

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

2ND ASSEMBLY- 2ND SESSION

OFFICIAL REPORT

Wednesday 21st February 2018

The Assembly met at the Assembly Chamber at 2.30 pm.

[Hon. Speaker [Ndegwa Wahome] in the Chair]

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(There is quorum as confirmed by the Clerk-at-the-Table)

Speaker: Hon. Members, quorum having been recognized we can proceed with the business of the sitting. First order!

NOTICE OF MOTION

IMPLEMENTATION OF NYANDARUA COUNTY BURSARY FUND ACT AND AMENDMENT ACT,
2014

Very well, I understand that the notice is going to be given by the member for Githioro and the chairperson, Committee on Education, Hon. Sambigi Mukuriah.

Hon. Sambigi Mukuriah: Thank you Mr Speaker, I beg to give notice of the following motion:

Aware that this House enacted the Nyandarua County Bursary Act, 2014 and subsequently Nyandarua County Bursary Amendment Act 2014 which required recruitment of Ward Bursary Committee Members by the County Public Service Board; Further aware that that Act provides for a cushion for bright and needy students, which mandates the County Government to provide them with bursaries for ease of access to education, which is a fundamental social right, enshrined under article 43 of the Constitution of Kenya 2010;

Noting that the Nyandarua County Government has in the previous financial years allocated funds for the issuance of bursaries to the bright and needy students through Ward Bursary Committee though they were not constituted as per the law thereof.

Concerned that the Ward Bursary Allocation Committee as envisioned by the Act and mandated to the inter alia allocate bursaries have not been accordingly constituted pursuant to that Act; Now therefore, this House does resolve,

1. That the County Executive Committee Member for Education, Gender Affairs, Culture and Social Services and the Nyandarua County Public Service Board do within thirty (30) days constitute the Ward Bursary Allocation Committee in accordance with the Nyandarua County Bursary Fund (Amendment) Act 2014 and
2. That pursuant to section 11 (4) of the Nyandarua County Bursary Fund Act, 2014 the County Executive Committee Member for Education, Gender Affairs, Culture And Social Services does make regulations for the better implementation of the Nyandarua County Bursary Fund (Amendment) Act, 2014.

Thank you Mr Speaker sir.

Speaker: The notice is duly given and directions will be given on when the same shall be moved.

Next order.

(Resumption of business)

MOTIONS

1. AUDITED FINANCIAL STATEMENTS OF THE COUNTY GOVERNMENT OF NYANDARUA

The member who was on the floor when the business was interrupted was the member for Kaimbaga, Hon. Gabriel Gathure Wambui.

Hon. Gathure Wambui: Mr Speaker I made part of my contribution but I want to give a summary and we all agreed that the report by the PIC/PAC had errors, but the format and the style of the report was at its best. There is something that caught my eyes, the way they captured the queries, then they gave the management response and finally made the observations and the recommendations.

Mr Speaker, I uphold their recommendation that the accounting officers in the executive should remember that they are not doing private businesses but public. If they are not going to adhere to the PFM regulations and also the international accounting standards, they have no business being in those offices.

I would also recommend that the accounting officers that made these mistakes be investigated by EACC (Ethics and Anti-Corruption Commission). If found culpable they should no longer be public servants in Nyandarua county.

Thank you Mr Speaker, I support.

Speaker: County member from Magumu Hon. Salome Gathoni Kamau.

Hon. Salome Kamau: Thank you Mr Speaker sir, I rise to support the motion. I congratulate the chairperson and the members of PIC/PAC for the job well done. They have done it thoroughly. They have given some committees work to do for instance the Committee on Implementation.

They have also given other good recommendations such as;

- That the County should set aside funds for the construction of the governor's official residence.
- That legitimacy of the Kshs. 490,000 paid as house allowance to the deputy governor should be confirmed with the Council of Governors and SRC by the Office of the County Secretary and the same reported to the Committee.

The Intergovernmental Committee has a job to do on the Kiarutara- Murang'a roads.

I support this report. Thank you Mr Speaker.

Speaker: County member from Kiriita, Hon. Milkah Wanjiru Ndirangu.

Hon. Wanjiru Ndirangu: Thank you Mr Speaker, I rise to support this motion. I first commend the team that did this report. I also appreciate the chair who took a lot of time and energy to explain to us the content of the report. It is a well-done report. Actually, I did not read the report because the mover was explaining very well.

I picked a few things from the report and I was concentrating on the recommendations while still bearing in mind that this is a 2014/ 2015 Audited Report. I concentrated much on the recommendations that they made to the current County Executive. Public accounting is crucial because we are dealing with public money. At the end of the five-year term, we are the ones that will be answerable. They will not see the past regime but us.

As he read the report this morning, I noted that he kept on repeating that there were no documents. That means there were no proper accounting systems. They said that proper accounting must be done to avoid erroneous entries, which might raise audit queries in future. I do not think this will be repeated when this report gets to the relevant people. It is important to adhere to bookkeeping and proper documentation. They should also follow the law. I noted somewhere that section 303 of the Public Finance Management Act was not adhered to.

Mr Speaker I also noted that there are some expenditures that went beyond the budget estimates and others that were budgeted for but payments for them were not made. For instance the statutory deductions, which are budgeted for in the salaries but at the end of the financial year we find that they have not been remitted. This raises many questions.

To me, the report is good and the recommendations are okay. I wish that the current regime would take them seriously so that we avoid such errors and misuse of public funds. If they adhere to this, I am sure we shall have a better Nyandarua, and at the end of the five years term *Wanjiku* will clap for the members for doing a good job.

I support the motion.

Speaker: Member for Karau Hon. Kenn Mukira.

Hon. Kenn Mukira: Thank you Mr Speaker I rise to support the report. I appreciate the House and the able office of the Clerk for being supportive to the committee while doing our duties.

I also want to raise a concern. It was alarming and worrying when we summoned a number of officers to appear before the committee but they had no answers to our questions. They had no information about what they were doing in the offices. Some of them evaded the summons and gave reasons that were not really satisfactory. One said that he had gone to visit an uncle on the day he was supposed to appear. The CECM was not available and sent the chief officer, who upon appearing before the committee said that the information that we needed was with the CECM.

Mr Speaker those officers should know that this House is here to serve people. We are not going to sleep on our job. We are going to work for the community. There is no way you can ask a question on ECDE books that were procured, paid for but they were never delivered. The figures are in the books but there is no delivery of the said items. The procurement procedure was not followed.

I thank the team. This was not an easy task. Most of us did not enjoy the recess. We were doing this. I urge every member to support it. I also give a warning to the new government and the accounting officers, that they should do their work or quit to give that opportunity to another child of Nyandarua who is prepared to serve this county. Misuse of finances meant for the people of Nyandarua will not be entertained by this House. I can see that all the members

are set to see that the Jubilee manifesto, the governor's manifesto and ours is attained. Thank you Mr Speaker.

Speaker: Member for Charagita Hon. Wairimu Njane.

Hon. Wairimu Njane: Thank you Mr Speaker, I rise to support this motion. I commend the committee for the well-elaborated report and the chairperson who moved the motion with passion. Let me say that this was an eye opener to many of us. I am worried if these are the kind of things that happen in the offices that should be doing justice to *Wanjiku*! This is the kind of report you would fear that it goes to the public. It has shown misuse of funds that are supposed to be used for development. When you speak about direct banking and there is no documentation, this is not expected of an accounting officer. It definitely shows that someone is not serious with the work he or she is doing.

As recommended, I hope that the executive will have check and balances so that we do not have a replica of this as the Second Assembly. I want to believe that what we have heard are lessons and we should not let this happen in the Second Assembly.

Thank you Mr Speaker I support.

Speaker: Member for Gathanji, Hon. Ngumo Ngamau.

Hon. Ngumo Ngamau: Thank you Mr Speaker. I rise to support this motion. I do not like it that the chairperson of the committee stood here for about seven hours and he kept us in this House for similar time, I want to be guided by you chair on this and I hope that this scene will never be repeated. I can remember the chairperson of the committee saying that he is giving the county executive sixty days, it is another tall order or will it really happen?

I would support the chairperson of the committee if he summoned those people even if it will be in a committee of the whole House so that we set precedence. I support.

Speaker: Member for Njabini/ Kiburu Hon. James Kiiru Gachomba.

Hon. James Gachomba: Thank you Mr Speaker, I support this motion and I congratulate the committee for the well-documented information on the report by the auditor general. This document is trying to highlight that future expenditures, the Public Finance Management Act, 2012 should be adhered to. In every sector mentioned in this document, law has been violated. That is why a member has said that this is an eye opener in terms of every appropriation of funds to each department. We need to use public resources prudently.

Mr Speaker we wonder how the department of Roads claimed to have paid contractors and there is no accounting of those funds. That amount had never even been appropriated for in that department. They even overspent.

I appreciate the work that Hon. Kieru has done. This is the way to go. All the departments are affected even the County Assembly. They should all follow the due process of the law that is anchored in the Constitution. The government should look at this document so that we do not repeat the same in this regime.

We have heard that in the department of finance some of the documents are not up to date. The committee should have a special audit team that will get into those offices and monitor them on quarterly basis. We need to do this to save *Wanjiku* from misuse of funds in those departments by the senior officers there. I support the motion.

Speaker: Member for Central Hon. David Mwangi Maitai.

Hon. Mwangi Maitai: Thank you Mr Speaker, I rise to support the adoption of the report with its recommendations. First, I thank the chairperson for reading us through the report as we worked on this report and we came up with a good report. I think this is the first report of its kind. I appreciate the secretariat for their input. Much has been said. I ask Hon. Gathure Wambui who has been seeing things from the other side to learn to see the white paper and not the dot on the white paper.

(Hon. Gathure Wambui rises on a point of order)

Speaker: What is it member for Kaimbaga Hon. Gathure Wambui?

Hon. Gathure Wambui: It is wrong for the member for Central to say that I have been seeing the opposite side of things. All I did was to note the errors. It is not wrong for me to see those errors that the committee did not see. I however supported the motion though with reservations.

Speaker: Actually, you are confirming that the member for Central is not on the wrong.

(Laughter)

That you have a special eye, of seeing things that other people are not seeing. Member for Central proceed.

Hon. Mwangi Maitai: Thank you Mr Speaker sir. Many things were identified and many recommendations were made. One was that the executive should adhere to international accounting standards and follow all the accounting guidelines. They should also provide all the required documents when asked to by the auditors. We invited them here and they did not provide all the documents. We may have let them go last time but in future, we shall not.

This being the first report in this House I think that we have set standards. The other committees should borrow from us.

(Hon. Wanjiru Ndirangu rises on a point of order)

Speaker: What is it County Member from Kiriita Hon. Wanjiru Ndirangu?

Hon. Wanjiru Ndirangu: Is it in order for the member to lie to the House that this is the first report yet we moved the budget report the other day?

Speaker: County member from Kiriita and member for Central, you are both out of order. For the member for Central this is not the first report. May be what he meant is that it is the first among equals. On lying, that is why I said that you are out of order, that is unparliamentary. He can only make errors of interpretation. Member for Central proceed.

Hon. Mwangi Maitai: Thank you Mr Speaker sir, we are still learning. The other recommendation we made was that the pending bills should be well recorded at the end of the Financial Year so that when we get to a new one we shall have known the amount of pending bills and hence they shall not be prone to adjustments. We also said that legal actions should be taken against the culprits. They are supposed to report to us within sixty days so that we can see the measures we are going to take. I rest my case and I support the report with its recommendations.

Speaker: Member for Kipipiri Hon. Paul Ngeche.

Hon. Paul Ngeche: Thank you Mr Speaker, I rise to support the motion. I will start appreciating my able chairperson for the way he articulated the issues in the document. He brought every detail to light. That is a special gift. He did it in a very charismatic way. I appreciate the members for being so engaged. At one point, we went through a training so that we could come up with this report.

There are some issues that I need to highlight so that my contribution may be considered. In the report revolves around concepts and policies in accounting and we are playing around them. Somethings in Nyandarua have been done as if Nyandarua is a private entity. We need to march revenue with expenditure. There have been issues of unprofessionalism with the staff of the county and we are not going again to wait and then say that money was stolen or misappropriated. They are aware of international accounting standards as officers. They do not follow those standards and when things get out of hand, they start blame games.

We also found out that they are making material misstatement. They take what is material to be immaterial. This makes the county government to lose millions of money if not billions to cartels. I urge the House to adopt this report and we set good precedence where we shall not only do good reports but also make sure that they are acted on. I rest my case.

Speaker: Member for Wanjohi Hon. Isaac Kung'u.

Hon. Isaac Kung'u: Thank you Mr Speaker, I take this opportunity to commend PIC/PAC under the leadership of Hon. Kieru for a very good report. I agree with you on that. We are not envious; they have just put a standard. This is a good report and we are proud of you.

I want to say that I know that there is a change of guard because this is a report of what happened between 2014 and 2015. This report indicates how the government has been working. This is a report that this assembly needs to take so seriously in terms of following up the resolution's that are going to be made. I have read and the recommendations made are very good. The governor, the deputy governor and the CECMs are new but the greatest number of officers here are the same people that were there that time. This report indicates how things were done for the last five years. The officers have been giving excuses such as devolution is a new system, they did not have enough staff and that they were learning. Mr Speaker, I think it is time that this assembly puts its feet down and act.

There are standard ways of accounting that should be followed but we find a qualified accountant disregarding this. That can only be termed as impunity. Unless we do something now, we shall be using the county resources, interrogate these people as PIC/PAC has done, come up with good reports and nothing is implemented, then this House's authority will be reduced to nothing. It will be taken as a place where mere talks happen. I support the chairperson of this committee. If there is action that should be taken against any officer, it should be done within sixty days. They should know that something will be done and since they are the same officers, they might start undermining the governor soon. They will soon go back to their old ways of doing things unless they become aware that we are playing our role; watching out. They will never hand over documents when asked for and when summoned to the committee, they will never appear or will come and lie, or give contradictory information and confuse us. If the auditor general comes and gets some of these things again and they get out there, we, especially the elected leaders shall be punished. Those audit queries that come as a result of failing to give information and the media captures that, Kshs.100 Million, Kshs. 69 Million misappropriated in Nyandarua County... *Wanjiku* does not know that accountant or the chief officer. She only knows the Governor and the MCAs and she will say that they have misappropriated funds. Unless action is taken against these officers, this will come again and we shall be punished for things that we never did and *Wanjiku* will not receive services yet money has been there.

It is shocking that these people can even change the allocations in the budget without approval by the Assembly. It is also shocking how they use imprest; someone can carry millions of counties money and is not accounting for them. This is a report whose recommendations should be taken seriously. The Committee on Implementation is going to work to see that something will result from this. This will set precedence that people who do wrong things and are not caught at that time, will finally pay for them even if they will be caught later. They might think that this happened in 2014 and we have forgotten about it. This is a report of the County Assembly and therefore it is our work to see to it that they are punished so that those who are trying to the same thing now will know that we shall catch up with them even if it will be in 2022 and will be punished. I support the report.

Speaker: Member for Engineer Hon. Kinyanjui Njatha

Hon. Kinyanjui Njatha: Thank you Mr Speaker, I rise to support the report. I congratulate the chairperson committee on PICPAC for the job well done. I also commend him

for capturing something that concerns the village where I was born and brought up, Mutiini. This report shows that the officers do not have value for our money and they do shoddy jobs. I am in shock because the public knows that that project was done with about Kshs.11 Million. The document here says that it is close to Kshs. 20 Million. It is sad because even with that amount of money used, there is no sustainable water providence in that area. I think it is only close to half of the population there that gets water. As the chairperson of the Committee on Implementation said, something must be done to ensure the people take their jobs seriously. I rest my case.

Speaker: Member for Murungaru, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr Speaker, I rise to support the report by the chairperson, PIC/PAC. I first congratulate them for a job well done. I wish to pick a few issues in the report, that is the issue of overspending and underspending. You will notice that underspending was in development while overspending was mostly in recurrent expenditure. This is dangerous because if the county continues underspending in development projects then it means that services to *Wanjiku* is not delivered as intended or as the way this House passes the development budget. We talked about this issue in the first assembly and we hope that in the second assembly, things will be different. I am however still doubtful about any difference because as we speak, contract works have not been given to the contractors yet we have few months to the closure of the financial year. I think we need to urge the executive to be very careful in planning. If you plan well you cannot fail. We passed the supplementary budget, which came very late and we hope that before the rains come some work will have commenced in the wards. I am sure that some roads have not been inspected so that they can do the BQs (Bill of Quantities). We are hoping that what happened in the first assembly will not happen now. We urge the executive to plan ahead so that we can deliver services to the people that elected us.

Mr Speaker the issue of land rates was well captured and actually, the committee did well by proposing that a policy for collection of land arrears be put in place. If all the land arrears were paid, that would be a lot of money that would go a long way in development of the county. Right now, there are no clear policies on collection of the arrears. There is high subdivision of land which creates parcels that should be registered and land rates paid. If a policy is put in place, a lot of money would be collected not only on land rates but also in other areas that the government collects revenues.

Mechanisms should be put in place so that all the money collected, as the committee recommended, is given to the government. However, you will realize that there are possible loopholes whereby money is collected but it is not given to the government. A case at hand is where this report quotes Kshs.13 million that was banked directly. I do not know what happened but I suppose some people were creating some loopholes so that they could get some money into their own pockets. This is because the people we represent are aware that once they make a deposit in the bank, they are supposed to take that receipt to the county offices so that they are issued with single business permits. If the recommendations are implemented, we will not be having loses.

Mr Speaker, the other issue that caught my eye is on page 83 and it talks about the bills. I remember in the First Assembly, the issue of Mirangine Kiosks was among the first that came to the Committee on Lands, Housing and Physical Planning. We did a report and recommended that the government does prepare a Kiosks Bill to manage the transactions in kiosks because they are very many within this county. I really pushed hard for the Kiosk Bill but the last time I asked about it, I was told that it was taken to Kenya Law Reform and they were not working on them because they had a lot of work and therefore they could finish all the bills that they had been given by the counties. If you look at the amount that was paid for and to be exact they paid Kshs.9 million for bills, it is as though an avenue had been created to siphon money from

the government to these firms. We hope, since we still need such bills as the Kiosk Bill, the present regime will bring this bill because I will make a follow up on it in order that we have a document that will regulate planning, sale, transfer and also allocation of kiosks because they are very many in this county.

Finally, Mr Speaker, about the recommendations of this report, it is a good report but if these recommendations are not implemented, then, it means that the report will just go to the shelves like many others that were passed by the First Assembly. The Public Accounts and Investments Committee has a duty as stipulated in the Standing Orders that within sixty days, they should make a follow up on the implementation of the resolutions of this House because I have no doubt that this House will adopt this report. If within sixty days the resolutions are not implemented, the Committee on Implementation chaired by the Member for Wanjohi, Hon. Kung'u, will have a job and they might even recommend that actions be taken against officers who will not implement the resolutions. Reports have started flowing in and we shall be looking upon various sectoral committees to follow up on various resolutions they will make within the sixty days that are stipulated in the Standing Orders. Thereafter, they will come seeking for approval of sanctions against those officers who will not implement the resolutions of this House. With those many remarks, I beg to support. Thank you.

Speaker: Yes, Member for Githabai, Hon. Rimui Kaiyani.

Hon. (Eng.) Rimui Kaiyani: Thank you Mr Speaker. I rise to support the report and wish to commend the good work that the committee led by their charismatic chair did. I wish also to commend the energy portrayed by the chair in moving this motion and presenting this report to the Assembly. It would take a very strong man to do this for two days running and in fact, to do it with such vigour and strength. I was wondering whether there are members of this committee who would stand and provide him with some water but unfortunately, I did not see any. Having said that, the matters that have been brought in this report are weighty and are important and they cannot be wished away. The recommendations are very accurate and self-explanatory. Like my able colleague and Member for Wanjohi said, I would say that it is time to act. Too much talk sometimes portrays a powerless House. This House however, has demonstrated that it does not only have a 'mouth' but it also has 'teeth' to bite. Therefore, the Chairperson of the Committee on Public Accounts and Investments should kindly demonstrate that you have some 'teeth' that can bite.

I also note that this was a report for the Financial Year 2014/2015. I was wondering whether there was a committee on this in the First Assembly because this was indeed the first report that the committee ever did. At this rate, I am wondering why the report of the first year of the First Assembly is coming to this House at this time. We still got three other years running and I do not know at what speed this committee will need to move at so that we begin to discuss reports that are current and that reflect on us and not the regime that was. This is because we need to be gauging our performance. We are making a recommendation to the committee to kindly look at the financial years 2015/16, 2016/17 and 2017/18 going forward so that we can 'bite' the members of the executive who do not conform to the standards that are required.

Mr Speaker, having said that, I want to say that the committee did a good job and should keep it up and we, in other committees, will be borrowing a leaf from you and especially on moving long motions as this. I know pantomiming on the floor for two or more consecutive days is not a mean thing by any standards. I support and now call the mover to respond.

Speaker: Yes, the motion mover, and Member for Gatimu and also the Chairperson of the Committee on Public Accounts and Investments, Hon. John Kieru Wambui.

Hon. Kieru Wambui: Thank you Mr Speaker. I wish to thank the members very dearly for their support and for their opinions regarding this report. I would wish to appreciate the sentiments raised by Hon. Sambigi Mukuriah with respect to centralization of procurement

department as one of the recommendations. We are alive to that fact and we have therefore recommended as such.

Mr Speaker, we had received some voluminous documents which had been brought to confuse the committee. At some point, we wanted reconciled bank statements. However, they brought files of vouchers and you know what it would take to consider each and every voucher. That is not what we wanted but they wanted to please us by bringing very heavy box files. However, we understood that they didn't have the responses we wanted so they wanted to keep us busy.

Thirdly, the Auditor General also raised an issue of the stalled projects. It is our responsibility to ensure that projects do not stall and to put the Executive arm of the government on toes and that is why we are the representatives of all wards. Where you know that there is a project that is stalling and might not be completed at the close of the financial year, it is the responsibility of Hon. Members to bring it on the floor of the House so that they are dealt with by the Committee on Implementation. If we have a contract of two weeks, why should it go ten weeks? It is therefore the responsibility of this House to look at it.

Mr Speaker, the Auditor General also raised an issue of sticking to the budget. The Executive did not stick to the budget as approved. That is open and has been noticed and actually, it is in the report. Actually, Hon. Muchiri has commented on the same that these people want to overspend on recurrent and underspend in development. It only means that they are not ready to work for *wanjiku*. The recurrent money is provided to facilitate the delivery services to *wanjiku*. You know what these people do. Like now, all vehicles that are in the budget that we passed the other day have started to be delivered but what about roads? Yesterday, I hear they delivered vehicles to the department of roads and the office of the Governor and others will be delivered soon. Why haven't they started a single road even if it is those of fuel levies which I know the BQs were done months ago? We all know they want the recurrent money that is very easy to 'eat' but they don't want to start development. That is the problem.

Mr Speaker, Hon. Gathure raised the issue of incompetence exhibited in their financial statements, which is true. There were unreliable financial statements with respect to balances brought forward. The issue of IPPD and manual payroll had variances and that had to be checked to mitigate loss of public funds. This is one of the recommendations of the committee. Further, substantiation of Kshs.1.7 Billion raised in the use of goods and services was not done and therefore they did not justify it. On over-expenditure on bursary funds, it is important to note that it was the executive that overspent contrary to what was budgeted for amounting to Kshs.65.7 Million.

Mr Speaker, we also found out that some individuals held more than one imprest at a time and we know the consequences of that. Finally, on the issue of graders and the procurement documents, we cannot take punitive action as of now because the Hon. Member alluded that we should take necessary now. We have sequence and procedure of the House. Let the House approve this report. The Standing Orders provide for sixty days and only after then can sanctions be brought on the floor of the House. An officer can be sanctioned through impeachment or removal from office because some of these actions cannot be justified. We were asking for information as committee and the recommendations, which become the resolutions of the House upon adoption of this report. Therefore, it is upon the expiry of sixty days that punitive action may be taken.

Mr Speaker, I am also concerned by the issue the members raised. First, he had reservations but supported the report but I would like the Hon. Member to know that we had voluminous files that are here as annexures. They are fifteen or sixteen files. One of the files contains financial statements responses and under note 13 of the issues raised by Hon. Gathure that were very pivotal in his arguments were that the committee was not competent enough. I

am defending the committee because the information that is on our records is per the county executive. It is on that information that we derive recommendations.

Mr Speaker, we cannot observe that which is not in the documents that were provided by the executive. Therefore, under note 13, you will find the discrepancies we are trying to justify on page 6 of the report. For the Hon. Gathure to allege that the committee was not able to prudently report as such, it is not right. I will not belabour too much because the financial statements explain as such.

On page 7, we raised an issue on bursaries. The bursary money that has been recorded here by the management is that there is a bursary fund of Kshs.67 million. They have also put another name they call 'bursary'. We cannot again, as a committee, give it another name. We will just call it the name they have given. We have used the annexures given to us in terms of financial statements from the county executive to write the report. We can only report as such. I could agree with Hon. Gathure on the issue of Kshs.68,236,600 because it is reported as six thousand. That was a typographical error and agree with him but the report was very accurate in terms of arithmetic. It is only that the terminologies used in financial statements are sometimes confusing and Hon. Gathure might have been confused along the way. The report has been done in a very competent manner but you know, because of these learning problems, he is allowed to do that.

On Hon. Milkah Wanjiru's opinions, the committee's recommendations will become House's resolutions and will be binding from today. That is, if the report is adopted by this House and starting from the day the resolutions will be sent to the Office of the Governor and the County Secretary, they ought to start implementing them.

I request that upon submission of this report to the Office of the Governor and the County Secretary, copies be made to departments. This is because there is information touching on departments and they might say that they never got them. So, let us make copies for the departments too.

On PFMA and submission of documents, she intimated that the documents were not submitted by the Executive. However, the resolutions we shall pass here, that they must provide the documents, must be implemented.

On under-expenditure and over-expenditure especially with respect to statutory deductions, punitive measures must be implemented and the County Government is very much aware and resolutions indicate as such.

On absenteeism of officers raised by Hon Kenn Mukira, some of the officers summoned by the committee were not available at the right time and that is why this report came late. Again, as I come to Hon. Rimui's remarks, these officers were sometimes not available to come and clarify issues. At the same time they did not make written submissions to the committee.

Mr Speaker, kindly note that we did not invite officers from all departments but the only ones require. Those who came did not provide written submissions. Those who failed to honour the invitation were summoned and if they still failed, the committee reported that the officer did not show up. The officers who came clarified their issues.

On the issue of the books bought as shown in the annexures in the Department of Education, you will realize that Mountain Top Publishers was in the list given to us, but we do not know the reason it was engaged to do the work. The Auditor General raised the issue and they will clarify to us once the Public Procurement Oversight Authority (PPOA) takes up the matter, but again we were told that the books were not delivered. May be they wanted to use Mountain Top because they knew people who cannot deliver and instead, give them kickbacks. You never know but it is common sense.

On the issue raised by Hon. Njane, it is true that there was an issue of direct banking. They only talked about direct banking but they did not tell us what it was. That has been addressed and the Executive will clarify the issue once the recommendations are adopted as resolutions.

Hon. Gachomba talked about under-expenditure in the budget of the Department of Finance and Economic Planning. The expenditure in this department touches on other departments. He also highlighted the issues of failure to update financial statements. There was also another monster and Hon. Gachomba has raised the issue about. You will realize that the Department of Finance had spent money on behalf of some other departments and these departments were not aware of it. An example is the Department of Education. They told us that the Finance Department used money on its behalf and it was not informed, only later to be slammed with an audit query. The Roads Department had a similar problem. When we asked from the Finance Department, they said it had authority to do that since all procurement by then was done from a central point. It therefore means that Finance Department could procure without involvement of other departments even if they were procuring for them. For example, they could procure computers for the Department of Education and pay from the Department of Education's vote head. It was important for the accounting officers in various departments to know what the Department of Finance was doing on their behalf. It was very important Mr Speaker.

On Hon. Maitai's issue of implementation of recommendations, it will be important once these resolutions are passed, Hon. Kung'u and his Implementation Committee should follow up to ensure that they are implemented. Hon. Ngeche, on the issue of poor financial reporting by the departments, I wish that the Hon. Members could go through these departments. As much as I am not an accountant, I keep proper records but we have accountants here who call themselves professionals yet they keep bad records to confuse us and steal money. You do not know what they do and they always want to thrive in confusion. Hon. Kung'u raised issues of sanctions against irresponsible officers and this will happen upon adoption of this report in sixty days.

Hon. Njatha raised an issue with Muti-ini Water Project funding. What was in the public domain is that it was funded to a tune of Kshs.20 Million but we found that the project funded with around Kshs.11 million. These documents are now accessible to every member. They are many and voluminous. You may not be able to read them within a day but they are here with responses of every department.

Hon. Muchiri noted over expenditure in recurrent and under expenditure in development. That has been the norm and they will always overspend in recurrent since per diems are very sweet. In development, even now we may return money by the end of June because rains will fall in March yet work has not started. This query might be repeated in the report of 2017/ 2018 financial year.

Finally, is the issue by Hon. Rimui with regard to recommendations and timelines that this Assembly can handle. The Assembly will 'bite' after sixty days and Mr Speaker, let the actions to be taken be a lesson. I also want to correct Hon. Rimui that we are not dealing with the first report since this is the second report. The first report was for the 2013/ 2014 Financial Year and hence this is the second report for the 2014/ 2015 Financial Year. The report for the Financial Year 2015/2016 has also been tabled before the committee.

We also urge the Office of the Auditor General to be releasing the reports in a timely way to avoid these problems. We have auditors in this Assembly who are auditing the work of

the Financial Year 2016/ 2017. We know this report will be brought very late in this financial year when we have no work to do. I will be tabling the report for the Financial Year 2015/ 2016 in the next few weeks. They should now bring the one they are working on as soon as they finish.

Mr Speaker with those many remarks, I move and pray that this House will adopt this report and recommendations therein as the resolutions of this House.

Thank you Mr. Speaker.

(Question put and agreed to)

Speaker: The report is now adopted as a report of this House and therefore, all the attendant issues follow that particular resolution. I am expecting that the Office of the Clerk will note all the action points. All the issues that were supposed to be acted on from the recommendations of the committee that they have been taken up so that the same will be communicated to the Committee on Implementation.

We are also expecting that action points for the respective sectorial committees, for instance office of the CEC Member in charge of Finance, shall have the action points shared between the Chairperson in Budget and Appropriations Committee and his counterpart in Finance and Economic Planning Committee so that they can look at all the weaknesses that were identified, recommendations and observations, and therefore over and above the implementation Committee as they interact with those departments, they will be able to appreciate whether there is compliance from the recommendations and observations of the committee.

These action points are very critical. If it is the Chairperson of Lands, Housing and Physical Planning, the Office of the Clerk will pick all the action points relating to the department. If it is the Department of Water, all those action points will be picked. We are going to ensure that all these things are done in a very clear, transparent and accountable manner and which can be easily verified.

Hon. Members, you remember me saying that we do not require to make any new laws. The laws in this country are enough. We ought to take care of public money and ensure that it is spent in a prudent way. That is our duty and history will judge us very kindly. If we are able to protect public money, it will go where it is supposed to go, and that is our work here anyway.

We shall be asking very serious questions. There is a bishop who called me yesterday and told me that he thinks there is war in Nyandarua between the Assembly and the Executive. I told the bishop that whenever people of Nyandarua ask questions to the Assembly as their representatives and that is what he is calling war, then there is war.

The Assembly is discharging its mandate under the Constitution and the statutes by asking very hard questions to the Executive. If what you are supposed to do under the Constitution and the statutes is war, I told the bishop that the war will continue. Nevertheless, if it is any other shenanigans, we have no time for that. We are here to discharge very clear mandate under the Constitution and the law.

Hon. Members you must ensure that even if we are not judged favourably by people today because man is weak and might not judge you properly, let us be judged appropriately by history even when we shall not be there. So I am very happy about this report. I know that if this report is implemented to the letter and spirit, this county can only move forward. I therefore thank the Committee on Public Accounts and Investments for the work it has done.

The report is very clear. What was the issue? What did the person to whom the issue was directed had to say? What did you observe and what do you think is the way forward? Clear-cut way of dealing with issues. You know in places where there are cartels, everything is put in a state of confusion so that nobody can tell what is happening. I am happy with this committee and our House. We shall continue with our trainings on you members who are in charge of oversight every day and time we are able to do them; so that you are able to interrogate these things, to be clear and be able to put everything clearly on the table and serve Nyandarua people to the best of our ability and within the constitutional and statutory mandate bestowed upon us as members of this August House. Thank you all for your contributions.

Next order.

MOTION

REPORT ON THE STATUS OF PUBLIC LAND IN RURII TRADING CENTRE

Speaker: Very well. The Member for Murungaru and the Chairperson, Committee on Lands, Housing and Physical Planning, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr. Speaker. I beg to move the following motion:

That that this House does adopt the report of the Committee on Lands, Housing and Physical Planning on the status of the public land in Rurii Trading Centre as a report of this House and the recommendations therein as resolutions of this House.

Mr Speaker this is the first report by the committee on Lands, Housing and Physical Planning. I will not read page by page of this report because it was given to the members and I hope that they had a chance to go through it. It is not a long report because it deals with one particular area; Rurii trading centre. First, I want to highlight the mandate of the committee as stipulated in the Standing Orders. It is important that the members are aware of the mandate of the committee. This is the mandate of the committee;

1. Investigate and inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of assigned departments;
2. Study the program and policy objective of the departments and effectiveness of the implementation;
3. Study and review all county legislation referred to it;
4. Study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives;
5. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the assembly;
6. To vet and report on all appointments where the Constitution or any other law requires the Assembly to approve ;and
7. Make reports and Recommendations to the Assembly as often as possible including recommendation of proposed legislation.

Mr Speaker, the member for Rurii requested the committee to investigate on the status of planning of Rurii and issuance of ownership documents. As a committee, we decided to

carry out an investigation. We therefore went and obtained a development plan for the town. There are two development plans. One is approved and another one that is not. It was used to do re-planning. Re-planning is allowed by law although some of the re-planning exercises were done so that public land could be taken by individuals. Re-planning in other cases was done to create space for public utilities.

Before I move to definition of public lands, let me appreciate the office of the Speaker and that of the clerk, all the member of the committee and every one that participated in ensuring that we retreated and sat to compile this report.

Mr Speaker, with your permission I wish to read those definitions so that members can understand and move with me. Chapter 5 of the Constitution of Kenya (C.o.K) defines explicitly the 3 categories of land, that is; Public, Community and Private land. Article 62, of the C.o.K defines public land as:-

- a. Land which at the effective date was unalienated government land as defined by an Act of Parliament in force at the effective date;
- b. Land lawfully held, used or occupied by any State organ, except any such land that is occupied by the State organ as lessee under a private lease;
- c. Land transferred to the State by way of sale, reversion or surrender;
- d. Land in respect of which no individual or community ownership can be established by any legal process;
- e. Land in respect of which no heir can be identified by any legal process;
- f. All minerals and mineral oils as defined by law;
- g. Government forests other than forests to which Article 63(2)(d)(i) applies, government game reserves, water catchment areas, national parks, government animal sanctuaries, and specially protected areas;
- h. All roads and thoroughfares provided for by an Act of Parliament;
- i. All rivers, lakes and other water bodies as defined by an Act of Parliament;
- j. The territorial sea, the exclusive economic zone and the sea bed;
- k. The continental shelf;
- l. All land between the high and low water marks;
- m. Any land not classified as private or community land under this Constitution; and
- n. Any other land declared to be public land by an Act of Parliament—in force at the effective date; or enacted after the effective date.

Mr Speaker, that is the definition of public land. A report by Erin O Brien in collaboration with the Kenya Land Alliance titled “Irregular and illegal land acquisition by Kenyan elites” (2011) highlights the types of land most vulnerable to illegal acquisition to include;

- Urban land.
- State, corporation and ministry land.
- Settlement schemes,
- Trust land,
- Forestland,
- Wetland,
- Riparian reserves,
- National parks ,
- Game reserves and

- Other protected areas.

Mr Speaker there has been many commissions including the Ndung'u commission that enquired into land matters and made recommendations and the funny thing is that very good reports are written in this country but rarely implemented. If these reports were implemented, the issue of land grabbing would be a thing of the past. That is the state of affairs in this country.

On page 11, we have the committee's observations and findings. I want to say that the development plans are not attached to this report and anyone who wishes to look at the development plans, they are deposited at the office of the Clerk. Any member can access them. They are bid plans that could not fit on A4 size of paper. That is why I am making that comment.

On the development plans, you will find the key that explains what is contained in that development plan. Letter 'O' in a development plan refers to residential areas. When you see letter 'I', you are dealing an industrial area. When you see '2', that defines a land that has been set aside for educational purposes. That can be a university, a primary school, a secondary school private or public, in the development plans that we have, that is C532/74/1 and C532/86/1. The first one is the approved one of 1975, and the other one is the unapproved and it actually re-plans. One could be having the approved plan but is could be re-planned and once it is re-planned, it is always taken to Nairobi for approval. What mostly happened is the Defunct Local Councils were not taking the plan to Nairobi for approval. That is why you find that Rurii has a development plan of 1975 and since then no other plan has been approved even if they have done re-planning. All they have been taking to Nairobi are the PDPs (Part Development Plans). For example, when we wanted to get the leasehold title deed for the County Assembly land, we asked the department of planning to do a part development plan. It is a small part of the bigger development plan. Once it is taken to Nairobi, it is approved.

When a PDP is being drawn, it includes the other lands that surround that particular land that you are seeking approval for from the ministry. The planners will indicate the other areas that surround it. When that is being done, it is possible to mess up and put what the planners want to put there. You may find that in the PDP, others have been approved along with the one that you wanted approved. When checking the PDP you are supposed to be keen to ensure that the areas that were not meant to be approved are not part of that approval. That is very important to note.

Number five ('5') is for commercial purposes. Number six ('6') is meant for public utilities and you can what they mean, that is the sewerage and the refuse disposal sites and the cemetery. Number seven ('7') is transportation where we have the tarmac road, car park, the bus park and the lorries' park. Number 8 is deferred. When you see land that is deferred in the development plan, this is land that can be used for other purposes. For instance, an institution can apply to be allocated that land or planning agents can do re-planning on that land for any particular use. Number 9 is agriculture. You can see a very huge chunk of land there where we currently have a secondary school. That area had been set aside for agricultural purposes.

Mr Speaker that is what is contained in the development plan. The details of the development plan are also there. Even areas that were designated for future residential areas are there. Some actually exist while others are not. That development plan of 1975 was re-planned to create new areas of development. The residential areas, industrial, and educational areas were increased. Where you find proposed, they were not existing. In the industrial areas you can see that they have created areas for light industries as proposed. In education areas, they have proposed a secondary school, a village polytechnic and a nursery school. The

planning agents thought that it was wise to include these areas in the re-planning. Mr Speaker you will find that in the recreational areas they created open space and a playground. There were existing areas for dams and proposal for health centres and special purposes.

The area of concern to the committee was actually the bus park. The area that had been set aside for the Bus Park was changed and the bus park moved to some other area. After relocation, that area was subdivided. Part of it was given to a church, it is existing, and others were given to individuals. Some of the individuals have built; others have not, but have fenced the lands. There was an area for bus park originally but currently there is none. The good thing is that it is fenced off.

Another entity that has encroached on the bus park is the PCEA church. Initially they had a small area and later it was increased, hence ate into the bus park. If we allow these kind of things to happen by not taking action now, then we shall have problems in future.

Another one that caught the eye of the committee is the administration block. It is not in tacked. Along Ol'kalou-Nyahururu highway, you will find that there are huge eucalyptus trees just next to the road. A casual eye will not tell you that that area is subdivided. That area is actually subdivided into four plots, labelled C1, C2, C31 and C32 and have been given to individuals. This is very wrong because Rurii town is growing and one day it shall become a suburb of this town. I believe that one day Ol'kalou will be a city. If we are not careful, these public lands will go into the hands of individual.

The other issue we found out is that the cemetery had been demarcated and issued to people. The photographs are here showing the structures on the land meant for burying our people. We learnt that people from Rurii are not buried there but here in Ol'kalou. This is very unfortunate because the government had seen it wise to have a cemetery in that town. Now it has been grabbed.

On the area that was set aside for social hall, there is a polytechnic. The only thing they need to do on this is to regularize. It was meant for a social centre but the community decided to have a polytechnic there. Regularization will make sure that the polytechnic remains there.

On page, 18 there are the photographs showing how the cemetery has been occupied. On page 19 is the area occupied by the church. They have even encroached the sewage. It is demarcated and fenced off. There are very many plots. After visiting that area, people went back and fenced off again to show that the plots belong to them. Unless drastic measures are taken, we shall not have a place for sewerage bearing in mind that that town is growing. It is important that that land be reclaimed and set aside for the purpose that it was meant.

Mr Speaker let me go to the recommendations. Land has been grabbed and we need to make recommendations that will help the people of Rurii to get back their land.

1. That the County Executive Committee Member for Lands, Housing and Physical planning should ensure that Rurii trading centre is re-planned taking into account the current land use.

Mr Speaker it is true there are areas that were meant for commercial purposes and are being used for that purpose. That is okay but we are saying that we need to re-plan that town so that those areas are used for public purposes can be regularized. Once regularized allotment letters and ownership documents will be prepared.

2. That the County Executive Committee member in-charge of Lands, Housing and Physical Planning should submit the revised plan to the County assembly for scrutiny and approval as required by the Constitution Article 185 (4).

Why should they do this? This is a requirement. The county assembly should approve all plans,. Let them do the re-planning and then submit those plans to the committee so that we see whether they have made some messes.

3. That the County Executive Committee member for Lands, Housing and Physical Planning should within 60 days, repossess the land earmarked for bus -park 7₃.

This should be done because there is no bus park there. They park along the road and this is very dangerous because it can cause road accidents. Those members that travel along that route are aware of this. The P.S.V (public service vehicles) park along road reserves and pick passengers.

4. That the land earmarked for sewerage and refuse disposal is repossessed and fenced.

If all the government land in Nyandarua is fenced off, the grabbers will not get into it. We find that most of the government land is being grabbed because it is open. When it is that open, surveyors will go, subdivide, and start dishing it out to people. People fear fenced areas. There is no one who can get into the County Assembly land and start messing up. When we thought of building this assembly here, the first thing we did was to fence it off with concrete posts and mesh wire. No one could grab it. If we set money in the budget to fence off all the government land in Nyandarua then we shall not have issues of land grabbing.

5. That the C1, C2, C31 and C32 plots that were excised from the Administration land should be repossessed and the said land fenced.

The easiest way to do this is to enable the administration to fence off that area. Once enclosed it means that those who have TOLs (Temporary Occupation License) to our land, ours because land in Rurii belongs to people of Nyandarua, which we are...

6. That the land earmarked for the cemetery in the Development Plan is repossessed and put into the use it was originally earmarked for.

I am sure it is not easy but it can be done if there is political good will.

7. That the County Executive Committee member for Lands, Housing and Physical Planning should, within 60 days, establish if there are cases of double allocations in the said trading centre and hence take the necessary steps.

That issue should be looked into so that the allotted people can have ownership documents. Most people in this county have TOLs. We know that there are people who can go through the back door, get allotment letters and finally get leases. Once someone has a lease document, it becomes very difficult to get back that land. We are not saying that it is impossible but difficult. It is important that the CECM checks this issue on double allocation because very few people in Rurii have land ownership documents.

8. That the County Executive Committee member in liaison with the National Lands Commission should ensure that those who acquired land after following the due process acquires ownership documents.

This is because for Rurii, no one can get the lease documents without first liaising with the National Lands Commission. Let the CECM do this so that the people can get allotment letters so that they can use them to get lease documents.

Mr Speaker, it is important to note that the lands office in Nyahururu is being used to give people allotment letters without the knowledge of the County Government. When we

make such a recommendations that the CECM should liaise with the National Lands Commission, the person to liaise with is the person in Nyahururu. If they link up, our people will be given documents to own land. Those who have TOLs need to convert them to allotment letters and then leases and finally lease certificates. That is the process that is followed.

Those are the recommendations that we made. I am also sure that the issues concerning Rurii that we highlighted are also cross cutting the county. Most of those centres in this county are under Settlement Fund Trustee. Some people have leases already even before the land has been transferred from Settlement Fund Trustees to the County Government for planning. These are the issues that should be looked into and after that, we shall be able to address the issues of land grabbing in the county because they are there. We need the support of Hon. Members and everyone so that that land that is meant for public use goes to the public and the private one remains as so. The land that was meant to Wanjiku should be used for the purposes that it was meant for. With those many remarks, I call the vice chairperson of the lands housing and physical planning committee to second the report.

Speaker: County member from Kaimbaga Hon. Jecinta Githae

Hon. Jecinta Githae: Asante sana bwana Spika. Naunga mkono mswada huu. Ningependa kusema kwamba, Rurii ni kijiji kinachokua lakini kuna matapeli wengi sana. Vile vile kama tulivyooona kama kamati ya shamba, iwapo kanisa linaweza kunyakua shamba wengine watafanya nini? Ningetaka kusema Rurii ni kijiji ambacho kinaendelea lakini mashamba yaliyotengwa kutumika kwa hayo maendeleo yamenyakuliwa na watu. Tulitembea na tukapata kwamba hawana vichinjio. Wanatumia vichinjio vya kukodisha. Kama serikali tunaona si vizuri kukodi vichinji kama kuna shamba lililotengwa kwa matumizi hayo.

Pili, tuliona kwamba hakuna mahali pa kuegesha magari. Pamenyakulia. Kwa sababu hii kijiki hicho hakiwezi kuendelea. Ni serikali ya kaunti vyema wanaopanga miji wachore ramani hiyo na wailete mbungeni. Wadi zingine vilevile zina shida kama hizo na inafaa zisuluhishwe tukianza na wadi ya Rurii kwa sababu mwakilishi wa Rurii alileta hoja hiyo. Ni vizuri tuangazie hizo ramani ili tuondoe wanyakuzi wa ardhi.

Bwana Spika, makanisa siku hizi yamekuwa mahali pa biashara. Tunaomba jambo hili lichunguzwe. Kuna viwanja viwili ambavyo vimenyakuliwa na makanisa mawili; la PCEA na la Kingdom Seekers. Ni vizuri jambo hili lizingatiwe. Kama viwanja hivyo ni vya serikali virudishiwe serikali. Wanafaa kununua mashamba kama makanisa mengine.

Bwana Spika kama viongozi tusipoangalia jambo la unyakuzi wa ardhi, tutapata matatizo baadaye. Rurii inaendelea vizuri na imekaribia mji mkuu wa kaunti ya Nyandarua, Ol'kalou. Jambo hili likiangaliwa vizuri tutapata nafasi za biashara kwa watu wa Rurii na kaunti hii. Tungeomba wadi zote zichunguze maneno haya na zilete majibu kwa kamati hii.

Naunga mkono mswada huu. Tulitembea Rurii na mambo haya ni ya kweli. Asante bwana Spika.

(Question proposed)

Speaker: Member for Kaimbaga, Hon. Gathure Wambui.

Hon. Gathure Wambui: Thank you Mr Speaker, I rise to support the report that has been tabled by the committee on Lands, Housing and Physical Planning. I would like to say that this is a report of its kind and I can also say that after reading this report, you get to respect Hon. Kariuki Muchiri. The format and the standard of the report can tell you that it was written by an experienced surveyor. I respect that grey hair. Residents of his ward now call him Mugabe and you will agree with me that Mugabe was one of the wisest man and the most learned one in the whole world. He has eight degrees.

He has talked about the issue of grabbing public land and misuse of the same. He has defined public land such as urban land, state cooperation and ministries land, settlement schemes, crust and forestland, wet land, national parks, game reserves and other protected

areas. According to the survey done by the committee on Land, you will find that there is the approved plan that was done in 1975, that is C532/74/1 of 1975. There is also that plan that was not approved and it was done to revise the 1975 with reference number C532/86/1 which was done in 1996.

Other plans have been done to re-plan Rurii. We have a cemetery in Rurii and it has been grabbed and converted to residential and commercial plots. I agree with the committee's recommendation that the land should be repossessed. People are dying every day but cemetery land in the county is being grabbed. The cemetery in Karau ward is almost full but another land reserved for a cemetery at Mahinga, it is just near the Assembly had been grabbed. The cemetery in Kariamu shopping centre is also grabbed. In the near future, where shall we bury our dead? This is a critical issue.

People eat and drink and Mr Speaker after that one has to go to the toilet. Where shall we dispose this waste? We need the sewerage disposal land to be reserved. Land grabbers have encroached. We were with Hon. Kung'u at Wanjohi ward during the CIDP and finance bill public participation, which was being done by the executive. The public was asking for a sewerage and disposal area in Wanjohi so that they do not pay charges to carry the refuse from Wanjohi to Ol'kalou. They wanted it to be disposed there.

I would like to say that Hon. Jecinta missed a point somewhere in her contribution. Sometimes back, it was alluded here by the member for Karau ward that I do not go to church. I remember I made it clear here that I am a member of Presbyterian Church of East Africa. I did not take it kindly that Hon. Jecinta is saying that PCEA Rurii grabbed land, I do not take it kindly. Hon. Jecinta should be advised on how land grabbing is done and maybe she needs to talk to the chairperson, committee on lands. Land grabbers take public land and do not develop on it. The later sell the land.

(Hon. Jecinta Githae rise on a point of order)

Hon. Jecinta Githae: Bwana Spika ningependa kumujibu mheshimiwa Gathure...

Speaker: You are not going to answer him now, you can only have the mover donate to you a minute during the response. For now, all you can do is to indicate how the member is out of order.

Hon. Jecinta Githae: Mr Speaker, the member is out of order. Kama kamati ya Mashamba, Ujenzi Na Mipango, tulitembea Rurii na tukaona kwa kweli viwanja hivyo vimenyakuliwa na kanisa la PCEA na la Kingdom Seekers.

Speaker: Actually, member for Kaimbaga, I tend to agree with the County Member from Kaimbaga. This is a resolution of the committee, that part of the grabbed land... I agree with you to some extent but we do not have that information. Most of the grabbers make sure that they dispose of the land very quickly because they know that the government will come back for its land. PCEA might have been a direct beneficiary or the land was sold to them by the actual grabber. Member for Kaimbaga proceed.

Hon. Gathure Wambui: Mr Speaker Hon. Jecinta was unable to translate 'point of order' to Kiswahili. She likes to communicate in Kiswahili and you know that Kiswahili ni kigumu sana

(Laughter)

To say 'point of order' in Kiswahili is hard. I agree the PCEA and Kingdom Seekers church might have gotten land indirectly. I would like to go to the next point and that is the bus parks. I commend the committee because they even have the photographs of the areas they visited. The land that was meant for the bus park in Rurii was grabbed. It has become a commercial plot and someone is building on it. The population of Ol'kalou is growing and the

town suburbs of this town are Rurii, Kariamu, Mawingu, Captain and the rest. If this problem is not solved, we are going to have a similar problem as we had with the Ol'kalou bus park. Initially it was situated opposite Nuclear petrol station and later it was relocated next to the mosque. This was an issue of land grabbing which was not solved in the right procedure. The case ended up in court and the defunct town council lost the case.

This Assembly should ensure that the resolutions are executed immediately. This is a report that I will personally follow up because this problem is about 100 times what Rurii is facing. This is the case with Karau ward. Mr Speaker we were with you when someone was talking about a person trying to grab Kianyayo stadium forest. They cut down trees at night and on Sundays, they erect fences. I informed you that public health civil servants have informed me that the land where Ol'kalou dispensary was supposed to be build, here behind the assembly, about three acres has been fenced off. The purported owner is trying to erect a structure of about three rooms. We know some of these people but I will not mention their names here. They are known to be land grabbers. They are obsessed with stealing public property. These people have to be punished.

Mr Speaker, concerning the riparian reserves, the wise and learned Hon. Muchiri, at times I am tempted to call him Hon. Mugabe, can tell you that the survey guidelines indicate that it is supposed to be about thirty metres. Today if you visit Kiganjo dam, just near Ol'kalou water department offices, you will find that people have erected fences just next to the dam. I now agree with Hon. Kariuki Muchiri that all public land should be fenced in order to keep away the land grabbers.

Going to the playground, we have Kianyayo stadium. When the former Senator of Nyandarua County Hon. Muriuki Karue was the MP Ol'kalou, he stated building Ol'kalou social hall there. Someone whose name I will not mention because he is our friend and your neighbour, somehow got a lease for the land yet the foundation of the social hall had already been laid. Such matters should be examined. The land meant for that social hall should be returned to the county. Today the county hires halls at the Catholic Church yet we would be having our own by now. We would not be using that amount of money that could be used for another purpose.

In conclusion, I commend the Committee on Land, Housing and Physical Planning. If I would rate this work, I would give it 99% for this report. Thank you Mr Speaker I support the motion.

Speaker: Yes, member for Rurii Hon. Githinji Mburu.

Hon. Githinji Mburu: Thank you Mr Speaker sir. I am member of the Committee on Land, Housing and Physical Planning and the member representing the said ward. I support this motion one hundred percent. I raised the alarm because I have seen people of Nyandarua suffering and not only Rurii residents. People are grabbing other people's land and this is not good. Even public land is grabbed, school land, cemeteries and sewerages. When time comes for the Government to develop these lands, they are forced to buy these pieces of land from the grabbers at a very high cost. As the member for Rurii and a member of the Lands Committee, we realised that the Stage, where public vehicles park and which can create so many jobs for our youths is also grabbed. This stage is not only for Rurii people but for everyone in Kenya. With the cemetery Land, the people of Rurii are forced to come to Ol'kalou simply because someone grabbed the land there. This is also the case with the land set aside for the sewage. Just like the member for Kaimbaga has said, people must eat and drink. Where do they dispose the waste? They are forced to dispose it on the gardens and when the rains come, all this is carried to the dams where the same people go to fetch water. This is very bad.

On the issue of the security block. Every town needs security. When people grab where a police station is to be built what are the people supposed to do? Even P I lands, there were so many P Is during the colonial period, which do not exist now. The County Government is

looking for land where it can drill borehole, they could have used this PIs instead of using so much money to buy land. I support this motion fully Mr Speaker.

In the Governor's manifesto, I remember he said he would see to it that all grabbed land is returned. I support this too. The people with grabbed land and those intending to grab should be stopped. That Church in Rurii that is built on grabbed land they should be charged and made to pay dimension cost. This will be an example to others that truly the Governors manifesto is working.

Speaker: Yes member for Weru Hon. Simon Mbogo Mburu.

Hon. Mbogo Mburu: Thank you Mr Speaker sir, for giving me an opportunity to contribute to this 'delicious' motion and I rise to support it. I wish they started in Weru. As we speak, there is a member who was wondering if a church can grab land but Kangui Nursery school has been given a vacate notice by the ACK Kangui Church. By the 28th of this month, they should be vacating the land. They even have a court order to evacuate the nursery school. When you look at the map, it is very clear that this nursery school should be here. So yes, member for Kaimbaga, churches are turning to be grabbers. Another case study is P.C.E.A Oljoro-Orok; they are stopping me from constructing a nursery school on a piece of land simply because they have grabbed it. To summarise this story on churches grabbing land, in Madaraka...

(Hon. Zachary Njeru rises on a point of order)

Speaker: What is it member for Nyakio, Hon. Zachary Mwangi Njeru?

Hon. Zachary Njeru: Is the member for Weru in order by generalising that all churches have turned to be thugs?

Speaker: I think, although I should actually not encourage it, when we mention names of people who cannot defend themselves, I do not know if it goes against the rules of debate. Here the member for Weru is very specific, he has mentioned churches by name, if this debate takes that trend, I know the member for Wanjohi will be up to say something about the churches and many other members of this assembly. It is a very sad affair. Proceed member for Weru ...

(Hon. Kieru Wambui rises on a point of order)

Speaker: What is it Hon. Kieru Wambui?

Hon. Kieru Wambui: Is it also in order for the said Hon. Members to make contributions from the point where he has not been designated. Mr Speaker you know we have designated positions where members sit today. Again he is known to be on the Governments side, what is he doing on the opposition's side?

(Laughter)

Speaker: Hon. Members, I think the member is completely out of order. The right side of the Speaker is the side of government and the left side of the Speaker is the side of opposition. There was intention to designate and members were shown where to sit. The designation was for purposes of using the electronic cards which we have not been able to introduce, so once that one it is done your point of order will be of relevance. But as of now the member of Weru is rightfully contributing to the debate. Proceed member for Weru.

Hon. Mbogo Mburu : Thank you Mr Speaker, I am speaking of an individual church. When you go to Madaraka SDA and I even know a member who worships with them. They are the ones making it so difficult. I would like to advise the committee on Lands to please visit Weru. I will show you where these issues are.

Let me talk about Kasuku town, the cemetery of that town today is grabbed, and it is an upcoming town, it has three plots erected there. When you go to the map, you can tell that the allotment was done and only half acre has been left for the cemetery. When we come to the issue of land grabbing, this is a very serious issue. We even have a plot erected on the road reserve. The original map shows a road and I do not understand how a person will just come, fence and erect a building...

(Hon. Maitai rise on a point of order)

Speaker: What is it Hon. Mwangi Maitai?

Hon. Mwangi Maitai: Thank you Mr Speaker, is it in order for the member to talk about Oljoro-Orok every time and the report was for Rurii? Let him concentrate on Rurii, he can always bring another one for Oljoro-Orok...

(Laughter)

Speaker: Member for Central, how you can be rising on such a point of order. The theme of this report is land grabbing and actually the member for Weru has observed all the rules of relevance in a debate. Proceed member for Weru

Hon. Mbogo Mburu: Thank you Mr Speaker, as I conclude, because I think that the case for Rurii is trying to show the situation on the ground. Where land for social amenities is benefiting individuals. I am just trying to advise and the people that brought me here are for Weru. This is why I am even requesting the committee to come and see what is happening in Weru. Let the next case study come to Weru.

The issue of Land grabbing, planning of our towns and documents is making our towns lag behind. I do not think there is someone who would come to Ol'kalou today and build a good structure without knowing if they will be there the next day. I know of plots owned by more than ten people. Nevertheless, as much as there has been so many 'out of order' remarks and none of them sailing through, I support this motion totally and welcome the committee to Weru.

Speaker: Member for Gatimu Hon. Kieru Wambui.

(Laughter)

Hon. Kieru Wambui: When I enter the door, the Speaker is always on my right. That notwithstanding, it was actually on a lighter note. I first want to commend the committee for a job well done especially on the specificity of the report. The report Mr. Speaker, is very specific and addressed the issues raised by the member on the floor of the house. I commend the committee led by their Chairman Hon. Kariuki Muchiri and the respect for his advanced knowledge in land matters. Congratulations to the vice chairperson and the members as listed here. I was also able to know that Hon. Sambigi Mukuria is a member of the lands committee, which I did not know.

Mr Speaker, from this report one can tell that there is a lot of stealing happening in broad daylight. I am lucky because in the light of this new dispensation, land grabbing has reduced. County Assemblies have become watchdogs that are offering oversight and information to county governments, which has helped in taking necessary actions. In yester years, councillors used to give land and they had powers. I do not know where they got it from. Most of them have been linked with land grabbing. Being an oversight entity we have been able to bring out those issues as was done by the member for Rurii.

There are two development plans, the one approved and the one that is not, which subsequently supersedes the approved one. The way land is classified in that area, one is able to see on page seventeen, that plot identified as plot number 4 underscore 18, 19 respectively could not be traced on the development plan. I do not understand whether some of these things are done intentionally or not. Every professional knows how to cook documents in their own department.

In their first recommendation, they are asking the CEC member for Lands to institute a re-planning activity that will take into account the current land use. I do not understand what this means because when you say that that the CEC for Lands Housing and Physical Planning should ensure that Rurii trading centre is re-planned, taking into account the current land use does it mean we are taking into account the current land use so that it does not change? What does this really mean? In my thinking, if there are people or institutions that have grabbed land, we cannot really say that we re-plan using the current land use. We should re-plan taking into account the original plan. If the original plan proposes, a health centre, sewer, cemetery, Bus Park. There are hotels built where the bus park should be and some residential are even coming up. Therefore, if we are to go with the current land use, this means they should just stay there and not do the correct thing.

Number 3 reads, the Executive Committee Member for Lands and Physical planning should, within sixty days, repossess the land earmarked for Bus Park labelled 7/3. I agree this is in conjunction with the National Lands Commission. We all know what the National Land Commission means to this County. I want to speak for the people of Nyandarua and Central in general. In the first tenure of President Uhuru Kenyatta, he did not repossess land in Central Kenya, it is therefore a high time that the President, in conjunction with the National Land Commission does this in Central Kenya. This is his last term and he has nothing to fear. He should work fearlessly; he should come and help us repossess land as he has done on other Counties.

The land earmarked for refuse disposal should be fenced off. I know of lands that have been fenced but were still grabbed. Nyayo, which is a few kilometres from then Governor's office, a few metres from the Lands office and the police is being grabbed; I do not think fencing will truly help. I am not completely disregarding it, but this tells us there is more than meets the eye. These people know big people in Nairobi. If Kianyayo was not grabbed in the era of councillors, how can it be grabbed in the era of MCAs? It will be said that it is Hon. Gathure selling that land. It is the high time we safeguard the integrity of this house. I want my son to be proud of me in future. I do not know where he will settle but I would want him to know that we upheld integrity in this house and stopped grabbing.

The county should work hand in hand with the National Lands commission to repossess grabbed land. We did a report that earmarked all Government land and there was that inventory that showed all Government land on all the twenty five wards, both grabbed and not grabbed. The insinuation that P.C.E.A cannot grab is washed away, it can grab and it is also mentioned here. We should work hand in hand to make sure that what belongs to Wanjiku is gotten back. Thank you.

Speaker: Yes county member from Wanjohi Hon. Jane Nyambura Waweru.

Hon. Jane Waweru: Thank you Mr Speaker sir. I rise to support this report prepared by Land, Housing and Physical Planning Committee. I congratulate the committee members and I hope that this time, they will take immediate action and visit other wards. In my ward for example, there is a piece of land that is almost being taken by some grabbers. It's my request that the committee visits Wanjohi ward and see how they can prevent this. I rest my case and I support.

Speaker: Member for Central, Hon. Mwangi Maitai.

Hon. Mwangi Maitai: Thank you Mr Speaker Sir. I rise to support this motion. It is immoral, and shameful deeds by those who are practising land grabbing. It has been noted that they have gone ahead to even grab administration offices' land. They should be brought to book, 'ndio iwe funzo kwa wengine'*. So let us take this report seriously so that those who are planning to grab land in future, will not do it.

We are all aware that there is no way you can transfer ownership documents to someone else when in the first place you did not own that land and the other person claims to now be the owner. In this case, therefore, even if the PCEA church did not grab the land, they bought it from an illegal owner and the necessary actions should be taken.

Population is increasing day and night since more men and women are getting married. So our social amenities should continue being respected and taken care of so that the generations to come, can also enjoy them.

Finally, I would request the Speaker on the proposed sitting arrangement that, it should not be interfered with and most especially the opposition side. So I support the report. Thank you.

Speaker: Yes the deputy Speaker and the member for Nyakio, Hon. Zachary Mwangi Njeru.

Hon. Zachary Njeru: Thank you Mr Speaker Sir. I rise to support this motion bearing in mind that land issues have been a major problem in this county. It is worth to note that last week in my Nyakio ward, we were served with a sermon pertaining the grabbing of Yang'a dam. I would like this to go Hansard and the concerned department was to visit the area yesterday but it never happened. I was not defending the church but it is important to note that this notion that these institutions have been grabbing land might not be true. For example the PCEA church might be the third or the fourth beneficiary of that parcel of land.

I attended a meeting today with my constituents, the Mukeu squatters and the main issue they raised was double allocation of land. So as much as we are dealing with grabbers, there must be sanity in the department of land.

Let us deal with the whole issue but I think the root cause of the problem is the land department, the registry in Nyahururu. I remember when I was a young boy, we used to water our cattle in Yang'a dam and the owner has genuine ownership documents. The paths that were used to access the dam are still there. Now someone else came claiming to be having all the documents for that land.

So I would urge the concerned departments and this house to deal with this issue jointly and find out where these documents are originating from. Yang'a dam should be retained as public property. With those few remarks, I support. Thank you.

Speaker: Okay. The county member from Karau, Hon. Esther Mwangi.

Hon. Esther Mwangi: Thank you Mr Speaker Sir. I will start by commending the Committee on Lands, Housing and Physical Planning for a job well done. I hope that after this, the necessary action will be taken so that it serves as a lesson to the involved people.

I remember there was a time a committee was formed to look into the grabbed land issue and after they came up with a report, a committee to carry out a clean-up exercise was formed after which nothing else has been done. When you look around, there are a lot of undeveloped plots because people fear their buildings being demolished afterwards. I think it would be good for the people involved to look into this issue so that we can be able to put up permanent structures. Thank you.

Speaker: Member for Karau and the Deputy Majority Leader Hon. Kenn Mukirah.

*So that they can be a lesson to others

Hon. Kenn Mukirah: Thank you Mr Speaker, Sir, for giving me this chance to support the motion. I wish that land issues can be solved for once because it's making Nyandarua not to develop. Land issues started a long time ago when members would give a piece of land for public use, then the county council would issue compensation lease. Some county council members would go ahead and sell the same pieces of land after giving the compensation lease.

(Hon. Kiiru Gachomba rises on a point of order)

Speaker: What is it member for Njabini Kiburu, Hon. Kiiru Gachomba?

Hon. Kiiru Gachomba: Is it in order for member for Karau to insinuate that former members for defunct authority used to grab lands. He needs substantiate his allegation.

Speaker: I think I would discourage the member for Karau from following that route but again we know that that is a common thing in this country. Land grabbing was legitimised by the defunct councils. So proceed member for Karau.

(Laughter)

Hon. Kenn Mukirah: Thank you Mr Speaker for further shedding some light on that issue. So the issue of compensation has been a big worry even in my ward. Some elderly people would give pieces of land and then the council would compensate the same land with plots in towns.

Secondly, the same council would not go ahead to make sure that the land given is sited on the map for it to remain public property. I would request that every public land to have labels for identification so that if anyone wants to grab it, the community will easily tell and take the necessary action.

There is need for public participation and our society needs a lot of information to help them. Land task force did a research and found out that an unknown party would come in order to be sold a piece of land, the legal procedures would be carried out. The same piece of land would still get a second buyer who would also get a title deed. Therefore, the task force found out that a single piece of land would be owned by like three people who would produce their ownership documents.

I invite the lands committee to my ward, which has many issues hence its underdevelopment. This week more than 72 people went to NEMA to confirm ownership of their land and now they are free to develop their plots. Again, in the ministry of lands through the CECs, you find that a person by the name 'Kamau' would not give them the go ahead to develop their plots because maybe they still have a lot of questions, double allocation for example. Maybe those people in the offices have not been given authority to allow people from my ward to develop their plots.

My request is that the lands committee should liaise even with the national land CS in order for them to be able to handle land issues much better. Some institutions like churches were given those pieces of land as charity to help the society around them a very long time ago. Therefore, when you require the church to produce ownership documents, you will not get to see them but it has helped the society within.

I also wish that the members of the public can be advised on what to do when they are selling their land and I am happy that now the land offices are being put up in Nyandarua. When you do not do proper transfer of ownership of land, and your son becomes of age, he can still claim that land because it still is the property of his family. After that, land issues emerge.

Lastly, we have the land rates. Quite a number of people did not know that they are supposed to pay land rates. I think a decade ago the town council had given notice, that it will repossess lands whose rates had not been paid. For example in Mahinga, the council had at one

Christmas session invited the members of the public to go and do balloting and whoever won was awarded a piece of land. That is now a land issue in Ol'kalou.

If we are not able to talk to our people, we will never be able to overcome this problem concerning land. So I commend the land committee for this report on Rurii, I invite them also to Karau ward and see how they can help my people. Some of us are buying land in order to set up our homes and we need this team to assist us where needed. Thank you Mr Speaker.

Speaker: Member for Charagita, Hon. Wairimu Njane.

Hon. Wairimu Njane: Thank you Mr Speaker Sir. I rise to support this motion. First, I would like to commend the committee for the job well done. It is indeed a report from a surveyor. As the other members are saying, land issue is a real problem in many wards. I wish they could come to Charagita because there are so many issues near the centres. Landowners are unknown. A public land audit needs to be done to establish how land was allocated and the owners.

We have been talking about colonial villages. People who live there have not gotten their title deeds yet. I have heard in several meetings that the title deeds are almost ready and the chairperson of the Committee on Lands, Housing and Physical Planning should check on that. In my ward, there are two colonial villages and some people were born there and some are already over 50 years and they do not know if that land belongs to them or not. It would be of help to them if they were given a small piece of land and a title deed for it. Thank you Mr Speaker.

Speaker: Member for Leshau Pondo and the Majority Leader, Hon. Gathungu Kamau.

Hon. Gathungu Kamau: Thank you Mr Speaker, Sir. I rise to support this motion. I am a member of this committee and I start by thanking our able chairperson. He has been very helpful in our endeavour to come up with this very elaborate report. He has been able to translate for us the Greek on the maps. I also thank the committee members for the time they set aside to do this report.

I want to be very brief. The land issue has been very emotive in our county. Every place in this country has been affected by this issue and it is almost becoming a national disaster. The second Assembly and County Government of Nyandarua would have done a great favour for the county if they are able to deal with land grabbing issue.

My input is, the institutions that members are claiming to have grabbed land, we incorporate that in our final report that they do not have proper documentation. Thank you and I support.

Speaker: Member for Njabini Kiburu, Hon. John Kiiru Gachomba.

Hon. Kiiru Gachomba: Thank you Mr Speaker. I appreciate the chair of this committee together with its members for the report on Rurii ward the land issue. The recommendations are quite elaborate. They are saying that the county government should come up with a clear plan on the land issue.

All grabbed public land should be reclaimed and if we get hold of this land, we will be safe from the grabbers. However, these people should be dealt with and shown no mercy. We will not allow people to invest on public land. Hon. Members are talking about how schools and churches are being built on public land. It is very true. The people who are doing this do not have proper documentation.

We need to reclaim those lands because some were meant for public toilets and sewerage system. Double allocation of land should be discouraged. All these things happen in the offices that we have. We should make sure that the law is followed to the letter. Necessary measures should be taken against those people. I am in support of this report and I call the mover to respond. Thank you.

(Hon. Kenn Mukira rises on a point of information)

Speaker: It is a bit late. The member is already done with his contribution but maybe so that no important information is left out and may be helpful to the committee, the member for Njabini Kiburu, from where you have stopped your contribution, do you have any problem with getting information from member for Karau?

Hon. Kiiru Gachomba: I think it will be much helpful. He can donate, just a second.

Speaker: Proceed member for Karau.

Hon. Kenn Mukira: Thank you Mr Speaker. You see, we are sons and daughters of farmers and the issue of Midland has really affected us. Most of us thought that Midland would have made our lives better but it did not. We now have a better chance to reclaim the Midland.

There are some talks going round that Midland should be taken by other people other than the people of Nyandarua. We need to stand together in order to safeguard the interests of the people of Nyandarua. We need to leave a legacy behind in order to be remembered for something good we did for this county.

Midland should be given back to the people of Nyandarua. My brother was working there as an air conditioning and refrigeration technician and was never paid for six years, so with the little that I was earning, I had to sustain him. Midland should remain as the property of Nyandarua. I have mentioned it because it is in Njabini Kiburu where Hon. Gachomba is the MCA and through him, we can reclaim it back. Thank you.

Speaker: Member for Njabini Kiburu, that information is useful to you. Member for Murungaru and the mover of the motion.

Hon. Kariuki Muchiri: Thank you Mr Speaker. I thank the members for their contribution, there were a few concerns that were raised and I wish to respond to them. I do not wish to comment on what the member for Karau has said because it is not contained in the report. So let me respond to the issues of colonial villages. The committee is working on the issue of colonial villages and once we are done with the investigations, we shall table that report.

On the issue of advising members on how to buy and sell land, we should have a county Attorney to offer that service and the sooner we get one, the better for all of us. He is supposed to give free advice.

There was the issue of the genuine landowners not being allowed to develop their own land near towns. The cleaning exercise is ongoing and if there is proper documentation, there is no reason as to why the government should not issue development documents to the landowners. This is an issue that cannot take a few days. It needs to be handled with care. Somebody might be holding a lease documents while another one is holding an allotment letter from the land commissioner. The government therefore needs to do thorough investigation until the genuine land owners are found. When you do further investigations, other issues come up. I think the executive need to fast track the **cleaning** exercise on plots. Personally, I would prefer that we first deal with those people who have the lease documents then the ones with allotment letters. Then we can deal with the TOLs afterwards.

Members have raised issues to do with their wards and as a committee, we decided that we will not be directly dealing with those issues. We want the House Business Committee to also have some work. Therefore, I am requesting the members to be raising the issues in this house after which they will now be committed to my committee and then we shall investigate. From now henceforth, we will be taking issues from the floor of the house as the Hon. Speaker directs.

On the issue of repossession, I agree with the members that we cannot do that without liaising with the National Land Commission. When we say that the CECM should repossess land, he obviously knows that he cannot do that on his own.

On the current land use issue raised by Hon. Kieru, we meant that the land with small issues should be put into proper use, and land with no issues, proper documentation should be offered. I take this opportunity to thank the members for their deliberations and support of this report. It is evident that land issues are very emotive and I expected that because there was another motion, the members would leave but you can see how serious they are on this. It is almost 6.00 p.m. in the evening and we still have quorum. I commend the members for their patience and I beg to move the motion. Thank you.

(Question put and agreed to)

Speaker: We are going to communicate these resolutions with immediate effect and I wish to thank the committee for this boldness. This is what I have been talking about. This house is all about oversight. There is representation and legislation but without oversight, nothing can work out. We need identify the issues and strike it when it is hot. Let us do it to help our members. As they bring in their statements, let us handle the issues of land within the first three years. In the fourth year and the fifth year, we shall not touch on it. Let us conclusively deal with this issue within the first three years.

I hope chair for that committee will work towards that direction and I have already talked to the minister in charge of land. I told him that the problem of land in Nyandarua is within his office. The same people who have stolen cannot investigate themselves. They cannot clean the same titles they acquired unlawfully. I told him to make a request to the ministry of lands in Nairobi so that they can send a team to Nyandarua, even for three months and take a look, then tell us which land belongs to who. Otherwise, we cannot work with the same officers we have here. They are offering allotment letters even now. Surveys are being done on Saturdays and Sundays, here in Ol'kalou. Unless we approach this issue proactively, we will have problems.

When I said this, I started receiving messages that the Speaker is also speaking about land passionately and his brother and sister-in-law own almost all the land in Ol'kalou, and I asked them what business I have regarding what they own. I was in primary school when one of them acquired land and in secondary school when the other did the same. What business did I have to do with it? If it is public land, I will be the first to have it repossessed and given back to the people of this county. Therefore, nobody will threaten me on issues of land in this county. We shall get to the root of it to ensure that whatever belongs to the public goes back to the public.

Another issue, which the chair should take very seriously, is that the officers who allocated this land are still working with us. No sanctions or warnings have been issued to these officers. They go to the office in the morning, having messed the land matters in this county and the lives of young entrepreneurs in this town. I know of young families in this town who have been sold land to by none other than the clerk. They have built and settled. Then a person comes with a lease document indicating ownership. As the member for Karau said, a temporary letter of occupation does not give you any right of ownership of land. You use it at the pleasure of the person who has given it to you. It can be recalled tomorrow. Some people are even putting up storey buildings on the strength of temporary occupation licence. Public participation is very important and those people who have messed with the land tenure must be punished. It is not the plot owners who messed the land tenure, it is the officers in government and they even get promotions.

This matter will be in the papers that, this house has approved a motion that all cemeteries and the bus park in Rurii must be recovered by the executive within certain period of time. We will ensure that we work very closely with the press. I will also make sure that my communication department drafts this report in the social media platform so that everybody in

Nyandarua knows what we are exactly doing. We shall move a resolution in this house that we name and shame land grabbers in this town. We do not have to go to Weru ward. If we are able to conclusively deal with the issue in Rurii and start repossessing land, those in Weru will start surrendering those titles. In the first Assembly, we moved a motion and the people concerned came and surrendered the titles to the committee when they saw that we were serious about this issue.

We cannot play games with land, being the primary factor of production. If we get wrong on the issues of land, we shall not go anywhere. I thank all of you for what you have done. We should be in this together. We sympathize with member for Kaimbaga that Kianyao stadium is being grabbed every day and night by the same officers in our government by issuing backdated letters. The home for the aged in Kaimbaga had been taken. The dispensary too has been taken. All I can assure you is that all that land will be recovered. As an assembly, we shall achieve that.

Next order.

ADJOURNMENT

Okay. Hon. Members, the business for today having been exhausted, we shall adjourn to tomorrow, Thursday, the 22nd day of February 2018 at 2.30 p.m.

(The house rose at 5.54 pm)