (Matuu, MCCC): Okay. I just want to confirm here. Hon. Speaker what we are doing here is what is contained in our Constitution. On the 9th of August, 2022, the electorate gave us a platform and that is this County Assembly. We were sent here to go come here and say whatever we feel is of importance to our people. So, other Members of Parliament..... (*inaudible*) they have their own area where they can also make noise and defend themselves. So they are not overt.

What was being said here, it is in the public domain and we are them talk over the radio, talking against what we are doing here. Hon. Speaker a sin is a sin or murder or committed sin either is committed by a Father or another priest is a sin. What happened there and I am repeating it here; we need to include in the motion they are requesting for four things. Allow me to introduce a fifth thing that we also apply before the court of law for these victims to be given what we call special and general no damages.

Some obtained credit from banks and these are the people who are committing suicide. I understand somebody's blood pressure shot and as he was being taken to hospital he passed on. These are deaths which are caused by act of people. So we should also charge them for the loss

of lives that they have caused. So, Mheshimiwa, honestly, if you do not have anything to tell this House, just keep quiet and allow other Members to proceed.

(Applause)

Hon. Deputy Speaker: Thank you. Next is Hon. Felix. I think the Member had concluded. Hon. Felix Ngui.

Hon. Felix Ngui (Katangi, WDM-K): Thank you, Mr. Speaker. Hon. Speaker, the matter or issues concerning land are matters which are emotional not only in Machakos County but in the whole country and more so in the whole world. You remember the other day we had wrangles with Uganda trying to talk about the boundaries between Uganda and Kenya. Matters of land are emotive. Mr. Speaker, as I stand here, I want to agree with the mover of the motion that the issue that we are discussing here is a matter of County importance because our people, our children, our mothers, our brothers and sisters are suffering in Mavoko.

People are sleeping without food, people are sleeping without shelter and our Constitution is very clear that the government of Kenya is liable to provide security and shelter for our people. Mr. Speaker, when we talk of matters of land in Mavoko, it is very clear that matters of land are devolved in the County, and where there is an interest of the National Government the Constitution is also very clear that the National Government ought to talk or dialogue with their County Government to see how to handle matters that are conflicting with the National Government and the County Government. This did not happen in Mavoko because our County Government was not involved and if at all there was a court ruling that this land belongs to East African Portland, the Government ought to have put up a committee to see how to deal with the people who are already on ground.

In fact, talking about the advert that has been put today in the newspaper that the East African Portland is selling the land that is just adjacent to that block, the best that would have happened is for the East African Portland to come and negotiate with the people who are already on the ground, if at all they want to sell the land to them, they sell the land to the people already on the ground. The Court did not grant East African Portland an order to demolish buildings for our people.

Mr. Speaker, it is so shameful that our President ordered that there will be no demolitions of houses of our people even when they are court orders to do so. There ought to be dialogue; it is so shameful that the same government cannot keep its own promise.

(Applause)

Mr. Speaker, as I support the prayers that have been put in this motion by the mover, we need to put it very clear that the people who suffered in Mavoko must be fully compensated and the National Government ought to do something immediately because our people are still suffering as we talk today. Mr. Speaker, I want to conclude by saying that it is high time because we have seen what has been happening. We have what we call the Delmonte in Kiambu; Delmonte land was given to Del Monte by the community and it was public land and then when the leases expired, this land was reverted to the community in Kiambu County. See what is happening Laikipia or Nyandarua that the railway land; that land belong to the people and it has been reverted to the community.

Why is it so difficult with the National Government of Kenya to see it right because Portland land initially was land for the community? It belonged to the Kamba community. Willing the Kamba community donated this land to the East African Portland to do mining and they have exhausted their mining. It will be prudent enough for our people to be see justice and this land be reverted to the community at no cost at all.

So, Mr. Speaker, this matter is so emotional and we might discuss it here until tomorrow but you can read the mood of the Members here, that the action that was done here is wrong and we condemn it in the strongest terms possible. In fact, Mr. Speaker, I do not know whether my age allows me to cast people but if it allows me, I want to curse those people who are demolishing houses for our people Mr. Speaker. It is so wrong! So let me end there because this is so emotional, and say that let the National Government and the County Government sit down and come up with that clear line on how our people are supposed to be compensated and in fact, come up with a roadmap on how they can still stay on that land. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Francis, then Hon. Mwonga and Hon. Mulinge.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Mr. Speaker. I stand to support the motion that the prayers that have been the mover requested are of importance. Hon. Members, the appetite for land in Ukambani in particular is going up every day because of the proximity of our county to the capital. Hon. Members, a time will come when our people will be asking what we did when we were sent here to represent them. Mr. Speaker, the advert that has just been placed by East African Portland is very suspicious and my prayer is this needs to be stopped until the matters of the people who have been affected is sorted out.

We are giving room for people to come and displace our own people and obtain the land that our people own. Portland land is public land. There is nothing that we need to negotiate about and the matters that are in place now need to be dialogued on. From the clips that we have had here, those the very people who are the leaders of this country understand the procedure that they need to do but they never applied in Mavoko. So painful! We are not less Kenyans we deserve to be respected and these matters need to be addressed in totality.

I propose that the County Government and our people that we move with speed to Court stop even the current advertisement that needs to sell that land and also seek the prayers that have been requested in this House. Hon. Speaker, why is land in Mavoko and Ukambani so attractive and why is it that it is so easy for people even to fake title deeds or even to chase people in their own land? Simply because in the registry, we have no control of the land dealings because they are done at Ardhi house.

Mheshimiwa Minority Leader Hon. Ndawa always says and if I quote in Kikamba; *syindu sya ukuiwa syi minoo*. Land registry needs to be moved to Machakos in totality. Let us address our matters of land from our area and it is until we do that---

Hon. Constance Mbula (Nominated, M CCP): Point of information.

Hon. Deputy Speaker: Point of information.

Hon. Constance Mbula (Nominated, M CCP): Yes, Hon. Speaker. I wish to inform....*Si* you sit.

Hon. Deputy Speaker: Address the Speaker, Hon. Member.

Hon. Constance Mbula (Nominated, MCCC): I wish to inform the member that we have a land registry in Machakos. It is working. Visit today or tomorrow and it is fully working I was a member and it works. Thank you.

Hon. Francis Kavyu (Kinanie, MCCC): Point of information, Hon. Speaker.

Hon. Deputy Speaker: To the Member?

Hon. Francis Kavyu (Kinanie, MCCC): Yes.

Hon. Deputy Speaker: Okay.

Hon. Francis Kavyu (Kinanie, MCCC): As I also inform the Member Hon. Constance Mbula also needs to be informed and she should also not mislead the House by virtual of having a ranking Member. We are not mad when we talk of devolving fully land registry. In Mavoko all land transactions are available are not available in our registry here in Machakos.

If you own land in Athi River, Sabaki and Mlolongo all land transactions are supposed to be done in Nairobi. What we are asking is to have the same devolved fully, 100 per cent not partially. What we have here is record-keeping and they only maintain information and data for the rural part of Machakos and it is also very hectic to get document as simple as a search here in Machakos; it is still being manipulated and controlled from Nairobi. What we want is full independence in terms of land matters. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, I think the Member is infirmed. Hon. Francis proceed.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Hon. Kavyu. Hon. Speaker, as I conclude I know that we might be having different opinions but this time calls for everybody to unite and to speak in one voice. The matters raised concerning boundaries are a matter that needs to be sorted. We need to know so that we avoid such kind of occurrence in future. Mr. Speaker I agree and I support the Motion. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Mwonga. .

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you, Mr. Speaker. I am a ranking Member in this House. Mr. Speaker allow me to start by saying that this is a House of order and procedure. It is bad that sometimes we are behaving as if we are in an Indian Bazaar. What is an Indian Bazaar? It is whereby people will do whatever they think it is right. Why am I saying this, Mr. Speaker? I am trying to advice the Members as a ranking Member that it is good and prudent that we do giving Members to vomit whatever they have. We take what is best and throw away---

Hon. Deputy Speaker: Hon. Mwonga, kindly we do not have Member who vomits.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker it is not literally vomiting but it when you say what is in your heart or what is in your mind. Back to what is before the House, Mr. Speaker.

Hon. Helen Ndeti (Nominated, WDM-K): Point of information.
Hon. Joshua Mwonga (Masinga Central, WDM-K):Mr. Speaker, I do not want to be informed.

Hon. Helen Ndeti (Nominated, WDM-K): Point of information.

Hon. Joshua Mwonga (Masinga Central, WDM-K): I do not want any information Mr. Speaker. I am saying no to any information.

Hon. Deputy Speaker: Hon. Mwonga, kindly let the Member inform you.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker the Standing Orders are very clear. I do not need to be informed. Anyway.

Hon. Deputy Speaker: Hon. Mwonga, kindly let the Member to inform you.

Hon. Helen Ndeti (Nominated, WDM-K): Hon. Mwonga, I am also a ranking Member like you I think please do not address us. Give us your points and we debate because if you start telling us how to behave in the House I do not think that is your responsibility. Just deliver.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker, I have not told anyone how to behave; I have said this is a House of order. Mr. Speaker---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of information

Hon. Deputy Speaker: Point of information Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K) : I also think as I support my sister colleague Mheshimiwa Helen it is not in the place of Mheshimiwa Mwonga to decide what is good behavior and what is not good behavior in this House. It is in our Standing Orders and you are the presiding officer of this House; if anything you are the person who is supposed to be telling us how to behave in this House. Thank you, Mr. Speaker.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you; I am informed. I do not say I will fight until tomorrow. Sometimes it is good to stop the fight to fight another day. Mr. Speaker on the Motion which is before this House, I am 100 per cent sympathizing and empathizing with the victims of the demolitions. Mr. Speaker, sometimes you wonder where the orders came from. Even if the orders came from the President who is in office through the backdoor and I wanted Hon. Katiti to hear this and other Members of Kenya *kwisha* Government who are here.

(Applause)

Hon. Francis Kavyu (Kinanie, MCCC): Point of order, Mr. Speaker.

Hon. Deputy Speaker: Point of order.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker, you know it is important when a Member rises, he says which Standing Order.

Hon. Francis Kavyu (Kinanie, MCCC): Hon. Mwonga, you claim to be a ranking Member kindly sit down as I am standing. Mr. Speaker, a few seconds ago Hon. Mwonga was just trying to tell the House how Members should behave.

As a ranking Member, it is wrong, he is not a member of Independent Elections and Boundaries Commission (IEBC), he is not a commissioner with IEBC and he does not have any mandate in terms of conducting elections. It is wrong for him to term that we have an illegal government; whether he supported the regime or not it is wrong. We had an election, we have a President and also the Supreme Court of this country after a suit was done challenging their election, gave a ruling that they were in government.

So whether we support the regime or not we do not have a Kenya *kwisha* Government in this republic; what we have is a coalition of Kenya Kwanza that is led by President William Ruto. We might not like them but also let a Member contribute and express himself with decorum. Thank you.

Hon. Deputy Speaker: Thank you. I think the Member is informed.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker, thank you. I want to thank the Hon. Member for Kinanie for that information. At the same time, Mr. Speaker, tell him that this issue of double-speak is what is eating this County.

(Applause)

When he was contributing he was complaining about the people who ordered the demolitions. I have just said without fear of contradiction the person who is responsible for these demolitions. I think it is also good even if we have a President it is also good for the Member to know that we have a Governor of Machakos County Assembly. This Country has 48 governments; the National Government and 47 County Governments which are headed by Governors.

Mr. Speaker, I think it was in bad faith or political game for President to order demolitions where we have a County Government in place and a Governor who should have given a call and told her; tell your people this is what the National Government wants to do and we are giving you maybe a week, a month or some months. That was total disrespect to our Governor and not only to our Governor but to the people because our Governor is the symbol of the people and residents of Machakos County.

Mr. Speaker, the mover of this Motion raised four issues. On the first issue, Mr. Speaker the County Government should have sought to be enjoined in the case not today but yesterday. The County Government is at liberty; the County Government does not require to seek permission from the Assembly so as to have some legal cases or to be enjoined. My advice

is that the County Government moves fast, makes the application so that they can be enjoined in this case.

The other issue is about boundaries. The mover of the Motion is only talking about the boundaries on the western side of Machakos County. Mr. Speaker, from where you seat and history tells us that the boundary of Machakos County formerly the Machakos district was beyond Kenya Railway line that is in Thika. Today from where we have the Kenya Railway line in Thika or Bidco Company the boundary is from there. Inside the land of the former Machakos district almost 30 kilometers. So I am trying to raise this so that you can amend and include all the boundaries of Machakos County be marked clearly.

The other issue which was raised; you know Mheshimiwa Kavyu disturbed me. It is administration of Syokimau/Mlolongo Ward be done from Machakos land registry. In this one, I am agreeing with you 100 per cent.

The last one I think it is the one I have talked about. The second one was notice to vacate that one I have deliberated on and I have said we have a Governor and we have a government in place. We should have been consulted or notified about the demolitions.

Finally, Mr. Speaker, as a County not just as an Assembly we should ask ourselves what is the way forward? Mr. Speaker, I think we should move out of this Assembly chambers and do something physical; I want to be careful with my words. Do something physical which everyone not even in this country but the whole world will see the stand of the Assembly and the people of Machakos. I think I am very much understood and I stand to support the Motion. Thank you.

(Applause)

Hon. Deputy Speaker: Hon. Mulinge then Hon. Kavyu.

Hon. Joseph Mulinge (Muvuti/Kiima Kimwe, MCCP): Thank you, Mr. Speaker, for giving me this opportunity to deliberate the Motion. Mr. Speaker, first I would like to recognize the presence of the students of Machakos University. Mr. Speaker I am their representative. Mr. Speaker, first I would like to say a big sorry for the people of Machakos County who were affected by the demolition which was not supposed to happen. Mr. Speaker, Machakos County has a legitimate government with working structures.

We have the able Governor and we have another organ called Machakos County Assembly. Mr. Speaker, what we are saying the decision that was taken to evict the people of Athi River was not supposed to have been taken when there were no consultations between the County Government of Machakos that is the Executive side and the County Assembly. The reason being that we are representative of the same people the National Government is representing.

Mr. Speaker, first I would like to thank God because Machakos County seems to be blessed land; the cartels with a lot of appetite for the land have been targeting Machakos County. Mr. Speaker, you know Konza City used to be in Machakos County but the same cartels are saying it is not in Machakos County. Mr. Speaker, again you know even past Cabanas and Makongeni in Thika used to be in Machakos County and because of the bad appetite that was seen by God in the city of Sodom and Gomorrah. They are targeting Machakos County because of all the evils.

The essence of the eviction, we accept the court ruled the land belongs to Portland Cement but it is within Machakos County. What we are saying and this is how the international Human Rights protocols say that eviction without a notice is illegal.

(Applause)

Eviction without a notice again is unjust and again counterproductive to the development the said demolisher is saying is planning to do in Athi-River. So, Mr. Speaker, I stand to support the Motion and again to say Machakos County has a legitimate government and not a request we need to be included in the petition. Thank you so much, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Mr. Speaker. Before I contribute, I do not know what Hon. Mulinge is alluding to and gives the example of Sodom and Gomorrah because the context of what is happening to us and what was happening in Sodom and Gomorrah are two different things but I will look for him after.

On the matter before the House this afternoon---

Hon. Joseph Mulinge (Muvuti/Kiima Kimwe, MCCC): Mr. Speaker let me inform him.

Hon. Deputy Speaker: Hon. Kavyu allow, the Member to inform you.

Hon. Joseph Mulinge (Muvuti/Kiima Kimwe, MCCC): Mr. Speaker, in the city of Sodom and Gomorrah bad things were happening. In Athi River, we have families or pupils going to schools, we have churches and the demolisher did not consider whether Athi River has people staying there. The same case was happening in Sodom and Gomorrah.

(Applause)

The leaders closed their ears and evil was happening. What is happening in Machakos County is not different from what happened in Sodom and Gomorrah. Thank you.

Hon. Deputy Speaker: Hon. Francis, I hope you have been informed.

Hon. Joseph Mulinge (Muvuti/Kiima Kimwe, MCCC): Thank you, Hon. Member. I am well-informed. On the matter before the House this afternoon Article 43(1)(b) of the 2010 Constitution guarantees every Kenyan a right to adequate, affordable and descent housing. Article 53 of the same Constitution also guarantees every child a right to shelter. the people in Mavoko that we are discussing this afternoon about three days ago, those two rights have been infringed by a roadside declaration that was made by the President of the republic of Kenya.

I do not think as per the Constitution, the President in the current Kenya, in the 1990 and 1970s that was possible for a president to make a roadside declaration and the next minute people are being victimized. In modern Kenya, that we are living in that is not acceptable. There

are organs that have the constitutional mandate that have the capacity to look into such matters then give a verdict.

The people who are living there, as we talk today, since yesterday, we have candidates who are anticipating to start their exams next week. The government that is supposed to guarantee that right to education to our children has not even bothered to give directions on what is going to happen to those innocent kids. As a resident of Mavoko I want to condemn that in the strongest terms possible. Even if it was my father who was the President of this country I will still condemn what happened in Mavoko. It was inhuman, in bad faith and in bad taste.

As a County if we are intentional about helping our people, Her Excellency the Governor of Machakos should not rest until all the issues like transaction of land are all brought to Machakos. That loophole of only allowing our registry to be partially operating from Nairobi and that is the loophole that is being exploited by cartels to exploit and to mistreat our people. Whatever happened since last week, if Machakos County was in full control of our land registry, the County Government would have provided clarity on the issue of ownership? Those who are hiding behind the ruling that was given by the Environment and Land Court here in Machakos last week, the ruling was based on the owners or Aimi ma Lukenya having failed to provide documentation in good time.

They were still in the process of trying to compile all the data; they were denied an opportunity to do file which is also wrong because they have a right of being listened to. So the best approach would have been for them to allow time if there was any appeal because what we do not understand is what the rush was about.

Secondly, what is happening there is illegal because the times that we have gone there as Hon. Members, personally I enquired on the order that had been issued that gave them the right to come evict and demolish property of our people. They have none unless they have secured one. I was with Hon. Dominic, the officer in charge did not have any order that gave them the authority to come and evict our people. So as Machakos County, we do not need to approve that; that issue of them moving to court and seek justice for our people should have happened yesterday. It is not an issue of discussing because rights of our people have been violated.

On the issues to do with our boundaries, if you go to Thika Fourteen Falls originally was in Machakos but if you walk there you are going to pay access fee I think to the County Government of Kiambu yet Fourteen Falls was legitimately in Machakos. So as a House we need to wake up and ensure that our boundaries are reviewed and any inch of Machakos County that has been taken away our boundaries should be reverted to how they were at independence. The details are there, the documentation to support the same are available it is only that laxity has allowed impunity to continue to happen to our people.

Also my request is that especially in Mavoko Sub-County, the County Government led by Her Excellency the County Government should move with speed to ensure that any transaction that is being transacted whether it is issuance of title deed, search that is happening in Nairobi should be suspended until that Registry is moved to Machakos because as long as that leeway is there for that to happen in Nairobi, our people will continue being conned and continue to lose.

The other request that I will make Hon. Speaker to this Hon. House is pertaining that advert that has been placed today. The same victims who are suffering today at some point were gathered in that piece of land. In a meeting that was attended by the then National Land Commission Chair who gave them an assurance that the land was clean for them to buy and it was on that account that they proceeded and invested their money. There is a lady that we

encountered there with Hon. Dominic who had invested all her life savings and she has only one and a half year to her retirement. She is 58 years old and all her lifetime investment she had come and built a home where she intended to settle.

She could not stand on her feet; we found her being poured some cold water to cool the temperatures and the heat that they were undergoing. It does not make sense when our President is talking about having an elaborate housing scheme yet the few Kenyans who have gone out of their way to secure mortgages or loans from our banks despite the harsh economic times and build themselves decent housing then the same government comes to destroy and evict them from their homes.

The other thing, Mr. Speaker, that we will request this House needs to be furnished with; Portland is alleged to be a public company or a government parastatal. For any of their land, if it is theirs as they claim, to be transferred to EPZ or any other entity, the board ought to have sat down, minuted and ratified that act to have a piece of their land transferred to EPZ. We also want to be provided with a copy of the same because one of the intended beneficiaries as the President speech is EPZ.

Mr. Speaker, if you go to EPZ today they have almost a 1,000 acres inside their current setting that is undeveloped. Nothing that is happening so what is the essence of evicting our people and giving them extra land yet they have not utilized the capacity or what they have. So what we are reading in this entire saga is mischief and malice that is intended to jeopardize and to infringe the rights of our people.

Lastly Mr. Speaker what we also want to understand is that apart from EPZ that was mentioned as one of the beneficiaries, as a County Assembly we also want a full list of the intended beneficiaries and also request our County Government of Machakos not to approve any plan or any activity that might be undertaken today or tomorrow or in future until the innocent Kenyans who have been evicted and victimized in that Mavoko land saga are compensated either monetarily or they are given an alternative.

During the post violence election, when we had Internally Displaced Persons (IDPs) in Molo and in parts of Eldoret, the former President Mwai Kibaki and may his soul continue resting in peace, we have people just 10 meters from where our people are being evicted who are brought from other parts of this country and they were settled there and they were not touched.

The other thing that we want, we also want our department of lands to provide this House with clear and updated status of if East African Portland are up to date in terms of paying their land rates for that land they are claiming to be their land.

(Applause)

They should be remitting land rates to the County Government of Machakos. We also want to see, since the inception or even during the times of municipalities, how much East Africa Portland has paid to the people of Machakos for extracting our resources for cement manufacturing that they have been selling and making money.

(Applause)

So that should be the starting point because I feel East African Portland also owes people of Machakos. So those billions if they have not been paying rates because the people who have been evicted they have up to date statements showing that they have been compliant and they

have been paying land rates to the Government of Machakos County. So if Portland is purporting that to be their land, we want to be furnished with clear status on how they have been remitting their rates and if they have not been doing so, then we can also as a County, undertake repossession of that land as compensation for them not defaulting because mining, extraction of those raw materials we should have been getting revenues as county government of Machakos.

It is tit for tat is a fair game Mr. Speaker because they have decided to deal with us with a bare knuckles, we are also going to remove our gloves and also treat East African Portland as an enemy of the people of Machakos because if today they willing to dispose some portion of their purported to be their land, to people who wish to buy, then what was difficult if the intention is to bail the ever loss-making East Africa Portland Cement Company from their financial woes, then our people should have been given an opportunity even if they were to be asked to do a top up on top of what they had paid to acquire the land, I think these people were more than willing to do so but because the intention and the motive of the eviction was malicious, that is why our people were not given sufficient notice to vacate.

That is the standard procedure; they should have been given seven-day notice, 14-day notice or even three months' notice for them to salvage their hard-earned investments that were done. So as a Hon. House, we need to raise above our political inclination and look at the loss, the injustice that has been meted to our people because today I might be in Maendeleo Chap Chap, tomorrow I might be elected back to this House either under WDM-K ticket, UDA ticket or even PTP ticket or an Independent candidate but our people will always remain our people and it is the interest of our people in Machakos that should always come first ahead of our political inclination or affiliation.

So I want to join the Hon. Member for Katangi Felix in cursing and condemning the activities that happen and the President of this Country owes the people of Machakos and apology because people of Mavoko are not children of a lesser God. Last week, we saw the Deputy President while in Nyandarua or in Nakuru, there is a similar tussle between Kenya Railways and some Kenyan Citizens who have occupied their land. I think it is in Nakuru and he defended them fiercely and said that it is malicious, it is inhuman and it is in bad faith; those were his words, to come and evict people who are living there and they have invested,

Does it mean, may be the people of Machakos and Ukambani in general might have no much shares as it has been claimed in the current government but we are taxpayers, we are Kenyans by guarantee of our Constitution so nobody should treat the people of Machakos as children of a lesser God just because of a political position which is guaranteed and is our constitutional right for the people of Ukambani and Machakos to have pursued a particular cause that they believed in.

(Applause)

So whether we have shares or zero shares in the current administration of William Samoei Ruto, we ought to be treated with dignity and respect because apart from our political affiliation we are human and we have rights that are guaranteed by our Constitution that we overwhelmingly voted for in 2010.

(Applause)

So Mr. President, you owe the people of Mavoko and Machakos an apology and our current Governor of Machakos was voted in by over 200,000 people and residents of Machakos; 200,000 votes is not a single number so they might have differences, they might look upon our Governor but she demands respect as the Governor of Machakos. She should have been consulted, we have a Member of Parliament for Mavoko, he should have been consulted because what has happened is squarely affecting our people. It is shameful and we also want to ask the National Police Service. I think our police men need refresher, or retraining to understand that Kenyans have basic fundamental rights that need to be respected.

The reason I was elected by people of Kinanie is because that I can perform the constitutional mandate of legislating, representing them and performing oversight. So it was in bad faith for elected leaders to be pointed at with guns and I quote, one of the officers asked the Member for Mavoko; do you think what I am holding in my hand is a stick and he was pointing a gun at him. That alone is a threat to a Member of Parliament whose only crime was to stand up for his people and we understand that there is a culture that is slowly creeping back that only used to be experienced during the dark days of the KANU government where elected Members were not allowed to give their opinion, that is what is creeping back with the current regime where if you talk about representing your people you become a target. That must stop because we have a constitution.

Kenya is not a failed state; it is a country that is governed by the rule of law and even the President himself is not above the law. So the rules and Constitution must be respected and we stand firm saying that what happened was wrong and the Government of Machakos should not just be enjoined in the court case that is seeking justice for those people, it should also get a lawyer for the victims to sue the National Government of Kenya to properly compensate the victims of Mavoko demolition so that they can be indemnified and resume their normal life.

We also want to ask the Minister for Education, to come out clear that is CS Machogu to provide directions on where the affected candidates of the two schools that were demolished where are they going to sit their exams from and the cost of transporting them to where they will be assigned to do their exams should be catered by the government that caused them that pain and injustice.

Mr. Speaker it is painful and we can talk about this issue until tomorrow; what we are asking is justice for the people of Mavoko not only those who were evicted but also we want also to be guaranteed the right to own property as Kenyans. People of Mavoko are not refugees in this country because the scheme to deny them, all the way from KAPA, I think the Hon. Member for Mlolongo/Syokimau can confirm, out of the thousands close to a million people living in Mavoko you can easily count the people who have title deeds and it is not by coincidence, it is by design to make sure that people don't progress and Mavoko remains undeveloped and that is why you saw the President could stand and say those people who have had undeveloped land above 10 acres to have their titles revoked.

Hon. Dominic Maitha (Muthwani, WDM-K): Point of information.

Hon. Deputy Speaker: Yes, Point of information.

Hon. Dominic Maitha (Muthwani, WDM-K): Yes, I want to inform the Hon. Member, even those of us who have title deeds have no guarantee of land ownership. Hon. Speaker, the Hon. Member can refer as he continues with his submission what happened to the residents of

Syokimau. They had legit title deeds issued by the same government. To date, the heinous and inhuman acts meted to residents of Syokimau some years back, today have never been unearthed. No one has ever come to tell Kenyans who ordered the demolition like same case to what is happening right now. So you will need to also note that even those who have legit title deeds are not safe in Mavoko so that guarantee needs to be given.

Hon. Deputy Speaker: Thank you. I hope Hon. Francis you have been informed.

Hon. Francis Kavyu (Kinanie, M CCP): Yes. Thank you, Hon. Dominic; I am well informed and Mr. Speaker as I sit down, only one justice for our people of Machakos from Mavoko all the way to Kibauni, Kivaa and also those who are living in Kyeleni, Ol Donyo Sabuk; those are potential victims of the same ruthless cartels that are targeting land in Machakos and they are exploiting our people because of unclear ownership because almost over 60 years since independence, people in Machakos are still holding share certificates as a prove of ownership of land.

We need to move away from that and that can only happen if we have a registry that is fully operational here in Machakos and that people of Machakos have control in because we can have the records here but if you have to go all the way to Nairobi then devolution will not make sense. So Mr. Speaker, it is a sad day and we pray that God will give the victims peace and grace and may the Lord who fights for the weak, stand for the people of Mavoko. We as people, we might be tortured with guns, our rights might be suspended but there is a God in heaven who sees and those who ensured that what happened in Mavoko came to pass, may God deal with them to their third generation. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Kavyu. Majority Leader then I call the mover to reply.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Hon. Speaker. I think we all see how emotional matters to do with land can be but it is for good reason. I want to start by saying, international law does not allow forceful displacement of people and we witnessed at Mavoko is exactly that. On Saturday, I was trying to think what kind of eviction was being done and I could not perceive it well until on Sunday when I actually went on the ground and most of the Hon. Members were there. What we saw is something that has never been done in this country and I think one of the big reason as a lot of Hon. Members have alluded to is huge appetite for land around Nairobi Metropolis.

The saddest thing is, around Nairobi metropolis, the only land available is towards or inside Machakos County so even as we demand that this exercise be stopped immediately, we are also saying we are in danger as Mheshimiwa Kavyu has said; along Kamulu, entry of Thika road and as mover of the motion is seeking we do not need to have defined boundaries only from Nairobi. I think we need to support that land survey with very clear boundaries or beacon around Machakos County be undertaken.

Mr. Speaker, it is also our right to own property anywhere in Kenya and that is why when you go to the ground, where eviction is being done, it is no longer an issue of Kamba people. The people who have been affected are Kenyans across board so we are also saying that this issue

cannot be left to us who are in Ukambani or leaders at County level; we are calling all leaders, all political leaders at the national level also to demand that this thing be done within legal means and especially where there is loss of livelihood.

When I went there I saw all kinds of shops being brought down with stock and wares and you can just imagine a lot of people in Kenya fall under the class of small and medium time enterprises and this are people who have gone to banks, who have tried to get small loans to support their families, so when you demolish a shop you have left this person with no opportunity to trade and you have even left him with a burden of paying a loan that he took. So in essence the National government has criminalized enterprise within that area that they are evicting people yet their clarion call when they were campaigning is bottom up approach.

I do not understand how a *mama mboga* whose kiosk has been demolished, person with a small bodaboda repair shop, a person doing welding, what is it that he is going to do next to raise above that. So we are telling the National Government to put the money where your talk is. When you say you are supporting people at the lower level of economic ladder, then you must walk the talk. They are saying that they are demolishing so that they can do affordable housing and aggregated industrial park; what have they done with Konza City. They have not even finished constructing Konza City that was started 15 to 20 years ago and yet they are lying to us that they want land to do aggregated park for business. First of all, finish the work at the Konza City then we can think of allowing you to come and start settling Machakos for business.

It is saddening that the President and the Deputy President when they are in other parts of the country, they talk about exercising dialogue, discussing with people on this matters but when they come to Ukambani there is double-speak. We are asking, simply because maybe we are perceived to be supporting other political affiliation, could it be the reason that when they come to Ukambani that is when they start talking about effecting court orders. So I think like Minority Leader said, this needs to stop henceforth and also we support that the people who have been evicted or whose property has been demolished that there is need for counselling and because it is them who did that without proper notice and engagement, I think it is imperative on them that they send the Ministry of health and the Kenya Red Cross to start counselling otherwise we are talking about two suicide case I think it could increase as we keep discussing here.

Lastly, I join other leaders in this Assembly by saying the government of Machakos is a legitimately that was constituted after the 2022 elections and we demand in the spirit of collective responsibility and inter-governmental relations that anything that is happening in Machakos County that the County Government should be informed and should be in the forefront on the table where discussion are being done otherwise as people who are elected in this Assembly and the Governor and even our leaders in the National Assembly, we will not sit back and just watch and clap when our people are being disturbed by all manner of things.

I call upon all leaders in Ukambani, political and professional leaders, it is time that we united as a community and tell whoever thinks that they can come and just pick our resources from Kitui, there is the issue of coal mining to Makueni to Machakos, that we are not going to allow such kind of things and I call upon that we have a serious community, political, religious and professional meeting to chart the way forward and discuss how we are going to engage with this National Government going forward.

Mr. Speaker East Africa Portland have never done any community social responsibility project ever since its inception yet they have come, picked the resources, claimed the ownership of the land and then they want to sell the ownership of the land back to the community. We will not agree to this, we are demanding that like anywhere in Kenya, land that belongs to the

community should be returned and managed by the community. Thank you Mr. Speaker and I support the motion.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Majority Leader. I now call the mover to come and reply.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Hon. Speaker. I want to take this opportunity to thank my colleagues Hon. Members for supporting this noble motion. Hon. Speaker, I will not talk much but allow me just to highlight that I wish Hon. Speaker that the implementation of this motion be given the first priority because debating and passing motion is one thing and implementation is another thing. So, Mr. Speaker I wish that the decision made by this mighty Assembly will be implemented.

Mr. Speaker, as I conclude I ask the National government and the county government to take care of its residents who are there. In fact, now they are just I do not know whether to call them squatters or refugees because they just like refugees in their own land. Mr. Speaker, I urge the government of Kenya to take care of its people. Mr. Speaker, I also request the government of Kenya or pray that such a brutal action will not take place again either any soon or later in our County because we have witnessed one place is demolished, the other hungry cartels take advantage and say I will also go and do the same.

I know current they may be other cartels seated and planning how to do the same activity probably in the same area or in other areas of Machakos. Mr. Speaker, I urge the government or even the individual person, if your land is invaded please talk to those inside your land and come up with some agreement. We have religious leaders, national administration, County Government; let the people of this nation sit down and come up with a win-win solution as alluded by the President in his speech which was read in this House (??) and with this way the people of Machakos will live happily.

So, thank you, Hon. Members, for supporting the motion and I propose that the County Government moves with speed to implement things which we have passed and Hon. Members and adjourn the House as we request Mr. Speaker that we go and mourn with those who are crying. May be we show some unity with them. Thank you, Hon. Members and Speaker.

Hon. Deputy Speaker: Thank you, Hon. Ndwiki.

(Question put and agreed to)

(Applause)

Hon. Members, before we adjourn the House, I have this to say, I visited the victims of demolition in that site on Sunday and I can tell you that place has turned to be the second Gaza Strip in our County. The demolitions that I saw there were immense and everyone could be shocked because I even found a gazetted school that had been demolished; a polling station to be precise where government issued the certificates to those schools if the land belonged to Portland.

We found churches when we were looking for votes gave the same churches Ksh. 1, 2 or 3 million only to demolish them after we get the votes. It is an inhuman activity and I expected based on the words that I heard that were mentioned by the President and the Deputy that and I quote what the Deputy President said concerning this eviction issue that "the Ruto administration will have zero tolerance to inhuman eviction like it happened before." I wish the government could have followed the same words that they mentioned.

The President of the Republic of Kenya also said that we want to make sure that we are an orderly human society that respects the rights of everybody regardless of who they are. Those were the words! It is funny that it is the same President when he was in EPZ said that titles will be revoked for persons who had not developed their land as at now but to my worry we found the same revoking or demolishing houses of people who had been there or lived there for more than 10 to 12 years that are required by the constitution.

So it is a sad day for Machakos people; we condemn that act and also as a resident of Machakos County, request that the demolition be stopped; let people who lived there be compensated. It is unfortunate that today you are killing Isaac by demolishing his house just on the following day to say that I am selling the same land to John. It is unfortunate! Why would Portland, I thought they would have sold the land to the people living there already before they publish or advertise the land for selling. It is unfortunate for our people and we will stand tall and fight for our people's right until the end. Thank you, Hon. Members.

ADJOURNMENT

Hon. Deputy Speaker: The House adjourns to Tuesday, 17th October, 2023 at 2.30 p.m.

The House rose at 1.48 p.m.