

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 6th August, 2024

The House met at 11.09 a.m.

[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]

PRAYERS

PETITION

DISPUTED LAND LR. 26699/27 BY SABAKI RESIDENTS ASSOCIATION

Hon. Speaker: There is a Petition before me and I want to take Members through the same. Hon. Members, the office of the Clerk of the County Assembly is in receipt of a Petition from Sabaki Residents Association. The Petition is dated 28th May, 2024 and was received on 3rd June, 2024. The petitioners are residents of Machakos County and their Petition relates to the dispute affecting a parcel of land LR. 26699/27, Sabaki area in Athi River Ward, Mavoko Sub-County.

Hon. Members, the petitioners raised the following grievances:

- (i) Development of a part development plan for LR. 26699/27. The residents complained that they noted a newspaper advertisement dated 3rd May, 2024 made by the County Executive Committee Member (CECM) for Lands, Housing Urban Development and Energy, Hon. Nathaniel Nganga purporting to have developed a Part Development Plan (PDP) for an undeclared public utility plot LR. 26699/27.
- (ii) Short Notice Meeting. The meeting called by the CECM on 7th May 2024 via Notice dated 6th May, 2024 was too short and given during odd hours and this was a deliberate move by the CECM to overlook public participation for the residents.
- (iii) Assignment of the wrong land use. The proposed PDP is for a utility plot set aside for a community centre and not a market as proposed by the CECM.
- (iv) Denying the residents the rightful social amenities. This unlawful change of user of public utility plots will deny their children public schools, social amenities and facilities, health services, police and administrative services.

Hon. Members, the petitioners' prayers to the County Assembly are that the Assembly:

- (1) Deals with this Petition immediately considering the urgency of the matter in question and the likely loss of public land if no action is taken as a priority.
- (2) Investigates the matter and stops the CECM from interfering with public utility land within Sabaki Estate without consulting the residents.
- (3) Assist the residents of Sabaki Estate to preserve the public utility plots in having them used for their intended purposes.

- (4) Assists Sabaki Residents Associations in reclaiming any other plots that may have been illegally allocated, appropriated, occupied, developed, transferred or grabbed.
- (5) Calls for the County Executive to undertake comprehensive, meaningful and all-inclusive public participation in all matters relating to public Land:
- (6) Impresses upon the County Executive, particularly the CECM for Lands, Housing Urban Development and Energy to exercise executive power in accordance with the law by ensuring transparency, openness, accountability and proper use of public office in the administration of public land.
- (7) Requires the County Executive to work with Sabaki Residents Association to identify, consolidate, document, title, safeguard and protect all public utility land within Sabaki Estate to be utilized for the intended purposes.
- (8) Audits all developed plans within the County to ensure that they have been done legally and procedurally; they meet the people's needs are coherent and in line with progressive development plans and aspiration and take any remedial measures.
- (9) Takes step to safeguard all public land within Machakos County.

Hon. Members, Standing Order 200 of the County Assembly of Machakos Standing Orders provides that the Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed 30 minutes.

Further, Standing Order 201(1) provides that every Petition presented or reported pursuant to this part, shall stand committed to the relevant Sectoral committee. In this regard, this petition is committed to committee on Lands and Energy committee. The committee has sixty calendar days to consider and table a report on the Petition to this House pursuant to Standing Order 201(2). Thank you, Hon. Members. From what I have read, this House can be allowed some minutes to comment on this Petition if it is necessary. Hon. Ndeti and then Hon. Douglas; in that order.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker. I stand here to comment on the just read Petition by residents of Sabaki. I think this is a trend that seems to be happening because even in Mua ward where I come from, there is a Petition that I do not know whether it has arrived or it is on the way. I think as an Assembly we must look into this matter and make a conclusive decision so that even in future this does not happen again. Thank you.

Hon. Speaker: Thank you, Hon. Ndeti. Hon. Douglas then Hon. Mulinge.

Hon. Douglas Musyoka (Masii, MCCP): Thank you, Madam Speaker. I wish to comment on the Petition, one being an interested party in Sabaki area of Mlolongo ward. Madam Speaker, we have a problem as a County Government because if someone can wake up one day and when you look at the diversity and even the population around Sabaki area, instead of putting up public utilities like schools, hospitals, ECDE centres, someone is thinking of subdividing the land and commercializing it into a market place. I do not know which world we are in this time round.

Madam Speaker, around the said parcel of land, we have two; I do not know the right term to use, two suburbs around the same place. In the entire Mlolongo ward, we only have one

public primary school which is Mlolongo primary school and definitely it is so much populated. So---

Hon. Speaker: Point of information taken.

Hon. Dominic Maitha (Muthwani, WDM-K): I wish to inform the Hon. Member that in Mlolongo we have two public primary schools; that is Mlolongo primary and Ng'wata primary school. Thank you, Madam Speaker.

Hon. Speaker: Thank you.

Hon. Douglas Musyoka (Masii, MCCP): I am well-informed Madam Speaker but I was specifically narrowing down around Mlolongo area. All the way from Syokimau to Athi river, that is around the interchange and the Sabaki area, the area is so much diverse, overpopulated and we do not have any public facility in the same area so on my submission, I think it is high time this Assembly stood with the people of Sabaki and protected the same parcel of land from interested parties who may in other way wish to subdivide it to a market place.

The other thing is I happen even to come across the notice of the same purported public participation meeting and as it is clearly indicated in the Petition by the residents of Sabaki, it was just through a WhatsApp message around midnight and the following day when we the residents of Sabaki to go to the meeting, we were told the meeting happened between 7 and 8 o'clock in the morning and it was over. Then we asked ourselves; who then attended the meeting? It was just like a way of trying to formalize that we had a public participation, members agreed, there was a Gazette Notice, so everybody is aware and then even before the residents were aware, we found out that the same land has already been subdivided and sold. So as an Assembly, I really urge through your able leadership that we stand and protect the people of Sabaki. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Douglas. Those are very important sentiments and we need to take them seriously; the committee is listening. Hon. Mulinge, Hon. Maitha then Hon. Constance; in that order.

Hon. Joseph Mulinge (Muvuti/Kiima Kimwe, MCCP): Thank you, Madam Speaker. I have tried to ventilate on the Petition but I am going to do little because the information we are getting from the petitioners is talking about Sabaki residents but he has not told us how many members or how many residents of Sabaki. The reason why I am saying this is he is saying the CECM in charge had a public participation and on that public participation they were given notices, may it be through messages and he has not indicated how many members of Sabaki residents attended the public participation.

Assuming when the notice was given, may it be the time was short or members of Sabaki attended public participation and agreed, they were shown the importance of changing the use of land. Change use of land is normal; it is being done even in other areas and there are good reasons that can inform the County Government to change the use of a place. Giving and example in ward Muvuti/Kiima Kimwe, we have a very contentious area Mitheu area. Earlier on, people of Muvuti Kiima Kimwe were doing farming and the assumption which is there of which it is true, that was land for people of Muvuti/Kiima Kimwe but because of the interest of the

Government and the importance of developing Machakos County, the area was changed and right now it the area where we have white House, County Government offices and again it is the area where we are developing agri-centre. Those are the benefits of change of the use of the area.

So, I am saying this; there is change. Innovation skills where by Gen Zs are saying we need empowerment and changing the use of the area, I am very sure the department concerned did enough research. How many schools are within that area, what is the catchment of the schools and again bearing in mind most people of Sabaki area are people who have purchased the land from that area and because the area of concern is within a commercial place, so changing the use may be the intention of the department is to increase more opportunities, more benefits of the residents of Sabaki area.

So I support the Petition but we are lacking a lot of information so the moment the Petition goes to the committee and they get time to hear from the respondents on why they had to take that initiative because what I have seen from the Petition and the standing point here is the period they were given, the period they were given for public participation from 3rd of July, then the meeting took place on 7th and that is the only query. Changing the use with proper reasons and public participation is not a big deal. Thank you, Madam Speaker.

Hon. Speaker: I want to correct you Hon. Mulinge that it is a big deal. The reason why it is a big deal and the reason is before any change of use can be done, the PDP must come before this Assembly for approval so that we can know whether the change of use is going to benefit the Members of the community that is affected. That is one thing personally I have noted that from this Petition they overlooked to talk about PDP. The PDP that is mentioned here having been advertised is not a PDP that passed to the Assembly to the best of my knowledge because I remember the PDPs that we passed recently none of it had been part of this.

So, I believe that is one area that Members of that committee should be able to pick and analyze and check whether that happened because we have given that work to a committee to deal with. I am sure those are some of the areas that the committee will be looking at.

Other reasons that Hon. Mulinge you have alluded to is that the committee should also find out how many people attended that public participation in their work and also they also should find out why this meeting was hurriedly called and determined if at all there was a meeting. How many schools are in that area, why this change of use was done and so those are the reasons and grounds under which this committee is going to investigate this matter and many others that will come out of this discussion and from the Petition itself.

Some of the things we are saying we do not have enough information could be contained in the Petition itself and I believe when the committee concerned that I have committed the matter to will look at it will find some of these things perhaps. Hon. Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. I want to take this opportunity once again to welcome my fellow Hon. Members and yourself to this Assembly after about three weeks recess. Madam Speaker, if you allow me, I would wish to say that slightly differ with the Hon. Member who has just contributed to this issue because actually his contribution towards this matter is an anticipation of debate. He is either supposed to support or oppose this report because the petitioners have a right irrespective of whether is one or 1,000 so they have a constitutional right to petition this Assembly regarding a certain matter and the

matters under which the petitioners have outlined are well illustrated on what you have just read, Madam Speaker.

So it will be in order for the Hon. Member to wait for the committee to expedite the matters that have been raised here and on the very day when the report actually our Standing Orders are very clear, 60 days from today actually it does not even need to be reminded, he just need to count from today 60 days and follow all proceedings on the official wall and know when the report shall be tabled on the floor of this House so that we can come and raise those issues but legally and constitutionally the petitioner is quite right. It does not matter whether it is one or 10, he or she has a right to be heard.

Madam Speaker, the appetite and I have said it before here, for public utilities is becoming quite wanting and especially in Machakos County and if we do not move with speed and protect public utility land we are going to lose this County to cartels, people who do not care, bother and Madam Speaker, this takes us just straight to what is happening within the precincts or adjacent parcels of land within the Assembly.

Madam Speaker, we are even discussing this House is in discussion over Assembly land that is public utility that has already been grabbed by the same government. If the same government can do this to a senior government entity like the Assembly, how do we expect them to protect other public utilities outside there? That takes us straight to why I can say why the CECM lands went ahead and proposed a subdivision for a public utility in Sabaki that is denying the residents of Sabaki their right to administer any public utility that has been allocated in that session. Madam Speaker, it should be in public domain that any public utility facility that has been set aside anywhere as per the law, because the law says any subdivision above five acres should give 10 percent to the residents for public utility matters.

So anything that has been submitted and set aside as a public utility, remains to be a property of the residents within that area and they have the full constitutional right and mandate to decide what they do with the public utility. So, Madam Speaker, we need to move with speed and expedite this matter on a very serious note. Currently, there are so many public utilities in Machakos County that are being grabbed by individuals who are very well-connected either to government officials or to the lands department, Madam Speaker. So it is on this note that I do not want to talk so much on this but we need to take this matter seriously. I am very sure the Hon. Members here can attest that there are one or two public utilities in their wards that are under the threat of being taken by private developers, Madam Speaker.

It is on this note Madam Speaker, that this House and I thank God the petitioner on the last prayer, they have said that the County Government takes step to safe guard all public land within Machakos County. I can assure Madam Speaker, as a Member of this committee whatever recommendation we will bring to this House I want to plead with this Hon. Members that they support this report. I want to give an example. Take a practical example today that this Assembly is sited on a public utility. All the government agencies within Machakos County as a government are sitting on public utility land. All the primary and secondary schools and institutions in Machakos town and especially Machakos Central ward are sitting on public utility land.

Where we come from, the primary, secondary schools and universities that we attended all those are public utility land set aside for that purpose. Madam Speaker, imagine if we continue with the trend that we have today, what is the fate of our generation. This matter has to be expedited with a lot of seriousness, Madam Speaker. I ask that this Hon. Members that once the report is tabled in this House, they take it necessary and any Member in this Assembly that

knows any public utility that has been grabbed, they should make sure that they pursue it in totality, encourage the affected person to bring more Petitions so that we can expedite this matter once and for all. I support this petition, Madam Speaker. Thank you.

Hon. Speaker: Thank you, Hon. Maitha and I am happy that you are in that committee that is concerned. I request Members in that committee to make sure that you do not spend more time beyond 60 days. You have been given 60 days if you can even bring this report earlier than that the better so that we can expedite on it. Hon. Mbula, Hon. Ndwiki and Hon. Muoki; in that order.

Hon. Constance Mbula (Nominated, MCCC): Thank you, Hon. Speaker. Hon. Speaker, I want to say matter land is very sensitive and it is not something that should just be done in one night's meeting. Hon. Speaker, I have been in the Machakos Land Board for the last 10 years, I just left and I have never seen, unless somebody is a very experienced thief on land matters, I have never seen transactions that take place in one meeting and headed by a government official. Hon. Speaker, there is a change of use which must take place before anything else is done to that land and if it wants to change hands the community has to be called.

Hon. Speaker, I will give you an example of a County in Kenya where the head of that County went ahead against public and put up a maternity hospital, a very huge one using public money but within three years after it was done no woman was pregnant and no woman gave birth in there. Meaning, he never consulted he did what he wanted to do. So it is just absurd if somebody or an officer in this County can wake up and decide we are going to do this and that on that land. It is wrong, Madam Speaker.

I am a Member of this lands committee and I will stand firm if it is true it changed hands then where are the documents. Did the land board sign on that change of use? If it went through properly and people agreed then we have nothing to do, Madam Speaker, as a government because we cannot work against government. If you are in government you must know what you are doing in that same government. So I support that and as lands committee, we must be thorough and check on what is happening.

Not only that one but in Machakos County, you find most of the places have no schools. I am so sorry to say that the other day I saw on TV children from Turkana are learning from under the trees and you wonder there is an MP, an MCA and the government but why do they overlook these things? What generation are we bringing up? If my child is in a private school and somebody's child is learning under a tree, what are we doing as a government? I thought in the first place we must all play equal to this government and to everybody in this Machakos County and in Kenya. Thank you, Hon. Speaker and I support.

Hon. Speaker: Thank you very much, Hon. Mbula. This is very important and I want to confirm that Hon. Maitha also spoke about it. Members here know that there is some land in their wards that is being grabbed and they should bring it forward and advise the concerned residents to bring the Petitions so that we can safe guard our land. Thank you. Hon. Ndwiki proceed.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Madam Speaker. I am the Chair of the Lands Committee. I want to support this Petition because Madam Speaker, we have had problems on matters of public land especially in the place I come from in Mlolongo.

For instance, Madam Speaker, in Mlolongo we lack a lot of facilities that is for the benefit of the common wananchi but we cannot access them because of lack of public land, Madam Speaker. Sometimes back the President was in that area and promised to support and work in conjunction with the County Government of Machakos and to have a Level IV hospital in Mlolongo.

Madam Speaker, as we stand the project has become a nightmare because of lack of a piece of land to construct that hospital, Madam Speaker. We also have youths who lack playing grounds and fields and that is why we have a lot of drug abuse in that area because the youth cannot have a place to go and play and exercise their rights. So the issue of land grabbing in Mavoko is an issue that has posed negative impact to the Members of the community and it is the high time as this Assembly we stand with the people of Machakos and Mavoko so as to secure all public land.

Madam Speaker, I support this Petition not only we go ahead with this piece of land alone and also we investigate other pieces of land that have been used by private developers. There is that trend especially in Mavoko where you find land was set aside for public school but a private developer comes and constructs a private school. That has happened in Sabaki, Syokimau and most parts of Machakos, Madam Speaker. So it is high time as the County Government of Machakos because we know land issues are devolved, the County Government of Machakos should go ahead and identify all public lands and secure them for the benefit of wananchi, Madam Speaker.

So I promise as the Chair we will work on that report and we will investigate every bit of it and bring a comprehensive report on this matter and recommend on the same and maybe other related matters that may lead to the loss of public land in that area. I urge this Assembly to stand with this committee and to stand with the government and people of Machakos to secure all the grabbed land for the purpose making wananchi access their land. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

Hon. Muoki wa Musila (Ndithini, WDM-K): Thank you, Madam Speaker. Matters land, how emotional they are to an individual and to the County or even the National Government. Madam Speaker, my attention is drawn to prayer No. 9 in the Petition where Sabaki residents are asking if the County Government can take steps into securing the lands belonging to the County in the whole of the County of Machakos. Which I totally support and that is the way to go. I want to support my argument by saying I, where I come from our land is a land buying company.

Three or so weeks ago, I and the board of management of the land, I picked all the public lands. I was given a letter brought it to the lands department in view of getting titles in the names of either the National Government or the County Government of Machakos depending on the land use. For example, if it is a primary school that land belongs to the National Government, ministry of education. The devolved units belong to the Machakos County Government.

To date I have not been told anything about it. I have been following the same thing but not to any avail. Sometimes last year, Madam Speaker, if you remember, we were given a sub-county where we are doing Machakos County Government offices because we are aspiring to having Ndithini Sub-County. We were given by Kangundo farming and ranching company which again is a land buying company; they gave us 10 acres but our County Government did not cite the very headquarters on that piece of land. They went ahead to sight the headquarters in a scheme where we do not have a title, we do not know how it will be tomorrow yet the Kangundo farming and ranching company had given us 10 acres of land to do the same.

What I am trying to drive at is, by the time this land is being grabbed by whoever it is grabbing there is some laxity at some point in the County Government because land function has been devolved and if it taking so long to be titled, it means it is laxity within our departments. Not long ago again, I remember they employed more surveyors because this was the issue that we cannot get this because we do not have surveyors and the like. Now, they have already employed more. I expected that by now I should be having the titles for these pieces of land because like Mwea farmers the letter I am talking about, I brought pieces of land in excess of 60 pieces of land in different points because the land is big we have schools, we have markets, we have fishing point and other different functions but all these have not been done.

What I am trying to say is there is laxity somewhere and that is why it happening so. If it will happen in the diaspora ward which is far flung from the epicenter of development in Sabaki in Syokimau, really in Syokimau or Sabaki it will be like hot cake those plots going because people are always eyeing these particular plots to grab for their own personal use. I am trying to say, please, the County Government of Machakos, let us take issues seriously let us get these parcels, let that one belong to us as County Government be titled in the respective names and the ones that are belonging to the National Government be titled as well as first as it could be so that we can safeguard such lands from grabbing. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Muoki. Hon. Mutie. Then we conclude this matter.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you, Madam Speaker. I would like to give my comments on the subject that we are discussing today and the issues that are raised by the petitioners are pertinent and of great importance to them and to us as their representatives and the reason as to why they came to the Assembly is because they had the faith that the Assembly can listen to them and it is within our mandate to evaluate the Petition and to evaluate the actions that preceded the Petition and give a fair determination.

I do take, with a lot of respect comments made by my neighbor the Hon. Mulinge with regard to change of use of land but it is important also to note that in this era and in this new dispensation of Constitution 2010, you do not tell the people what you are going to do for them; you ask the people what they want you to do for them. It is important to note that the CECM for lands seems to be in an escape mode avoiding engaging the public. That is why if you look at item No. 1, the petitioners do indicate that they saw on a newspaper an advertisement made by the CECM lands purporting to have developed a part development plan for an undeclared public utility.

Madam Speaker, even before preparing the PDP plan, public participation must have taken place. They continue to say that on the 6th of May, there was a meeting called on the 7th of May through a notice on the 6th of May that was short and given during odd hours. Hon. Speaker, the question that we need to ask is on the authority of the CECM lands to change the use of public utilities. That is the first question we must address ourselves because there seems to be a one-man show in this activity where the CECM advertises the part development plan, he also calls for the meeting and the people have a right to question why is the land being commercialized.

It was intended for a school. It was intended for educational purposes. Now it is being changed to a market. In fact, I had thought it is being converted perhaps to build an open air market but little did I know it is intended for subdivision to be allocated to individuals. Hon.

Speaker, it is my conviction that when it comes to the interest of individuals against the interest of the public, the interest of the public must supersede.

It is also important to note from the same that before you tell the people that you want to do a market, before you suggest that you want to do a market you would have asked them that we had intended to have an educational center in this area so is that need still there? If they say the need is still there then we go by that. But looking at it and without preempting the actions the committee will take, we need to rise up and exercise the authority given to the Assembly without prejudice, without undermining the existing arms of government but it is also important to call our colleagues on the other side to order that public land does not belong to the Executive. Public lands belong to the public.

The land that is in dispute belongs to the people of Sabaki. Recently we have a case when we were discussing last week at the Lands and Urban Development Committee that a development is coming up on a parcel of land that belongs to the County Assembly. The arguments been fronted do not seem to hold water simply because the Chief Officer said go and build that structure did not stop them from doing due diligence to first understand where and who owns that parcel of land.

Not every parcel of land should be left for determination to a single person. It is important that our committee of lands which I sit in; the new shake up Hon. Speaker I found myself in the Committee of Lands and I will also in my knowledge and understanding on matters of land and I hope the Committee will not chase me away and send me to another Committee but it is important that we do that which is---

Hon. Speaker: We understand Hon. Member that it is normal to change guard. Take it normal.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Madam Speaker, everybody was quiet so I wanted everybody to psyche up. It has nothing to do with new arrangement. What I am saying is that we will be there to listen and determine and I will urge the Assembly that support us in whatever outcome because it is for the good of the people. I support the Petition and we will be waiting for it on the other side. Thank you.

Hon. Speaker: Thank you very much, Hon. Member. Those are very important comments. I feel that we have ventilated enough on this matter we can move to another matter. Next order.

PAPERS LAID VARIOUS PAPERS

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker---

Hon. Speaker: It is alright. I wish to invite Hon. Dominic Maitha who I believe is holding brief for Hon. Nicholas Nzioka to come forward and lay the Papers.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker and sorry for that mix up. Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today, Tuesday 6th August, 2024:

- (i) The fourth quarter financial statements for 2023/2024 for the following hospitals;

- i. Machakos Level 5 Hospital
 - ii. Matuu Level 4 Hospital
 - iii. Kangundo Level 4 Hospital
 - iv. Mwala Level 4 Hospital
 - v. Kathiani Level 4 Hospital
 - vi. Kalama Level 4 Hospital
 - vii. Mutituni Level 4 Hospital
 - viii. Masinga Level 4 Hospital
 - ix. Kimiti Level 4 Hospital
 - x. Ndithini Level 4 Hospital
 - xi. Athi River Level 4 Hospital
- (ii) The fourth quarter financial statements for 2023/2024 for the following
- i. Machakos County Executive
 - ii. Machakos County Receiver of Revenue
 - iii. Machakos County Revenue Fund
 - iv. Machakos County Climate Change
 - v. Machakos County Bursary Fund
 - vi. Machakos Executive Car Loan and Mortgage Fund
- (iii) The Departmental performance report for 2023/2024 for the Department of Livestock and Fisheries Development.
- (iv) The fourth quarter report for 2023/2024 for the Department of Youth and Sports.

Thank you, Madam Speaker, I wish to lay those Papers.

Hon. Speaker: Thank you, Hon. Member. The Papers are committed as follows from No. 19(i) to (xi) are committed to Health and Emergency Services Committee. (II)(i) to (iv) are committed to the Finance and Revenue Collection Committee. No. (v) Machakos County Climate Change Committed to environment and natural resources Committee (vi) which is Machakos County Bursary Fund Committed to Education Committee.

III the Departmental performance Report for 2023/2024 for the Department of Livestock and Fisheries Development to be committed to the agriculture Committee. IV the fourth quarter report for the FY 2023/2024 for the Department of Youth and Sports to be committed to the Social Welfare and Sports Committee.

Thank you, we have (b) of it and I wish to welcome Hon. Benjamin Kinyungu to come and lay down that Paper. Hon. Kinyungu please it is your turn.

4TH EDITION OF CASA AND EALASCA GAMES, 2023

Hon. Benjamin Kyule (Lower Kaewa, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Paper on the Table of the Assembly today, Tuesday, 6th August, 2024; the Report of Social Welfare and Sports Committee on the 4th Edition of CASA and EALASCA games, 2023. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member.

(The Papers were laid on the Table)

Next order.

NOTICE OF MOTION

4TH EDITION OF CASA AND EALASCA GAMES, 2023

Hon. Speaker: May I invite Hon. Benjamin Kinyungu Chairperson Social Welfare and Sports Committee to come forward and give a notice of Motion.

Hon. Benjamin Kyule (Lower Kaewa, WDM-K): Thank you, Madam Speaker. Hon. Speaker, pursuant to Standing Order 190(5), I wish to give notice of Motion that this Assembly adopts the Report of Social Welfare and Sports Committee on the 4th Edition of CASA and EALASCA games, 2023 tabled in the Assembly on 6th August, 2024. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. Next order.

STATEMENT

BUSINESS FOR THE HOUSE FROM 6TH TO 13TH AUGUST, 2024

Hon. Speaker: May I invite Hon. Maitha to come forward to give that Statement on behalf of Hon. Nicholas Nzioka.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. I am a Member of the House Business Committee holding brief for the Majority Leader. Hon. Speaker, the House Business Committee met on 5th August, 2024 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, 6th August, 2024

Morning at 10.00 a.m.

- (a) Petition by Sabaki Residents Association Objection to the Proposed Part Development Plan for LR. 26699/27 Mavoko Municipality, Sabaki Athi River by Hon. Anne Kiusya, Speaker of the Machakos County Assembly
- (b) Response to a statement sought on matters relating to hawking within Machakos CBD by Hon. Jeremiah Kaloi; Chairperson, Trade, Economic Planning and Industrialization Committee.
- (c) Report of Health and Emergency Services Committee on Budget Implementation for the Department of Health for the first and second quarters of the FY 2023/2024 by Hon. Vincent Mutie; Chairperson, Health and Emergency Services Committee
- (d) Motion on Alteration of Assembly Calendar and Adjournment of the House by Majority Leader whom I am holding brief for.

Tuesday, 13th August, 2024

Morning at 10.00 a.m.

- (a) Response to a statement by Hon. Francis Kavyu on what the County Government is doing on floods affected areas in Kinanie Ward by Hon.

Fredrick Kitetu, Chairperson, Committee on Environment and Natural Resources Committee

- (b) Report on consideration of Machakos County Public Markets and stalls Regulations, 2023 by Hon. Francis Kavyu, Chairperson, Committee on County Delegated legislation.

Thank you, Madam Speaker.

STATEMENT REPLY HAWKING WITHIN MACHAKOS CBD

Hon. Speaker: Thank you, Hon. Maitha. Response on a statement on hawking within Machakos CBD had been requested by Hon. Nicholas Nzioka who is not present. It is within our Standing Orders that when a Member who requested a Statement is not present the statement is deferred back to the House Business Committee for the purposes of balloting. Thank you, Members.

(Statement Reply deferred)

MOTIONS BUDGET IMPLEMENTATION FOR THE DEPARTMENT OF HEALTH FOR THE FIRST AND SECOND QUARTERS OF 2023/2024

Hon. Speaker: May I invite Hon. Vincent Mutie Chairperson, Health and Emergency Services Committee to come forward and present that Motion?

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you, Hon. Speaker. I am the Chairperson Health and Emergency Services Committee. Hon. Speaker, pursuant to Standing Order 190(5), I wish to move the motion that this Assembly adopts the Report of Health and Emergency Services Committee on Budget Implementation for the Department of Health for the first and second quarters of 2023/2024 as laid on the Table of the House on Tuesday, 25th June, 2024. Hon. Speaker, I will call the Hon. Catherine Kyee who is the member of my Committee to second the Motion.

Hon. Speaker: Thank you, Hon. Member. Hon. Kyee please.

Hon. Catherine Kyee (Nominated, WDM-K): Thank you, Madam Speaker. I am a member of Health and Emergency Services Committee so I second.

Hon. Speaker. Thank you.

(Question proposed)

Before I invite Members to debate this matter, I would like to call upon the mover to tell us whether he would like us to proceed with this matter today considering the weight of it.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you, Hon. Speaker. I would like to propose to the House and the Speaker that since we seem to be behind time and I did not

hear anybody move a Motion on extension of time and it is now past the time that Motion should have been given. Secondly, also we are talking about a department that is consuming close to 40 per cent of the budget of the County Government. It will not be prudent to rush over this report whereas it is affecting nearly all the Wards that are represented in this Assembly so I would seek that we defer the discussion of this report to a further date as the Speaker might guide so that all Members can take part and also try understand the content of the report. I thank you.

Hon. Speaker: Thank you, Hon. Member. I wish to guide that this being a weighty matter referring to first and second quarter of financial year 2023/2024, we need adequate time and involvement of many Members of the House if not all Members to debate and discuss this matter. The request to defer the same is granted. Thank you, Hon. Members.

(Motion deferred)

Next order.

ALTERATION OF THE CALENDAR AND ADJOURNMENT OF THE HOUSE

Hon. Speaker: May I invite Hon. Dominic Maitha on behalf of Nicholas Nzioka to come forward and move the Motion before us.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. I am holding brief for the Majority Leader and a member of the House Business Committee. Hon. Speaker, I wish to move the Motion that, notwithstanding the resolutions of the Assembly made on 20th February, 2024 on Approval of Assembly Calendar, 21st February, 15th May, 18th June and 9th July, 2024 on alternation of the Calendar and pursuant to Standing Orders 25(4) and 27(3)(c), the Assembly resolves that the Calendar (Regular Sessions) for the Third Session of the Third Assembly be altered to adjourn its sittings from today, Tuesday, 6th August, 2024 after the morning sitting and resume its regular sittings on Tuesday, 13th August, 2024 at 10.00 a.m. and that the Assembly Calendar Regular Sessions for the Third Session be altered accordingly. I wish to call Hon. Constance Mbula to second my Motion.

Hon. Speaker: Thank you, Hon. Mbula.

Hon. Constance Mbula (Nominated, M CCP) seconded.

Hon. Speaker: Thank you, Hon. Mbula.

(Question proposed)

I now invite Members to debate this Motion. It is your turn Members. Hon. Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. So that Members may be worried the reason as to why we are adjourning today is that I wish to inform this House that quite a number of Hon. Members have travelled to various commitments and functions in the Assembly including the ongoing games. Members present today whom I really

want to appreciate for committing to come are supposed to be travelling to attend various sessions that are happening out of the Assembly especially sports.

That is what has precipitated Madam Speaker to adjourn this House for the next sitting that is afternoon and tomorrow and then resume back next week. I wish to put it to the awareness of Members that is the reason why we have proposed that adjournment, Madam Speaker. Without much ado Madam Speaker, I wish to propose that you put the question and we proceed to the next matter.

Hon. Speaker: Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House adjourns to Tuesday, 13th August, 2024 at 10.00 a.m. in the. See you then Members.

The House rose at 12.15 p.m.