

# REPUBLIC OF KENYA

## NYANDARUA COUNTY ASSEMBLY

### 1<sup>ST</sup> ASSEMBLY- 4<sup>TH</sup> SESSION

#### OFFICIAL REPORT

Wednesday 7<sup>th</sup> December, 2016

*The Assembly met at the Assembly Chamber (P.C.E.A Hall) at 2:30 P.M*

*The Speaker, Hon. 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:** There being quorum we can proceed with the business of the session.

#### PAPERS

##### REPORT ON COUNTY BUDGET REVIEW AND OUTLOOK PAPER

Yes, member for Mirangine and the Vice Chairperson, Committee on Budget and Appropriations.

**Hon. David Ndirangu (Mirangine):** Thank you Mr Speaker, I beg to table the report of the Budget and Appropriations Committee on the County Budget Review and Outlook Paper.

**Speaker:** That paper is duly laid by the member for Mirangine Hon. David Ndirangu, I had not mentioned that. The House business committee will process that.

Next order.

#### NOTICE OF MOTION

##### COUNTY BUDGET REVIEW AND OUTLOOK PAPER

Yes, the vice chairperson of the committee on Budget and Appropriations and member for Mirangine Hon. David Ndirangu Ngigi, stepping in for the chairperson.

**Hon. David Ndirangu (Mirangine):** Thank you Mr Speaker, I beg to give notice of the following motion.

That this House does adopt the report of the Budget and Appropriation Committee on County Budget Review and Outlook Paper, as a report of this house and the recommendations therein as resolutions of this house.

Thank you Mr Speaker.

**Speaker:** The notice of that motion is duly given. The House business committee shall appropriately allocate time for the same. Next

### MOTION

#### 1. GUIDELINES ON PUBLIC HEARINGS AND RULES ON PUBLIC ACCESS TO COMMITTEES

*(To be moved)*

Yes, County Member from Githioro and a member of the House business committee, Hon. Dorcas Nyambura Kihara.

**Hon. Dorcas Kihara:** Thank you Mr Speaker, I rise on behalf of Hon. Edinald Wambugu King'ori, the vice chairperson of the house business committee to seek leave. He is out on another assembly business and he asked me to seek leave on his behalf, to move this motion another time as will be allocated by the house business committee.

**Speaker:** Very well, I believe that this motion was in the order paper yesterday.

**Hon. Dorcas Kihara:** Mr Speaker that was a different motion of the House business committee.

**Speaker:** Hon. Members you appreciate that we gave very tight timelines to the committee on Roads, to bring a report on the pending bills by Friday so that the same is discussed in the House on Tuesday next week. I am aware that the vice chair is attending to that committee's business and that leave is granted. The House business committee shall reallocate time for that motion.

Next order.

#### 2. COUNTY SPATIAL PLANNING

Yes, Deputy Leader of Majority and the member for Kipipiri, Hon. Michael Kirumba.

**Hon Michael Kirumba:** Thank you Mr Speaker, I beg to move the following motion.

Aware that the County Governments are required to prepare spatial plans under section 110 of the county government act 2012;

Further aware that Nyandarua county government does not have a spatial plan which is a critical planning tool especially for urban development and growth.

Concerned that the lack of a county spatial plan is affecting the development in the county and may lead to unplanned development especially in the urban areas.

Now therefore, I urge that this House does resolve that;

1. The department of lands housing and physical planning does prepare a county spatial plan for adoption by the assembly within 60 days

Thank you Mr Speaker.

Mr Speaker, this motion is as a result of the requirement by the County Government Act 2012, which stipulates things that the county government should have done after taking office.

The word 'spatial' is an adjective meaning space. This has correlation with what we do because if we fail to plan we end up doing things haphazardly and as a result we face challenges of where to put up health facilities, residential structures and parks.

Mr Speaker, the members will appreciate that it is the same act, the County Government Act that makes it mandatory to have the county government do what they are expected to do. In our case we have only done the county integrated plan. That is also captured in section 107 of the county government act. We can be proud to say that the county has some plans along the way but we are missing the third component which is very critical, the County Spatial Act. This is something that should have been done a long time ago but we as the assembly are not going to sit without triggering any reaction from the executive.

That is the motivation for this motion. Whoever is responsible should go through this act section 103, 104 107 and 110 all of which are related to spatial planning. We have the CIDP but we are not doing what we are supposed to do. This motion is meant to give a proper framework even for the future assemblies. This is the best time for it so that when the second assembly comes they will see that we triggered something and by time we leave we shall have started something.

This motion will shape what will be done today and days to come in terms of planning the towns and schools. We are supposed to start with the upcoming trading centres. Most of us know that the trading centres we have, have come up as a result of change of user from agricultural land to business centres. They have no places for doing public toilets or anything. Spatial planning is the one that will solve this problem. With this the county will even be able to buy some land in those upcoming trading centres for future development.

I do not think there is any Ward here that does not have that problem. Machinery for instance is a town that came up as a result of buying and selling of agricultural products. When members of the public come to me and demand for a public toilet, there is nowhere in that centre provided for that. You can name them. Many others have the same problem.

This motion has the future of this county at heart. We need to comply with the sections in the county government act that I have mentioned.

I call Hon. Ndirangu to second the motion

**Speaker:** Yes, County Member from Weru, Hon. David Ndirangu Mwangi.

**Hon. David Ndirangu (County Member):** Thank you Mr Speaker, I second the motion. We should bear in mind that population is growing and we are not expanding land. It is good that we consider the places that we intend to develop and what we want to put up. Money was allocated in the budget and it was meant to put up a modern market in OlJoro-Orok. When the BQs were prepared and we went to the ground, we found that there is no space for such a market in OlJoro-Orok.

There is need for county spatial plan so that we can be able to plan the upcoming towns. That is why we have no space to put up even the ECDE classrooms and health facilities. Those who planned before did not consider this. I second the motion and urge the members to support this motion.

*(Question proposed)*

**Speaker:** Yes, member for Keriita Hon. Paul Nderitu.

**Hon. Paul Ndiritu:** Thank you Mr Speaker for giving me this chance to support the motion by Hon. Kirumba. This is a problem facing the whole county. Planning is critical. For instance Mairo-Inya trading centre was not planned. Putting up a public toilet there is a problem. This centre is growing and the population is 14000 now. We also do not have a place for the market sheds. We have passed critical motions here but there was no implementation of the same. You can advise the House on how to engage the executive. Last week we passed a motion brought by Hon. Gachuhi. If a committee asks for a document it should not take more than two days to be submitted. This has been a problem.

I support the motion.

**Speaker:** Yes, member for Gathanji Hon. Samuel Thuita.

**Hon. Samuel Thuita:** Thank you Mr Speaker, I support the motion. Planning is key to development and especially spatial planning. This county has so many mushrooming towns and trading centres. As the mover of the motion has said, there is nowhere in these centres to put up even a public toilet.

This county has no social facilities and there is no land for them. For such things as bodaboda which is booming business there is no place to put up sheds for them. In Gathanji Ward, the six trading centres have no such space. You can only expand the roads and when it goes to some extent some shop owners say that you are encroaching to their areas.

The shopping centres are poorly planned and if there was a fire in one of them, the whole shopping centre would be burnt to ashes because there would be no access to it. The government should ensure that we have social amenities like fields and others in the shopping centres. They should think of buying land for those areas because the county is developing. I hope that the relevant authority will take up this matter.

**Speaker:** Yes, County Member from Wanjohi, Hon. Jane Mwathe.

**Hon. Jane Mwathe:** Thank you Mr Speaker, I support the motion. In Wanjohi we have a problem with the toilet that was built. The CEC Member for trade was called to answer on that and she said that that is where the toilet should be. The other problem we have in Wanjohi is drainage because all the sewerage drainage ends in Wanjohi River which joins Malewa River so people use unclean water.

Our people's lives are endangered during the rainy season because there is a likelihood of typhoid and cholera outbreak. We can all agree that there is someone who is sleeping on his

or her job. In our homes we plan where to put up the store, the kitchen, we do not put up anything where we want. We would like serious measures to be taken so that we can have good plans for the town in this county. I call the mover to respond.

**Speaker:** Yes, the Mover and member for Kipipiri, Hon. Michael Njoroge Kirumba.

**Hon. Michael Njoroge:** Thank you Mr Speaker. First and foremost is to thank the members that have supported this motion. Telling from the contribution, I would like your guidance because the problem we have appears to be even bigger. The motion had given a timeline of 60 days but we need more time because this seems like a capital investment in terms of even buying land to address the issues in the towns. I therefore beg to make an amendment to this motion so that we do not give such small timeframe, to delete, 'within 60 days' and leave it open ended so that we can see how the budget will be. I call upon Hon. Ndirangu to second the amendment and then I will come and respond later.

**Speaker:** County Member from Weru, Hon. David Mwangi Ndirangu.

**Hon. David Ndirangu (County member):** Thank you Mr Speaker, I second the amendment so that the spatial plan can be done within the law.

*(Question on the amendment proposed)*

*(Question on the amendment put and agreed to)*

**Speaker:** The amendment is carried. As you are aware Hon. Members, to prepare a spatial plan for the whole county would not cost anything less than Kshs.200 million and I therefore think that it was very wise to delete that particular section. Member for Kipipiri proceed.

**Hon. Michael Kirumba:** Thank you Mr Speaker, I once again appreciate the members that have supported this motion. The motion is intended to address the requirement of the County Government Act 2012. Omission of spatial planning may land people in very big problems.

We all remember what happened in Kasuku where an *Iko*-toilet had to stop because of planning. There was an unnecessary conflict and demonstrations were witnessed there. As the County Member from Wanjohi has mentioned, there are health related issues in Wanjohi that are as a result of lack of planning. The waste from the toilets in that town finds its way into the river. We are sitting on a time bomb because WARMA can take legal action against the government. This river goes all the way to Naivasha. These things are in the law and we have to abide by it. The executive should understand this. They have lawyers who know the consequences of not following the law.

If unfortunately there is an outbreak of a disease in Wanjohi and it spreads all the way, and some takes a sample of that water from downstream to the laboratory, we would land into problems.

Mr Speaker, when communicating to the executive make sure they understand how important this is. We all know that when you are leaving a house, leave it better than you found it. You might find that you have come back to the same house. We want to leave this place better than we found it. We have done our part as we are supposed to do and if they do not take any action we shall wash our hands like Pontius Pilate and say that we did what we could within our mandate. We have been trying to put up flood mast in all these small town but when doing so a business person says that we are putting it up in front of his or her business premises.

Miharati a sub county headquarter would not have had any flood light were it not for some road reserve not being occupied by shops. Wanjiku will not consider that there was poor planning she will condemn us yet it is not our fault.

The amendment that we have just made to the motion has come in handy because this is the time that we need to buy land in this county. A time will come when we shall not have land to purchase. Mr Speaker, for the last twenty years the price of land has skyrocketed. You can testify to that because you were born and raised here. Very soon a plot in Ol'kalou will be a million shillings and above. The government should buy land now that it is available and keep it as public land even in places like Boiman. In Magumu we should talk to the people neighbouring the centre because the centre will not shrink, the businesses will expand to radius of more than kilometre.

Some of us had a chance to go to Ongata-Rongai when there was not even a shop. That place started growing as from 1982 after the coup when people migrated from the town to such areas. That is exactly what we shall see in these towns.

Mairo-inya is growing very fast and we cannot move ahead when the residents there do not even have a public toilet. Those who will come after us will see that we did not plan. We want the executive to react and if they do not this county assembly will have done its part. All the sections of the county government as I mentioned earlier are mandatory. I beg to move and thank the member for participating.

*(Question put and agreed to)*

**Speaker:** We are going to communicate as much to the executive to trigger their movement towards realizing a law regulating this particular aspect of the execution of the mandate of the government. We expect that these things will lead to law so that it can be complied with. You know there is a small weakness in parliamentary practice, the greatest weakness in a motion is that there is no way that the assembly can be able to enforce it. That is why we always move a motion to develop a law because it has to be complied with. That is why we are hoping that this will trigger the executive to start a process of creating a law to regulate that aspect within the county government. If they do not do it, we shall be watching. If within 60 days nothing will have been done, there is no bar according to the Constitution, the County Government Act or the Standing Orders from this House initiating that particular legislative proposal to realize this particular vision.

The most important thing about this issue is that, spatial planning will identify all public installations within the county. The reason why the toilet in Wanjohi is draining its waste into the river is because it was built in the wrong place. If we used spatial planning, it should tell you that the toilet should not be any place near the river. Without a spatial planning development will continue being a challenge within this county.

Spatial planning will secure public land ensure development are done at the right places. The greatest worry is that most of the developments that we have done without spatial planning will come down because they will have been found to have been done in the wrong places and for these we are talking about billions and billions of money. Therefore the urgency of this one cannot be emphasized. It is there and we are going to communicate unequivocally to the executive. We said that if within 60 days nothing will have happened we shall trigger action from our legal department so that we can ensure that some of these things are done.

Next order.

## ADJOURNMENT

Hon. Members the business of the afternoon having been exhausted this house will adjourn to tomorrow Thursday 8<sup>th</sup> December 2016 at 2.30 p.m. that if the first day to the general elections when the Hon. members are not supposed to engage in public fundraisers.

*(Laughter)*

*(The House rises at 3.14 p.m.)*