

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF MACHAKOS**  
**OFFICIAL REPORT**

**Wednesday, 11<sup>th</sup> October, 2023**

The House met at 10.59 a.m.

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

**PRAYERS**

**COMMUNICATION FROM THE CHAIR**  
VISITING DELEGATIONS FROM EARLY BIRD  
PRIMARY SCHOOL AND DAYSTAR UNIVERSITY

**Hon. Deputy Speaker:** Thank you, Hon. Members and welcome to this sitting. Today I have the following communications to make. I wish to acknowledge the presence of teachers and pupils from Early Bird Primary School in Machakos Town Sub-County and lecturers and students from Daystar University who are here on a learning exercise. Hon. Members you will get an opportunity to welcome them when you will be contributing to the business of the day. Thank you, Hon. Members.

**PAPERS LAID**

**Hon. Deputy Speaker:** Under this we have Hon. Kitaka; I think Hon. Loyd you can take brief on behalf of Hon. Kitaka. Just proceed.

**Hon. Loyd Mutua** (Nominated, MCCP): We wish to defer the finance report to a later date; there are some things that have not been concluded. Thank you.

**Hon. Deputy Speaker:** Okay, noted Hon. Loyd. Next is from Majority Leader.

**VARIOUS PAPERS**

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Hon. Speaker, allow me before laying down the Papers to acknowledge the pupils of Early Bird Primary School and Teachers and also visitors from Daystar but I am keen on the primary school because that is where my kids go to school.

*(Applause)*

So Early Bird Primary School welcome very much, this is class eight, the last bunch of class eight. As you know in a few days they are going to be sitting for their exams so I also wish

them well in their exams. Sitting here I see future Speakers and when I spoke to them earlier, nobody wanted to be Speaker, everyone wanted to be the President of Kenya but I know now they are saying where the Hon. Speaker is sitting, I know there could be change of mind because the Speaker as I told you is the head of the institution and when he came in you saw all of us stand and also you saw all of us bow to him. So I know there is going to be change of mind.

Also I want to say at this point, Andrew and Angela of all things I have done am proud to be your dad. Thank you.

*(Applause)*

Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today Wednesday, 11<sup>th</sup> October, 2023:

- (i) Legislative proposal of the Machakos County Finance Bill 2023/2024
- (ii) County executive Annual report and financial statements for the year ended 30th June, 2023.
- (iii) Receiver of Revenue annual financial statements for 2022/2023
- (iv) County Revenue Fund annual report and financial statements for the year ended 30th June, 2023.
- (v) Kathiani Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (vi) Matuu Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (vii) Mwala Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (viii) Kalama Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (ix) Ndithini Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (x) Kimiti Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (xi) Mutituni Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (xii) Masinga Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (xiii) Kangundo Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (xiv) Athi River Level 4 Hospital annual report and financial statements for the year ended 30th June, 2023.
- (xv) Machakos Level 5 Hospital annual report and financial statements for the year ended 30th June, 2023.

Thank you, Mr. Speaker.

*(The Papers were laid on the Table)*

**Hon. Deputy Speaker:** Thank you, Hon. Nicholas Nzioka, the Majority Leader. The Papers that have been laid will be committed to relevant committees like Finance Bill be

committed to Finance and Revenue Collection committee, the report of financial statements for the year ended 30th June for County Executive that will be committed also to Finance and Revenue Collection committee, the Receiver of Revenue annual financial statements to the same committee, County Revenue Fund annual report to Finance and Revenue Collection committee.

Annual reports and financial statements for the year ended 30th June, 2023 for health facilities will be committed to Health and Emergency Services Committee.

### NOTICE OF MOTION

**Hon. Deputy Speaker:** Under this one we had Hon. Kitaka and I think Hon. Loyd has requested that we defer the report to a later date so we may proceed.

*(Notice of Motion deferred)*

### STATEMENT

BUSINESS FOR THE HOUSE FOR 11<sup>TH</sup> AND 17<sup>TH</sup> OCTOBER, 2023

**Hon. Deputy Speaker:** Under this one we have Hon. Nicholas Nzioka with the statement.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Hon. Speaker.

**Hon. Deputy Speaker,** the House Business Committee met on Monday, 9<sup>th</sup> 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:

Wednesday, 11<sup>th</sup> October, 2023

*Morning at 10.00 a.m.*

- (a) Statement on the Work Plan of the Public Utility Task Force by Hon. Dominic Maitha, MCA Muthwani Ward.
- (b) Report of the Finance and Revenue Collection Committee on the State of Revenue Collection within the County by Hon. Francis Kitaka, Chairperson, Finance and Revenue Collection Committee.

*Afternoon at 2.30 p.m.*

- (a) Statement on provision of Flood Lights in Muthwani Ward by Hon. Dominic Maitha, MCA Muthwani Ward.
- (b) Report of the Finance and Revenue Collection Committee on the State of Revenue Collection within the County; *Continuation of Debate* by Hon. Francis Kitaka, Chairperson, Finance and Revenue Collection Committee.

Tuesday, 17<sup>th</sup> October, 2023

*Morning at 10.00 a.m.*

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

**STATEMENTS SOUGHT**  
INSTALLATION OF FLOODLIGHTS IN MUTHWANI WARD

**Hon. Deputy Speaker:** Thank you, Hon. Nicholas Nzioka and now I call the next Hon. Member Hon. Dominic to read the statement.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Thank you, Hon. Speaker. On behalf of the entire Assembly, I wish to apologize for the delay occasioned by unavoidable circumstances. I want to take this opportunity first to welcome our guests at the gallery and tell them that this is the place where the future holds for them both in the County Assemblies and in the National Assembly and they are not limited to being here. Soon we will be exiting this Assembly and once we exit this Assembly it will be room for them to join this Assembly so Hon. Speaker I wish to thank them for being there and I wish to move my Statement.

Hon. Speaker, the Energy Sector remains a critical enabler for achieving Kenya's socio-economic objectives, global commitments such as the Nationally Determined Contribution (NDC) under the Paris Agreement, sustainable Development Goals (SDGs) which include SDG 1 on poverty-reduction, SDG 3 on improved health and wellbeing, SDG 7 on sustainable energy for all, SDG 13 on climate action and SDG 17 on partnerships.

Informed that the Department of energy and electrification in Machakos County is mandated to carry out flood lighting or lighting of markets, rural electrification and that installation of transformers, promotion of use of renewable and clean energy solutions and developing of policies and legislation in the energy sector.

Hon. Speaker, in the Governor's address that was delivered in this Assembly, on 27<sup>th</sup> September 2022, H.E the Governor of Machakos County Hon. Wavinya Ndeti promised to turn round business in the County by uplifting the lighting systems across all the Wards thereby bringing on board a 24 hour business economy.

In the previous FY of 2022/2023, this Assembly allocated Ksh. 20 Million to the Department of Energy for the purpose of electrification. In this financial year of 2023/24, the Assembly allocated Ksh. 29 Million for provision of flood light in the various Wards within the County.

Hon. Speaker, Muthwani Ward is one of the leading Wards endowed with high returns revenue streams such as quarries, land rates, approval charges and business permits. On the contrast, the said budget approvals done by this Assembly on provision of floodlights and street lights have in the previous financial years including the last FY of 2022/2023 never been implemented in Muthwani Ward despite its contribution in own source revenue collection for this County.

Hon. Speaker, I wish to seek a Statement from the Chairperson Lands and Energy on the following matters;

- i) Why the Department of Energy and Electrification has never implemented provision of floodlights in Muthwani Ward in the Financial Years of 2021/2022, 2022/2023 and FY 2023/2024.
- ii) The plans which the Department of Energy and Electrification has to ensure a 24-hour economy in Muthwani Ward as per H.E. the Governor's Speech delivered in this Assembly on 27<sup>th</sup> September, 2022.

I wish to seek the second statement Hon. Speaker. Hon. Speaker, Article 61----

*(Hon. Maitha consulted with the Clerk at the Table)*

Thank you. Hon. Speaker, I have been advised first we deliberate on the Statement and then we proceed to the next one. Hon. Speaker, I just want to give a brief reason as to why I have sought this statement. Muthwani ward today as I can say is the ward that is supporting Machakos County in terms of local revenue collection. An estimated research has proven that Muthwani ward collects Ksh. 3 million on daily basis. It is evidenced by the revenue reports that the County is already holding currently.

If you tabulate Ksh. 3 million in a day in a month it amounts to almost about Ksh. 90 million. In a year it translates to more than Ksh. 1 billion local revenue in exemption of the shared amounts of money we get from the National Government. A report was tabled before the Energy committee where I sit as a Member that out of the 40 wards in Machakos County, Muthwani ward has zero *mulika mwizi* erected by the County Government of Machakos since 2013 to date.

Hon. Speaker, I happen to be privileged to be a Member of the first Assembly. By the time I left, I had erected over 200 *mulika mwizis* in Muthwani ward but unfortunately all this *mulika mwizis* were pulled down by Kenya Power due to lack of meters. As we stand to date, the report that was tabled by the Energy department through the Chief Officer and the CECM, Muthwani ward has zero *mulika mwizi* erected by the County Government other than the just current two poles that were erected for solar-lit purposes.

Considering the revenue base, Hon. Speaker, the more *mulika mwizi* we erect in Muthwani ward the more we create more revenue. There are quite a number of residents in Muthwani who are not willing to move to their houses which they have constructed just because the area is not properly lit. Businesses at Muthwani ward are closed as early as 7.00 p.m. because of insecurity reason and because we have no *mulika mwizi*. It is so contradictory that when you cross the other side of Nairobi and the beauty of it is that Hon. Speaker, you happen to be my resident. The Hon. Mheshimiwa Felix Ngui who is a Member of this Assembly happens to be a resident of Muthwani Ward.

The Chief Officer Energy as at the moment is a resident of Muthwani ward, the personal secretary to the office of the Governor at the moment is a resident of Muthwani ward, the Chief Officer environment is a resident of Muthwani ward but it is unfortunate part of it is that they live in darkness. It is quite ironic! That is why I have sought this Statement so that this ward can be considered. The finance committee can seek to get actual financial collections in the County--

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

**Hon. Dominic Maitha** (Muthwani, WDM-K): Hon. Speaker, please protect me. The finance committee can seek to get actual financial collections in the County so that it can ascertain the revenue being---

**Hon. Deputy Speaker:** Point of information; the Member does not want to be informed so proceed Hon. Dominic.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Thank you, Hon. Speaker protecting me. Hon. Speaker, it is quite pathetic that a revenue zone of such a magnitude is receiving no *mulika*

mwizis to sustain economic growth. So, Hon. Speaker, despite the promise by the department that it is going to do something, to date we still have not seen much. The poles that were erected over three months ago are still standing still and imagine Muthwani emanates all the way from Utawala to Katani, Kamulu, Joska and those who use Joska on a daily basis can ascertain, we have no mulika mwizis in Joska other than just less than 15 that were installed by the Municipality through World Bank.

So what I am asking is; where is the money that the County has allocated to erect such in Muthwani going through. Thank you, Hon. Speaker and I wish to move my Statement.

**Hon. Deputy Speaker:** Thank you, Hon. Dominic and Members we may ventilate on this Statement. Hon. Dominic and then Hon. Peter Kilonzo.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Thank you, Hon. Speaker, and we welcome students from Daystar University as well as their lecturers and pupils from Early Bird and their teachers as well. Hon. Speaker, I wish to support the Statement that has been sought by Hon. Dominic Maitha about the installation and erection of floodlights especially in our market areas. Hon. Speaker, there a rise in small crimes of break-ins in our market areas especially where there are no floodlights and as we speak.

I wish to agree with Hon. Dominic Maitha that where we have erected mulika Mwizis, the economy of that area seems to spur and as we speak I wish to enjoin Kathiani Central ward with Muthwani ward that Kathiani Central ward also needs erection of mulika mwizis. We only have a few working mulika mwizis in a few areas and there are other areas that are critical like Kathiani market which is the nerve center of the ward and it does not have enough illumination at night and we expect to grow the economy of Machakos County and running 24/7 and by that Hon. Speaker, the only way that we can make that a reality is by enabling such a situation and we can enable it by erecting mulika mwizis. Therefore, Hon. Speaker, I throw my weight behind Hon. Dominic Maitha.

**Hon. Deputy Speaker:** Thank you, Hon. Dominic. Hon. Peter Kilonzo

**Hon. Peter Kilonzo** (Mbiuni, UDA): Thank you, Hon. Speaker. I first of all take this opportunity to welcome our guests who are in the gallery and say that when I see them I see past, present and future because these are the youths who can bring social reforms in our society because they easy to learn and adopt to new changes.

Hon. Speaker, I rise to support the statement of Mheshimiwa Dominic for highlighting a very crucial problem that is cutting across all our wards Mbiuni ward not limited to. Mr. Speaker, we are aware that we are preparing ourselves for El Nino rains and when it comes and pours down when we have markets that do not have lights then this is going to encourage criminal activities in our markets.

Hon. Speaker, it is very unfortunate that we have been walking to that department of energy when you ask them to come to the ward and do some repairs and maintenance, you are told to fuel that crane lift. Then we ask ourselves; we come here and allocate the budget but when it goes to the other side we are told to fuel that crane. If you do not have money as Mheshimiwa you find that your ward has nothing in terms of lights that you can enjoy there.

Hon. Speaker, Mheshimiwa Kisila is my neighbor and the Mheshimiwa Kisila's ward has so many street lights and I said since Mheshimiwa Kisila is my neighbor I just pass by and took

two to three street lights then all of a sudden Mheshimiwa Kisila was called by the locals and then he called me and castigated me a lot and I told him I am a young brother so if we could have the County giving us Mulika mwizi, PK would not go to Mheshimiwa Kisila's ward and then not to steal; I was just relocating so many street lights that were in Mheshimiwa Kisila's ward to my ward. Therefore, Hon. Speaker, I support the statement.

*(Loud consultations)*

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Point of order.

**Hon. Peter Kilonzo** (Mbiuni, UDA): Which order?

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Brian, which order are you referring to?

**Hon. Brian Kisila** (Makutano/Mwala): Point of information.

**Hon. Deputy Speaker:** Hon. Brian, the Member does not want to be informed kindly. Proceed.

**Hon. Peter Kilonzo** (Mbiuni, UDA): Thank you, for protection, Hon. Speaker. May God bless us?

**Hon. Deputy Speaker:** Hon. Katiti then Hon. Dee.

**Hon. Boniface Katiti** (Muthetheni, UDA): Thank you, Mr. Speaker. That is also a soft way of confirming that is a kind of theft.

*(Laughter)*

I also take this opportunity to thank the seeker of the Statement because such things happen in Muthetheni too because Mheshimiwa Mbiuni has said to me I have been to the department of energy countless times and nothing has been happening because I was told every time they said they did not have money for fueling the crane and eventually I had to fuel so that the floodlights in my market could be lit.

In case you do not have money then it means your markets will always be in darkness. That is a soft way of encouraging criminality in those areas. That is another way of killing our businesses in those markets. That is also another way of not safeguarding our people while in those markets. So I support the seeker of the Statement and let everything be done so that those lights be restored in every market. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Katiti. Hon. Dee then Hon. Brian.

**Hon. Dee Kivuva** (Nominated, WDM-K): Thank you, Mr. Speaker. I know you remember I stand for the marginalized and one word was repeatedly used by the Hon. Member

but the English language has so many surprises; if we can substitute erection with installation, I will be very happy. It affected me very much but I understand.

Back to the point; first things first, the Hon. Member has brought up three key issues which when the Statement will be replied it is good also they answer some of his concerns. He has confirmed the department of finance will confirm also that the County collects Ksh. 3 million daily. It is in the Statement so the finance committee; I will be keen to see whether it is true.

The second one is, he has mentioned so many seniors who reside in Muthwani including some others which he has left out. Maybe they have a reason why they do not need the Mulika mwizi. Might be, we do not know. Might be they do not want a lot of lighting because of other issues we do not know so I will restrict myself to wait until they reply and say why they do not need the Mulika mwizi in Muthwani. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Dee and it is good now we got again pupils from Early Bird primary school back. Members as you contribute you may say hi to them.

**Hon. Dee Kivuva** (Nominated, WDM-K): Early Bird *karibuni sana*. You remember my nephew and my niece have been in the school and I am also very happy that majority of the children who school there, I wish you every bit of success in your forthcoming exams and I will send you a card plus *nyama choma* Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Dee. Hon. Brian.

**Hon. Brian Kisila** (Makutano/Mwala, M CCP): Thank you, Mr. Speaker. I would like to start by inviting our guests who have come to be with us from Early Bird. That is a very good name because when we were young we were told the early bird catches the worm so we are very sure you are going to catch the worm in your exams and you are going to excel in your exams. We pray for you that God gives you wisdom, good health as you prepare for your exams and as Mheshimiwa has said, we will buy a very big card from this Assembly and we are going to sign all of us and send to you. Personally, I will also buy two crates of soda so that you can take during your break.

Mr. Speaker, I would like to stand here as the Chairman of Decentralized Units Committee to contribute to what Mheshimiwa Dominic has brought as a Statement. I am deeply concerned because Decentralized Units also takes care of municipalities. We have done a lot of market visits in the three municipalities. Mr. Speaker, what worries me most is that the minute we push them to put the street lights, today they will be okay and tomorrow they will go off.

If you go through Machakos town which is our capital city, you will be disappointed by what you see. So, Mr. Speaker, this is a very serious problem in the department and maybe it is the high time we have a General Oversight Committee after the committee so that we can engage the CECM involved together with the Chief Officer. It is not Muthwani which is having the problem; it is everywhere. Mheshimiwa Mbiuni said that Mwala is well-lit; yes it is but I can assure you I take it upon myself even to buy bulbs for my ward from my pocket to ensure that they do not go off.

If you go to the department to ask for any spares they say they do not have money. What is worrying us where is the money we normally allocated for this department. Where has it being going? What has happened? So *Bw. Spika* I think as an Assembly which is doing oversight on



the Executive, this department needs to be *mulikwad ipatiwe mulika mwizi vizuri ndio imulikwe ingaliwe*.

**Hon. Deputy Speaker:** Hon. Brian, kindly.

**Hon. Brian Kisila** (Makutano/Mwala, MCCP): I was just using Mulika mwizi also. I was just saying we need to *mulika* it in such a way that they do their work properly. I am also concerned why there are so many senior officials residing in Muthwani and nothing is happening in that Muthwani. Does it mean that these senior officers are careless about the ward which they reside in? I do not have any senior member who resides in my ward and but my street lights are okay. Maybe they are the contributors to the downfall of Muthwani. Could it be related to that? *Bw. Spika* I expect you to take it upon yourself to ensure where you stay street lights are okay so demand that we also help Mheshimiwa because if he had installed 200 and they are not there then there is.....Kenya Power does not take away Mulika Mwizi. They only disconnect.

So who is stealing the Mulika Mwizi? Maybe we have thieves in Muthwani and maybe there is a source of income business which has been identified in Muthwani. So it is a very serious problem in Muthwani and I think we need to take it seriously Mr. Speaker, so that we help our brother and also help other Members of County Assembly Wards where we do not have Mulika Mwizi.

Personally, in my ward I am a bit lucky but if I look at my neighbors, Muthetheni, Wamunyu and Mbiuni are seriously disadvantaged but notwithstanding Mr. Speaker, that is not a reason for Hon. Peter Kilonzo to come and steal my Mulika mwizi. Courtesy dictates that he should call me as his elder brother and tell me 'Mheshimiwa, can I please borrow three Mulika mwizi from you and I will return when mine come.' But for a Hon. Member to come to your ward when you are not there, climb on top of a tree and take away my Mulika mwizi; I think he needs to be reprimanded. Thank you, Mr. Speaker.

*(Laughter)*

**Hon. Deputy Speaker:** Thank you, Hon. Brian. Hon. Mwonga then Hon. Mbuva.

**Hon. Joshua Mwonga** (Masinga Central, WDM-K): Thank you, Mr. Speaker. I want to start by welcoming those in the gallery and I say the Member on the floor is Hon. Joshua Mwonga. Mr. Speaker, I am 100 percent in support of this statement by this Hon. ranking Member of the First Assembly. Mr. Speaker, I would say this issue of lighting our markets and roads was a well-thought out idea by the first Governor of Machakos County who happens to be the CS for tourism and wildlife and my former party leader. That was when I was a member of the MCCP and not today.

Mr. Speaker, this issue of floodlights or Mulika mwizi because that is the word the seeker of the Statement used is a thorny one. Mr. Speaker, I have listened carefully to the seeker of the Statement and he has mentioned very senior government officers who reside in his ward and the person or the officer charged with installation, let me not use that word which the representative of the minority is it the minority, disadvantaged or marginalized or whatever used, resides in that ward where we are being told there is no single floodlight.

The good scripture tells me love your neighbor as you love yourself. I think we are in a mess because if we have somebody in that docket who cannot love himself by starting lighting

markets in Muthwani ward I do not think he is equal to the task and whether the other markets will have these floodlights. Mr. Speaker, I think now we have projects which have not been completed and they were to be completed under the last financial year budget and that is lighting of markets through solar.

We are just seeing poles which were installed in the market where we want them to be and this is now another financial year. I want to echo the words of Hon. Brian, Member for Makutano/Mwala. We should be serious as an Assembly on our business. I want to end there and say I am supporting this Statement fully and I request, Mr. Speaker, as you refer this Statement to the relevant committee let not that committee just zero in on Muthwani but the whole County. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Mwonga. Hon. Mbuva.

**Hon. Charles Mbuva** (Kangundo West, GDDP): Thank you, Mr. Speaker, from granting me this opportunity also to speak and give my support to the seeker of this statement. Mr. Speaker, before I make my submissions, I wet me take this opportunity, to welcome and thank the administration of Early Bird fraternity for availing their students to get exposure. You may think you and I who regularly come to the precincts of this House that it is a normal thing. This visit for these students has an implication; it will even go a long way in shaping their thoughts and aspirations and what they want to achieve in the future.

They may not necessarily seek to be politicians but the exposure gives them a picture of what contributions people get to make to society. This is how it starts even some of them I am going to start dreaming of coming to this House in future. Some of us, when we were not legislators, we had inspiration from somewhere so without laboring too much I encourage even other schools and I also want to thank the administration of this Assembly for being gracious and offering opportunity to schools every other time when they wish to bring their students for these exposure. Thank you, Mr. Speaker.

Let me speak to this Statement. Mr. Speaker, all of us have always thought in areas where you have big people in government, the expectations has always being service delivery is much more improved in those areas. That is why a lot of us even from the areas we come from we always agitate that we need our person in government and is a normal thing. Why do we agitate to have our people in government; most of the times we associate it with a certain advantage in terms of development. I am surprised today from the Statement if it is a matter of fact. I am speaking if it is a matter of fact actually I confirm the verse which our Lord Jesus gave in one of his sermons. If they are doing this to a dry wood what can they do to a wet one.

If that is the case in Muthwani with all those powerful people in government then what is our fate those of us who have nobody we can lean on. I sympathize with the case of Muthwani ward if it is truly that way but Mr. Speaker, it is not to say I am better off from where I come from. It is just a case of.....sometimes Mr. Speaker, you go to hospital when you have a minor ailment and you meet somebody who is stretched in a stretcher you feel like you are well. I have a lot of problems with streetlights but at least I have some which I can point to and a few which we can show.

Even in our wards it is not because they are being maintained from the side of the Executive. Truth be told the sector of street lights has been abandoned for Members to sort themselves.

*(Applause)*

It has been abandoned. I want to remind this House, the supplementary budget we did last year, we allocated money for the department of energy even to procure transformers and we had identified at least each ward to get a transformer. At some unknown point and with no consultations we were meant to know that the monies were diverted to other programmes which the County Government thought they were more urgent and important. We would want to bring to the attention of the government the enormous investment which was done by previous regime in this area of lighting and it will be a very big loss if today all that investment turns useless in the market.

Useless in the sense, Mr. Speaker, a major center which is the headquarters of my ward an upgrade was done in a town called Kawethei where World Bank funded an upgrade of drainage and cabroworks. The contractor who was doing that upgrade had to bring down all the street lights so that he rearranges and fits them back. After the upgrade was done all the poles were left down and the people are now on my neck to have those poles erected back. The contractor went away and this is the situation with very many Members; actually today we know the price of the accessories of those Mulika Mwizis.

We were not supposed to be involved in the repairs; at least you can do facilitation in terms of good will but now it has become our task. Actually, I can tell you the prices of those accessories because we buy them every other time to maintain them. As I finish, we know that the Government and listening to the sentiments from the Executive, it wants to deviate from the Kenya Power reliance to solar system. It could be a good policy change but we cannot go to solar and abandon what was existing. The solar should go side by side with what was existing.

We cannot say we are going to have two solar lighting per ward and we abandon the whole investment we had done in that sector; it does not make sense, Mr. Speaker. I support the seeker of the Statement and as you commit that Statement to the relevant committee I strongly support and you know I rarely support the opinion of Hon. Brian Kisila most of the times we do not think along the same lines but today, for the purpose of this Statement, I do support that it is even important we get the General Oversight Committee to discuss with the CECM and the Chief Officer and the directors so that they tell us the fate of the existing Mulika Mwizis posts and what will happen with them, Mr. Speaker. And with those many and few remarks I want to thank Hon. Peter Kilonzo for doing a public confession. The word of God supports that you should be forgiven. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Mbuva. Let us have Hon. Ndwiki, Hon. Mulinge, Hon. Muoki and lastly Hon. Minority Leader Mbili Ndawa.

**Hon. Daniel Ndwiki** (Mlolongo/Syokimau, WDM-K): Thank you, Mr. Speaker, for giving me this opportunity to contribute on this Statement. I am supporting the Statement because it is true Muthwani is one of my neighbouring wards and there is that problem in Muthwani. That problem is also in other urban areas including Mlolongo, Athi River and Kinanie. In Mlolongo I can say we are better off because we have some lighting from the National Government and we enjoy the Express way, they have lights there, we have the weighbridge which has lighting which applies to the people of Mlolongo but only on the side of the highway.

We have the better part of Mlolongo the interior; Phase two and three, Sabaki, Kathangaita and many places where we do not have the lighting. So, Mr. Speaker, I wish the department concerned will take the necessary action. Mr. Speaker, it is also good to give credit where it is due; we have seen the department doing some efforts towards bringing floodlights in our County. For example, in the last financial year, we have Mulika mwizi for solar in every ward but the problem is that it is taking long.

Erecting one Mulika mwizi in the ward has taken over six months. We have the posts but we do not have the light. It is good we get clarification of where the problem is. Is the project not well-funded or what could be the problem? My electorates are Members of the business community and they depend on those lights to do business during late hours. I ask the relevant department to take this matter seriously and act. Mr. Speaker, I am a Member of the Lands committee where we engage the concerned department and it is my wish this time action will be taken. Thank you, Mr. Speaker. I support the Statement.

**Hon. Joseph Mulinge** (Muvuti/Kiima Kimwe, MCCP): Thank you, Mr. Speaker, for the opportunity you have given me. I would like to welcome pupils and the teachers of Early Bird, which is a neighbour school in my ward. I would like to support the Statement the Member has raised. It is a common problem even in my ward Muvuti/Kiima Kimwe and I have come to realize the department maybe is missing the importance of lighting. When God was creating the world, the first thing he separated light and darkness and for a town to thrive, people need to have a sense of the place and light is one of the parameters that contributes to that sense and also, for security and to increase the entrepreneur activities.

Mr. Speaker, last week we have been having issues of hawkers running to Machakos town and I believe one of the reasons they are flowing to Machakos town is because most of the towns within Machakos County lack enough street lighting and the lack of sense of an area. Today, before I came to the Assembly I went to that department and I was surprised to find more than MCAs having the same issues because most of the floodlights are not working.

Personally, I understand the issue, which is allocation of recourses to that department. And the department knowing that they have a problem, they accepted to go the solar route and you know solar is very expensive. The allocation of the previous year, every ward supposed to benefit with one floodlight and I remember there was a time we were having issues of insecurity in Muvuti/Kiima Kimwe and one of the reasons was because of darkness.

To solve that issue of insecurity there was an agreement to supplement our area with 20 floodlights. But now, shifting from Kenya power to solar; I only managed to get nine in the area meaning if we went the other way of electricity, we could have done 20 floodlights. So, Mr. Speaker, this is a common problem which needs to be addressed with seriousness otherwise we will lose businesses in town. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Mulinge. Hon. Muoki, then the Minority Leader.

**Hon. Muoki wa Musila** (Ndithini, WDM-K): Thank you, Mr. Speaker

**Hon. Mbili Ndawa** (Matuu, MCCP): Point of order, Mr. Speaker.

**Hon. Deputy Speaker:** Point of order Hon. Ndawa.

**PROCEDURAL MOTION**  
**EXTENSION OF SITTING TIME**

**Hon. Mbili Ndawa** (Matuu, MCCC): Thank you, Hon. Speaker I am rising on Standing Order 27 on extension of time.

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.

Thank you, Hon. Speaker. I call upon Hon. Majority Leader to Second the Motion.

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

**Hon. Deputy Speaker:** Thank you, Hon. Ndawa and Hon. Nicholas Nzioka.

*(Question proposed)*

*(Question put and agreed to)*

Thank you. Hon. Muoki you may now proceed.

**Hon. Muoki wa Musila** (Ndithini, WDM-K): Thank you, Mr. Speaker. I support the seeker of the Statement on lighting of our areas and I wonder if Muthwani does not have lighting how about our areas that are far-flung; we really do not have any. I want to go back and say quoting from the Bible although I do not know so much of it, even when God was creating the earth, he said let there be light and there was light and everything else survives on light.

These businesses we are talking about will survive if there is light. There is also the issue of security and insecurity. I would wish if the seeker of the Statement, reading from the other Members who have contributed before me, everyone is saying; my area, my area, my area. Is it possible to say the areas that have already been pointed by the MCAs are having the problem of lighting to be the case studies and then we say, the whole of Machakos County needs light so that the businesses can continue so that we do not confine ourselves to only one area and forget about the other areas?

Mr. Speaker, if you come to our area, Ndithini Ward, which is so far, we have no light, no Mulika mwizi, no street lighting. Those people need power, they need light. I remember in one of those budgets, we had Ksh. 80 million budgeted for power installation within the County. Today I am surprised to learn that it is only Ksh. 29 million that has been allocated for power installation within the County. It is important for us to have good lighting for businesses to thrive in our areas and security to be improved.

Lastly, Mr. Speaker, I want to congratulate the young people who have found reason to join us today and see what we do here and I am very sure whatever they have come to do here they are also looking for light for their future not only in their exams but also in the future. And

that is the same thing we are asking for; the physical light. That, can the County Government of Machakos give us the physical light and we wish the candidates to get some light in your exams and some light in your future endeavours. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Lastly, the Minority Leader.

**Hon. Mbili Ndawa** (Matuu, MCCP): Thank you, Mr. Speaker, Sir. Before I come to the main business, there are two issues I want to raise. First, there is what we call backwardness; this Assembly had moved from analogue to digital and as we deliberate here, we have now gone back to analogue. As the highest decision-making organ of this County Assembly, we should be in the forefront to ensure if we move forward, we do not move backwards. So, the IT department should move with speed to ensure that whatever we are discussing here, a resident can watch from where they are.

Secondly, I am compliant and ready to use the biometric for signing in but this morning the gadgets has let me down. I have tried six times and the Serjeant at Arms can confirm but the gadget has refused to pick my fingerprints. So, I do not know what advice you are going to give because I am present but when we go to the records of that gadget, I might be seen as though I am not present. I thought it was good to share that.

Thirdly, I came very late and I was not intending to; I was terrorized last evening by thugs who broke into my compound and .....(inaudible) properties. So, Hon. Speaker, we should be concerned about Members security. If thugs can come to my home, what about the rank and file or the locals in the ward? This is something that should not be accepted at all.

Coming back to the business before the House, about the Statement that Mheshimiwa sought; he is saying that some people went and took away some lights in his ward and he is mentioning a very senior person in the Government. What happened to his ward also happened in my ward. In Matuu town, I had over 60 Mulika mwizi with lights four each but if you go there today you will get less than 20. About 40 were taken away by somebody who is well known to me and he is an employee of the County Government of Machakos.

Hon. Speaker, I reported the matter to the department but up to date no action has ever been taken against that person. As we sit here to approve budgets for these lights, are we assured that we are going to see value for that money that we are going to use to put the lights. So, Hon. Speaker, I will go with what the other Members are saying; let us invite whoever is in charge of the energy department to come before this House and he should not be invited in to a sectoral committee but let him appear before the General Oversight Committee and shed light on what is happening.

*(Applause)*

If somebody can go and climb that pole in broad daylight wearing a County Council *kabuti* to confuse the residents that he is an employee of the County; this is something that should not be seen in our County.

I am happy we have a caring Governor who is taking action to any lazy officer and I hope she or her team is listening and hearing what we are saying. The Governor will not use resources to put Mulika Mwizis in her ward and another person goes to vandalize them; that should not be accepted. One day, I sent my people they arrested that guy but when we took him to the Council

headquarters, the gentleman was released because they were saying this is our colleague. You cannot be a colleague if you are a thief unless he is a colleague when it comes to stealing.

Hon. Speaker, I support the statement and going back to what I was saying; if we are not careful Hon. Members, thugs will come to your house, rob you and they will rape your wife while you watch. I will be seeking a Statement here to call on intergovernmental intervention because security is not devolved; it is a function of the National Government. The National Government is failing on what they are supposed to be doing. I called the police; they took more than four hours. Let me stop there.

**Hon. Deputy Speaker:** Thank you, Hon. Minority Leader, and by the way we are sorry for what happened to you. I think it is prudent and it is a security threat to all of us not only to Hon. Ndawa. So, we are sorry for that and I believe you have recovered your properties that had been stolen.

On that issue of Mulika Mwizi, I reside in Muthwani ward and I want to believe that there is no mulika Mwizi in that ward and it is an area with high profile Government officials; not only in the County. Senior Government officials reside there; some are getting these lights from elsewhere but as Machakos County we need also to be vigilant. Something needs to be done in Muthwani Ward. I can tell you and I even said it during the Second Assembly that; Members in that area have always been wishing and some of them have even started signing memos to present to IEBC so that they may recede to Nairobi County because when you go there you will find a serious difference between residents of Nairobi County and residents of Machakos County. So, we do support that something needs to be done in that ward, not only even on streetlights, but infrastructure needs to improve in that area.

Hon. Members, as I also speak now as a Member, we have got serious problems with this department, I acknowledge that and something needs to be done they must wake up. I was once called by I believe by an employee asking me to provide him with money so that he may be able to attend to my streetlights in my ward Ekalakala. I am a Hon. Member, we have always past budgets, I believe as an Assembly, we have even given these guys money, enough budget for them to traverse the entire County.

The employee told me that I will not be able to reach out to you Ward and I can tell you until today, those lights have never been lit until today because I chose not to give the money that we are giving and I think I will be on a crusade of saying that the Hon. Members should not be spending their monies to give these people to do what they're supposed to be doing.

*(Applause)*

Why should we somebody is unemployed? Why should I give him the money what is his duty, his duty is to go and light those Mulika Mwizi in our wards. So Members have also requested that we have the same in the General Oversight Committee but as at now because this is a Statement and I think according to the Standing Order 189 on page 159 we may not call them in the General Oversight Committee now but will commit the same to Lands and Energy Committee and report back on or before the 24th of October, 2023.

I think the Chair is here so that we may get we may use the right procedure to have them come for the General Oversight Committee following the right procedure. So I think the committee should summon them and let us know what their plan is and what they are intending and are they intending to light our County. Thank you, Hon. Members. I will call I think for the

seeker of this Statement; it is like you want to say something just say what you want to say Hon. Dominic and proceed with the next Statement.

**Hon. Dominic Maitha** (Muthwani, WDM-K): First, I want to empathize with my brother, Hon. Ndawa, the Minority Leader. It is very emotional, Mr. Speaker. Recently, you understand I had a function and aware that thieves were quite aware I was not in my house. They broke into my house three times and luckily enough, unlike the scenario of Mheshimiwa Minority Leader, three times I managed to get bodabodas workers who work at night to rescue my house on three consecutive times.

A month or two months before them my wife lost chicken worth more than Ksh. 200,000. They got into my compound while I was away and stole and I feel the embarrassment of what the Hon. Member is going through the question that resurfaces is and everyone was asking me the same question, if your house can be invaded by thugs, what of a normal person the electorate and I think Hon. Speaker it is the high time that this House now through the interjection of the Hon. Speaker that an inter-Governmental meeting is the Minority Leader has proposed.

I believe if the Hon. Member was armed, which I do not know maybe I might assume it would have helped him. Something has to be done, Hon. Speaker. It is painful if the Hon. Member can say what the tormenting moments he went through, if it can be said in private, maybe almost every Member will resonate with me. Hon. Speaker, why I stood before I make my Statement, the matter at hand is critical, it is antagonizing. It is quite, you know a boggling matter to almost every Hon. Member here, and I wish to put it right on the issue of why my lights were removed by Kenya Power, I can ascertain that the lights were removed by KPLC Ruai and were taken back to Machakos County Department of Energy.

That one I can confirm and they were used in other wards is when I was out of this Assembly so that when they can confine mine were taken by Kenya Power and we are taken back to Machakos County Government. What I want to say, Mr. Speaker; I will not even wish this matter to be committed to the Committee of energy being an issue of major concern, I would wish Hon. Speaker, the Department of Energy is summoned in this Assembly and all the 40 elected Members and the 20 special elect Members who reside in wards which have similar issues can be given the opportunity to question this department because if it is restricted to the committee, where I sit and where the Hon. Chair sits, maybe we might not get sufficient information, Hon. Speaker.

*(Applause)*

So I wish to request your direction Hon. Speaker that this department be summoned not even within the next even one week, one week is so much Mr. Speaker, even 24 hours, they can be summoned here in this Assembly and they come and get to listen to the submissions of the Hon. Members and listen to them and respond with immediate effect Hon. Speaker. If this matter is committed to the committee, it may take long; they might still come and think around the same committee. We want them to hear from the Hon. Members who are faced with the frustration of this department. So I beg your direction on the same and I plead that this department is summoned under the Standing Order of a Statement of urgency so that these Members can be listened to and heard and addressed. I seek your direction on the same Mr. Speaker, before I seek my next Statement.



**Hon. Deputy Speaker:** Hon. Dominic, I think I had addressed the same issue and I think it is prudent because it is an urgent matter I do believe so and the best option would be let the Committee come with the report first, as soon as possible, then come with the recommendations that we summon the department to the General Oversight Committee. I think that we will have followed the required procedure.

An Assembly is an House of procedure and it will not be good we go against what our Standing Orders require us to do but let the recommendations of the committee recommend that department come and respond to some of these serious issues that Hon. Members are facing. Thank you.

#### STATUS OF ENCROACHED PUBLIC UTILITIES IN MUTHWANI WARD

**Hon. Dominic Maitha** (Muthwani, WDM-K): Hon. Speaker, for your directions. I am sure my Chair is here, we will also issue invitations to the committee to other Members to come and highlight. Thank you, Mr. Speaker.

Hon. Speaker, 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, the Fourth Schedule of the Constitution of Kenya provides for land surveying, mapping and boundaries and fencing as a function of the County Government;

Hon. Speaker, the County Government holds public land in trust for the people residing in the County and that the County is obligated to oversee proper land use and security as outlined in the spatial development plans;

Machakos County has in the recent years after devolution suffered a victim of land grabbing, illegal acquisition and allocation of public land whereby land set aside for public utilities is illegally and fraudulently allocated to individuals for their personal gain, in disregard of the public's interest and development;

Hon. Speaker, as a result of these illegal and corrupt acts, the County Government of Machakos is struggling to get land to build Hospitals, Schools, Polytechnics, Youth Centers, Stadiums and even Government Offices;

Further, public lands reserved for public toilets, parking areas and even sewers have been grabbed;

Hon. Speaker, this matter on encroachment of public utilities in Mavoko Sub-County has been raised for many years with no serious interventions being taken. In this sub-county, parcels of land planned for schools, community centers, dams, shopping centers, health centers have been encroached and put into other uses not intended in the original land use plan for the County;

Hon. Speaker, towards the end of last year, H.E, the Governor Machakos County Hon. Wavinya Ndeti appointed task force to address specific matters affecting the County.

Informed that Public Utility Task Force is one of those task forces that were constituted and assigned to investigate on the current status of public utilities within the County.

Muthwani Ward, just like the other Wards in Mavoko Sub-County has suffered encroachment of public utilities denying the residents the good services that go

with the planned use for that specific public utility. The said task force after the many months of undertaking its assignments did not visit Muthwani Ward.

Hon. Speaker, I wish to seek a Statement from the Department of Lands on the workplan of the Public Utility Task force as regards visitation to Muthwani Ward to ascertain the status of encroached public utilities.

Thank you, Hon. Speaker. I don't wish even to expound much further on the same. This Statement is self-explanatory. Hon. Speaker, the issue of land grabbing in my Ward is becoming quite a thorn in the flesh. The appetite has increased and little is being done. A task force that was formed Hon. Speaker last year one year down the line has never visited Muthwani ward. Excuses, as per the previous arguments by Hon. Members are that they have lacked fuel and facilitation among many other excuses.

I am seeking this Statement Hon. Speaker, so that the department can tell us how long the residents of Muthwani Ward will continue waiting for the task force to come and undertake its mandate. My worry is when this task force was put in place and I want to give a practical example of a public utility plot block 7340/121 which is now sitting in a school named Airway Secondary School is seated there measuring about two and a half acres. When the task force was formed, the school had grabbed that public utility it is in public domain. A Gazette Notice was put to that effect but the so-called grabber went ahead and obtained a title deed.

During the same process, when the task force was in place, doing its undertaking its activities, the land grabber went ahead and did a perimeter wall for the entire parcel of land. I complained to the relevant authorities and no action was taken. Hon. Speaker, I am informed that the said land grabber is in the process of subdividing that public utility into plots being the only the one and the only parcel in my region especially in Githunguri, that has the biggest chunk of land.

Hon. Speaker, I wish to seek the Statement that that parcel of land is protected by the County Government among many others that are in the ward. So, when the task force responds or comes to the ground, they will be able to unearth the number of parcels that have been grabbed. Go to Katani, Kamulu and Joska the appetite for public utilities in my ward is becoming .....(inaudible). So without much ado, Hon. Speaker, I seek to have the task force respond on the same and come to the ground and ascertain the status of public utilities in my Ward. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Dominic. Members we can ventilate on the same. Hon. Peter Kilonzo.

**Hon. Peter Kilonzo** (Mbiuni, UDA): Thank you, Hon. Speaker, for catching my eye. I want to be concomitant with a Mheshimiwa Dominic and I support the Statement. I also want to understand that when we are forming a task force and good task force should have goals, it should have objectives and they should have well-defined purpose. Hon. Speaker, the issue of public utilities as Mheshimiwa was putting across cuts across all our wards. for example in Mbiuni Kathama ward where I come from my mind serves well that there are public utilities, we have land that belongs to the community but they have never been identified and they have never been fenced and when we want to construct new infrastructures like if you want to have a dispensaries, if you want to have offices if you want to construct new facilities like ECDE classes to make sure that their pupils do not go long distance, you find that we are faced with a challenge of the land.

Hon. Speaker, it is also high time that as the task force is given a report about a Muthwani Ward, they try to give us the report across the whole County so that now we may know sitting in Mbiuni, I know a certain land belongs to the community, a certain land is ours. For example, last week, an Assistant Chief from Kathama, Ulaani sub-location, came to my home and brought a plot number telling me; Mheshimiwa this land belongs to the community.

Hon. Speaker, when I was forced to send that number to the department to have the surveyors come on the ground and survey the land. The only challenge I got was told that we have not more than three County surveyors. Hon. Speaker, we also need to have enough manpower for that department so that now we may have enough surveyors who will come to the ground and identify those parcels of land.

Mr. Speaker, I also want to stand with the Minority Leader Hon. Ndawa that it is quite unfortunate that Mheshimiwa Ndawa was attacked yesterday as he has alluded we stand with him, and we ask that because security is something which is provided for by the National Government that the security of Hon. Members is provided for. Hon. Speaker, my fear is that my body is very small and if Mheshimiwa Ndawa can complain, what about PK? Hon. Speaker, we need to have security in our wards and even as we move on. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Hon. Brian, then we finishes with Hon. Ndwiki.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Mr. Speaker, I stand here to support that Statement but I want to say this; whoever steals public land is the enemy of the people. That is called impunity. In my ward, I do not give them a chance. If you steal a public road, I normally bring the surveyor and clear the road; I do not always wait for it. If you steal public land and you erect any building there and I bring the County surveyors and they ascertain that is a public land I do not wait for a task force. I demolish the buildings. You cannot accept impunity to hold your ransom.

I want to give you an example. We identified one piece of land for the last four months or six months. This is where we were supposed to build the public health facility that the Governor was constructing in a town called Kyamutwii and the Assistant Chief brought to my attention that we have public land because we did not have anywhere to construct the health center. Mr. Speaker, I got the documents, I got the title number I brought the surveyors, they showed me where they were and together with the wananchi, we demolished four shops that had been constructed in the public land. Today, we have a health center.

There is a very popular Kamba saying which says *musyi wa utuku utungilawa vala wesila*. I want to translate. If you hear an arrow coming from this direction and you have an arrow and a bow, don't shoot this side, shoot the same direction it has come from and you might get the target. The impunity which people have with our public lands, cannot be handled through a gentleman's agreement. Never! We must claim back our land and we must be bold enough as Waheshimiwa and claim what belongs to us.

In my ward, I have reclaimed over 20 public utilities back to the public including one dam which has 60 acres in a place called Maweli and we are now friends in the public land. If you wait for a task force or wait for these people to back down in their endeavors, I can tell you, it will take 20 or 30 years. So I think sometimes maybe Muthwani is in town, you cannot do that but in Mwala I have actually trained my people to ensure that any public land, that is there is their land, and we must get it.

On also the issue of stealing Mulika Mwizi because this is impunity, I have trained my people if you see anybody coming to pick any Mulika Mwizi, we deal with them ruthlessly and that's why Mheshimiwa Mbiuni survived by a whisker. My people were on his heels; he had to call me to tell my people to ceasefire and he has agreed that he cannot repeat that again. Do not allow people to come to your ward and start doing things that are endangering or bordering on impunity.

I think is high time we take it upon ourselves. If the Governor did not do what she did on the parcel of land near Kyumbi, those people would still be there now. They will grab the land I tell you. So let us start using other mechanisms to get back our public land. I am a living example; I have used it and you want to see come and you see what I do. I do not waste time. I deal with impunity through impunity and I stand here and I will continue doing that to ensure that public land---

**Hon. Deputy Speaker:** Hon. Brian! Hon. Ndwiki, I think it is it is not good for Hon. Brian to use impunity as a Hon. Member so kindly---

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): When they are grabbing public land? What are they doing? Look at what Mheshimiwa is going through. That is impunity.

**Hon. Deputy Speaker:** Yes but you see he has used the right route. That is the right route as legislators.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): I tell you that route Mr. Speaker will take 10 years. Mine took a week.

**Hon. Deputy Speaker:** I think Hon. Member has finished his submission. Hon. Dominic. Let us hear Hon. Ndwiki.

**Hon. Daniel Ndwiki** (Syokimau/Mlolongo, WDM-K): Thank you, Hon. Speaker. I stand here to support this Statement, Mr. Speaker. As I support I want to say this issue of land grabbing has become a complex issue, Mr. Speaker. In Mavoko particularly in our area it is hard to know the grabber and the non-grabber. If we act like our colleague Hon. Kisila from Mwala now we turn to be the grabbers. In Mavoko and several parts the prime parts of Machakos we have what we call professional grabbers. They are not only grabbers but they produce very clean title deeds.

**Hon. Deputy Speaker:** You may inform him.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Mr. Speaker, let me inform my Chairman that before you take in any action against public land, establish beyond any reasonable means that land belongs to public. Follow the right procedure and the right procedure is through first the Assistant Chief, you bring it to the lands office who do their search, then the Assistant Chief writes an official letter to the lands department, you get a surveyor who comes to the ground and establishes this is a public land.

**Hon. Deputy Speaker:** Now that is what I was telling you to do.

**Hon. Daniel Ndwiki** (Syokimau/Mlolongo, WDM-K): Thank you.

**Hon. Deputy Speaker:** Following that procedure just as you have said. Thank you, you may now proceed.

**Hon. Daniel Ndwiki** (Syokimau/Mlolongo, WDM-K): Thank you, Mr. Speaker. I think the Hon. Member did not get my statement well and I want to put it clear. We are aware about what is public land. Public land or utility is allocated during the time of Part Development Plan (PDP). We use PDP to identify public utilities or land. That is why when you go through the PDP you will see plot No. 1, 2 and 3 when we reach the place of public land you see primary school indicated. If it is a dam it is indicated as a public dam or secondary school. So when we talk of public land, I mean public land allocated for public use.

Mr. Speaker, I was saying in Mavoko it is very difficult to know who is the grabber and who is not. Those grabbers who grab the public land produce clean titles. Those people they go ahead like and I have a case in Mlolongo; land meant for primary school and somebody goes and produces title deed for the school but a private school under an individual name and that title if you go for a search you get that title deed. Originally that land was allocated for a public school.

Mr. Speaker, I think this issue is very sensitive issue because we know the issues of land is very emotive. You know people have lost their lives when it comes to matters of land and we have several cases any kind of dirt is associated with land. As an Assembly Mr. Speaker we can stamp our authority and give guidance to those grabbers or cases. We may put clear laws Mr. Speaker because Mr. Speaker like the Hon. Member is seeking for Statement maybe that person has a title deed. How did they acquire the title deed on a public land? That should be the question.

Mr. Speaker, the problem that we have faced in Machakos especially in parts of Mavoko and town areas is that most of the land is administered at Nairobi, Mr. Speaker. This problem can be solved when the administration of land in Machakos is brought to Machakos. We have land registrar in Kithimani that has been gazetted but it is not operational. It is high time Mr. Speaker, we know what is going on in our Machakos lands offices because we should be administering our land issues. We know the issues and we are suffering like in Mlolongo we do not have some facilities like market.

The County Government is willing to put a market in Mlolongo but when the concerned department or the Governor calls me and asks me where are we going to put the market, we have nowhere to put up the market and Mr. Speaker you know the process of acquiring land from Government to private is a long process that may end up letting the people suffer.

Mr. Speaker, it is high time that we stamp our authority and we have the report on the task force because Mr. Speaker, we may act but maybe the taskforce has a solution to this but we do not have that report. Mr. Speaker, I would request for that taskforce to have this report in this House Mr. Speaker we discuss and we pass. The Hon. Member is seeking Statement and maybe his case is handled in the taskforce and we do not know whether it is handled or not. It is good Mr. Speaker we have that report as quickly as possible we debate it and we pass it and we help our people because we have that problem and it is largely affecting our people.

We have grabbed schools, fields, markets among others but the grabbers I have said and I want to repeat are doing it professionally because they have title deeds. If you go and chase the grabber in Mavoko like Hon. Kisila does you will be arrested by the nearest police and you will be arraigned to be the grabber. Since that investor who has grabbed has a title deed. As you know, the law recognizes title deed as the legal document for land. So Mr. Speaker I think this issue is very complex it needs more to be checked on and as Assembly we should stamp our feet.

As I conclude, I want to thank the department of lands. Last week, you saw some demolitions in somewhere called Mulinge Scheme and it is indicated in the map that these 90 acres are public utility but we find the land is subdivided into 10 acre parcels and we have those grabbers coming to fence with electric walls but when you touch one they have title deeds. They go to the police for protection and they use money. I want to thank the department for the action that they took. We want to urge the County Government of Machakos to stand firm and protect the land of people of Machakos.

If we do not do that in future, we will lack land for essential services. Thank you, Mr. Speaker. I support the Statement.

**Hon. Deputy Speaker:** Thank you, Hon. Ndwiki. Hon. Katiti then Majority Leader.

**Hon. Boniface Katiti** (Muthetheni, UDA): Thank you, Hon. Speaker. First and foremost I want to thank the pupils from Earlybird primary school. When I was just a student the other time they were not there. I want to encourage them, you have a responsibility as pupils and it can be as simple as just doing your homework, listen to your teachers so that when your time comes, if you want to be good in this House you have to be very good in debate time. If you want to be doctors who cure cancer and HIV and every other disease you must be good in science subjects. So put more efforts to your studies.

The Statement has come to this House in the right time because now I am on the way to rescue a cattle dip in Miu Market from land grabber. Currently, I am looking for the surveyor and he is on his way coming this week so that he may come and do the survey so that he can show us the public land which belongs to that market because land grabbers have developed a very big appetite for land and they want to buy it cheaper.

The people who are collaborating with the County Revenue Collectors because what I have heard even in Ndithini market there was a toilet that was to be built by the County Government and still now today there is no that public land because it was grabbed by somebody. I encourage the department of lands and survey that they can move with speed and even come to my market so that they can view the land from those land grabbers who have that appetite.

I support the seeker of the Statement and I say let the due process be followed because we have a country and people to protect. At the end of the day if we allow them then all this time all those markets will not have a place to build our toilets and markets and everything will just go as those people wish to. So I support the seeker of the Statement and I say; let the due process be followed and let it be followed urgently. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Katiti. Hon. Majority Leader.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Mr. Speaker. I want to thank Mheshimiwa Dominic for seeking this very timely Statement. Also allude to the fact that it is not a problem of Muthwani Ward alone. When H.E the Governor in her wisdom decided to have the taskforce on public utility I am very sure the terms of reference were for the whole County.

How I wish that since we are aware that the taskforce actually completed its report and handed it over to Her Excellency, how I wish the findings of the report could be made public or be brought before this House so that even as I sit here as the MCA for Machakos Central Ward I know what public utilities are available in my ward and what I can do to utilize them. I would be happy even as we look at Muthwani Ward that the report be provided to us so that we also put our input.

I want to thank Hon. Members for alluding to the fact of issue of land grabbing. It is a problem in this this country and County. Also I want to say the grabber does not work alone. Whatever title deed Mheshimiwa Ndwiki you are talking about it is from a certain Government office. So could we be the people or could the officers in Government offices be the people who are fueling this issue of illegitimate title deed.

I do not want to agree with Mheshimiwa Dominic and Mheshimiwa Ndwiki that a title deed is a title deed. A forged title deed cannot be a title deed because public land has already so if you and forge your title deed that does not kill the original title deed; it makes you a very big criminal because forgery in this country is a criminal act.

So I would wish to say that we must identify people who have fake title deeds and our biggest protector I think not only the law but Wananchi. If you are able to tell Wananchi that this is yours, I do not want to use Mheshimiwa Kisila's means but I know the power of the people. People can access their land if they really want to. For sure any piece of land has undeniable history. It could take five or 10 or 20 years but the truth about history of land if pursued will always be there.

I remember the case of the Mayor's house that was sold in Nairobi City Council sometimes 25 years ago. It was reclaimed by the former Governor Sonko after 25 years. Let us just put the grabbers on notice and tell them it could be today, tomorrow or 10 years but they are still sitting on public land and when the time is right for sure they will vacate that land. I support the seeker of the Statement and pray that we will find the report of the taskforce in the House very soon. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Majority Leader. I now commit the Statement to the Lands and Energy Committee to report on or before the 24<sup>th</sup> October, 2023. Thank you, Hon. Members. Clerk, you may proceed.

## MOTIONS

### APPROVAL OF REPORT ON STATE OF REVENUE COLLECTION IN THE COUNTY

**Hon. Deputy Speaker:** I think that was deferred to a later date. Point of information?

**Hon. Brian Kisila** (Makutano/Mwala, M CCP): Mr. Speaker, I was just seeking information; why was this report balloted for business today if it was not ready for discussion? I just want to seek from any Member of that Committee because we cannot be balloting business for the sake of it and then when it comes to the Assembly we say we are not ready for it as we were ready to discuss and debate what has happened.

**Hon. Deputy Speaker:** I think if came from the Committee then it is only the Chair and the Members who can tell us the reasons why and if they are not ready for the debate today I think there is nothing we can do Hon. Brian. So let us proceed and it was allowed to be deferred so there is nothing much we can do as at now. Maybe we may know the reasons later when they bring it back. Clerk, you may proceed.

#### ADJOURNMENT OF THE HOUSE

**Hon. Deputy Speaker:** Hon. Nicholas Nzioka. Majority Leader.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, that aware that the second session of the Third Assembly commenced on the 14<sup>th</sup> February, 2023; Further aware that pursuant to Standing Order 25(5)(1) the Assembly approved an Assembly calendar on 14<sup>th</sup> March, 2023 and altered it on the 15<sup>th</sup> March, 26<sup>th</sup> April and 13<sup>th</sup> June, 2023 through House resolutions; Acknowledging that Standing Order 25(4) provides that despite the adjournment date as scheduled in the approved Assembly calendar the Assembly may by resolution alter its calendar on the adjournment date; Hon. Speaker, I wish to move the Motion that Pursuant to Standing Order 25(4) the Assembly resolves to adjourn the afternoon sitting of today 11<sup>th</sup> October, 2023 to allow Members to conduct site visit.

I call Hon. Loyd to second.

**Hon. Loyd Mutua** (Nominated, M CCP) seconded.

**Hon. Deputy Speaker:** Thank you, Hon. Majority Leader and Hon. Loyd.

*(Question proposed)*

I now invite Members to debate the Motion.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Thank you, Hon. Speaker. Hon. Majority Leader I would not wish to contradict you. However much Hon. Speaker we want to proceed for site visits, we are adjourning for the obvious reasons known by these Members. Kindly I think it is the high time, site visits are known that we do them on Thursdays and Fridays. As a Member of the House Business Committee not to contradict myself or the Majority Leader is that the obvious reason we have nothing to transact in the afternoon. So this needs to be taken note of by Hon. Members---

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

**Hon. Deputy Speaker:** Point of information?



**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Mr. Speaker. We had business for this afternoon but the committee of finance asked for deferment. So actually we had business in the afternoon where it not for the deferment we still be here in the afternoon. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Majority Leader. Hon. Peter Kilonzo.

**Hon. Peter Kilonzo** (Mbiuni, UDA): Thank you so much, Mr. Speaker. I support the motion of adjournment. I am a farmer and immediately from the House Hon. Speaker I am going to prepare my land. It has always been said and it is in the judicial notice that we are preparing for El Nino and Hon. Speaker I want to be a farmer number one. Therefore, I support the Motion to adjourn so that I may go and prepare my land as I come next time to the Assembly then I will be good to proceed. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Hon. Brian.

**Hon. Brian Kisila** (Makutano/Mwala): That was a good one from Mheshimiwa. I stand here to support the Motion on the basis that first of all the rains are coming. Us who are elected, the Governor has actually given us each Ward two dams. Most of the work has commenced actually yesterday in almost all the Wards. It is important that we go supervise and also see what is happening so that as Mheshimiwa has put before the rains come we harvest water. We must say this is a very major step by the County Government for at least to do 80 dams in the entire County.

That is a major step and we must commend the Governor for that initiative. I think this is the best time every Member goes and ensures that quality of work is achieved to the maximum. We still have about two weeks to the rains and if each Member goes to their Ward and properly supervises the work which is being done we will have quality dams and when the rains come we will have very good dams which will hold enough water. I support. thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Brian. I now invite the mover to reply.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Mr. Speaker. I want to thank the Hon. Members for supporting the Motion since we will be visiting our various Wards to check on the construction of the dams that will come in handy to assist young farmers like Mheshimiwa Peter Kilonzo. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Majority Leader.

*(Question put and agreed to.)*

## ADJOURNMENT

**Hon. Deputy Speaker:** The House adjourns to Tuesday, 17<sup>th</sup> October, 2023 at 10.00 a.m. Thank you.

The House rose at 12.55 p.m.

