



REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
1ST ASSEMBLY-4th SESSION
OFFICIAL REPORT



(The Hansard)

Tuesday 8th March, 2016

The Assembly met at the Assembly Chambers at 2:30 P.M

The Speaker, Hon. Ndegwa Wahome, in the Chair

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

The clerk-at-the-table confirms that there is quorum

Speaker: There being quorum, Hon. Members, we can proceed to transact the business for today as appearing on the order paper.

First order.

COMMUNICATION FROM THE CHAIR

WELCOMING TEACHERS AND FORM FOUR STUDENTS OF WERU SECONDARY SCHOOL
IN OLJORO-OROK SUB COUNTY, NYANDARUA.

Speaker: Hon. Members, I have a brief communication to make. The communication is in the following terms: Hon. Members I wish to notify you that today, the 8th day of March, 2016, we have the honour to welcome teachers and form four students from Weru secondary school in Oljoro-Orok Sub County Nyandarua. There are a total of 58 students chaperoned by two teachers namely Mr. Onyango Collins, the HOD and Mr. Njuguna Paul.

We also have the leadership of the students led by Kelvin Mwangi who is the head boy and Eunice Muthoni who is the head girl. As an assembly, we have a standing tradition of warmly welcoming visitors and more so students as we deliberate on important matters affecting our county. I therefore ask you Hon. Members, to join me in applauding the teachers and students of Weru secondary as aforesaid. Finally, I thank the Member of County Assembly for Weru Ward for ensuring that the students are accommodated.

Thank you.

PAPER LAID

REPORT OF THE COMMITTEE ON IMPLEMENTATION STATEMENT SOUGHT BY HON. NANCY NG'ANG'A ON THE STATUS OF IMPLEMENTATION OF COUNTY ASSEMBLY RESOLUTIONS

Speaker: Yes County Member from Nyakio and the Vice Chairperson Committee on Implementation, Hon. Monica Wamuyu Kariuki.

Hon. Monica Wamuyu: Thank you Mr Speaker, I wish to table the Report of the Committee on Implementation in response to a statement sought by Hon. Nancy Ng'ang'a on the Status of Implementation of County Assembly resolutions. Thank you Mr. Speaker, I table.

Speaker: Very well; the report is duly laid and the House Business committee will give further directions. Next order

NOTICE OF MOTION

REPORT OF THE COMMITTEE ON IMPLEMENTATION STATEMENT SOUGHT BY HON. NANCY NG'ANG'A ON THE STATUS OF IMPLEMENTATION OF COUNTY ASSEMBLY RESOLUTIONS

Speaker: Yes county Member from Nyakio and the Vice Chairperson committee on Implementation, Hon. Monica Wamuyu Kariuki.

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

That this House does adopt the report of the committee on Implementation in response to a statement sought by Hon. Nancy Ng'ang'a on the Status of Implementation of County Assembly resolutions as a report of this House and the recommendations therein as resolutions of this House.

Thank you Mr Speaker, I beg to give notice.

Speaker: Very well, the notice is duly given and the House Business committee will give further directions. Next order.

MOTION

REPORT OF THE COMMITTEE ON LANDS, HOUSING AND PHYSICAL PLANNING ON
GRABBED WANJOHI YOUTH POLYTECHNIC AT WANJOHI, AND CLOSED ROAD AT
NDUNYU NJERU TOWNSHIPS.

Yes, 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 this House does adopt the Report of the Committee on Lands, Housing and Physical Planning on Grabbed Wanjohi Youth Polytechnic at Wanjohi, And Closed Road at Ndunyu Njeru Townships as a report of this House and the recommendations therein as resolutions of this House.

This report contains two reports, we found that we could not just go out and come up with a report of just one road for prudent management of resources. The committee is grateful to your office for the support you accorded us in the execution of our mandate. I am highly indebted to the Hon. Members of this House and in particular, the Committee Members who found time to attend and participate in the sittings despite their busy schedules.

Our gratitude also goes to the Office of the Clerk for facilitating and providing technical support to the Committee. The Committee would like to sincerely thank the members of public in the two trading centres we visited. Their benevolence in welcoming the Committee Members did not go unnoticed. Their passionate contributions were instrumental in generating information that guided the formulation of the findings contained in this report. The Committee's secretariat invaluable support in ensuring that the Committee fulfils its statutory mandate.

The Committee on Lands, Housing and Physical Planning as constituted under Nyandarua County Assembly standing Orders, it comprises of the listed members; including Hon. David Mwangi Ndirangu who is, actually, supposed to attend all committees. Mr. Speaker, allow me to go directly to the committee's findings regarding the Wanjohi Polytechnic. The committee learnt that:

The Polytechnic's land in question was approximately 6.3 acres. The certificate of lease was issued to Africa Inland Church of Kenya Trustees on 24th January, 1997 under title number NYANDARUA/WANJOHI TOWNSHIP/375. Term of lease is 99 years from 1/12/1989. On the land, there is one block of a permanent building with one small storeroom and five classrooms. The classroom on the Southern side is occupied by a resident. What it

means here is that this land has been developed. There were two separate permanent blocks of toilets each consisting of three toilets for ladies and gentlemen. The land was not fenced although it has few posts surrounding it, an indication that it had been fenced at one time.

The former chief applied for allotment letter for Wanjohi Youth polytechnic and this is when trouble started. The allocating body did not know who to refer the letter to. The Commissioner of Lands however issued an Allotment letter to Kenya Registered Trustees, Africa Inland Church, instead of giving it to the Wanjohi community through the Chief. The former chief was very genuine, he consulted with the church and the public before making any move but the church went behind the chief and the community's back and had the allotment letter written in their favour. If you look at the annexure just after the minutes, the allotment letter is written UNS which means not surveyed, it was written to a group of trustees AIC. Should the same letter been allocated to the chief, the story could have been different. In a clever and cunning way, the administration of the church went to Nairobi and got the allotment letter addressed to them. If you go to the ground now, there are no students in this institution but before the dispute, there were very many students. The consequence is that parents pulled out their children as the polytechniques became unmanageable.

You remember how well the administration of the AIC was connected with the government of the day. The head of the state then was a member of this very church. They used these connections to manoeuvre and get the allotment letter that was meant for the community. The plaque on the wall reads;

*This plaque was unveiled by
Dr. Kang'ethe Gitu,
P.S. Ministry of Labor and H.R.D To
Commemorate his visit to
Wanjohi Community Youth Polytechnic
On 14/11/2000.*

This polytechnic was opened by a government officer. There is no way an officer of the government would have come all the way to open a building that did not belong to the government. I want the members to appreciate the seriousness of this matter. Page 13 of this report indicates the resources that were collected and the church neither took part in the contribution nor did it participate in the construction of the polytechnic. The contributions were as follows;

1. The entire Wanjohi Community.....Ksh.215, 000.
2. The Government through D.D.CKsh.470, 000.
3. World Vision InternationalKsh.700, 000.
4. Action AidKsh. 47,500.
5. Danish Volunteer ServicesKsh.461, 000.
6. American Women Organization.....Kshs. 30,000.

The money raised by the community is and was a lot of money. The World Vision and those other NGOs' requirement before contribution was that the institution must be a public entity. We have enough evidence to show that the polytechnic was and still is a public entity. The church, however went ahead and acquired an allotment letter. They have the certificate of lease which is superior to an allotment letter and can only be challenged in court. I am urging the executive to do something about this polytechnic. Before I conclude on the matter of this polytechnic, allow me to go through the committee's recommendations.

Mr Speaker, the committee recommends that; The Nyandarua County Land Management Board investigates this matter further with the aim of revoking the issued certificate of lease through the National Land Commission. The current secretary of the AIC is an alumnus of Wanjohi polytechnic. Imagine how many more of our young people would have benefited from this Polytechnic had it not shut down? The second recommendation is that the County Executive Committee Member in charge of Lands, Housing and Physical Planning should in line with art. 37 of the county Governments Act take up an appropriate step to resolve the land ownership dispute (The County Governments Act, 2012). Let the CEC look into ways this dispute can be resolved.

The County Executive Committee Member should get a sworn affidavit from the Former Chief for Wanjohi location Mr. William Stephen Kinuthia in case of any legal proceedings in future. This chief, Mr. Speaker, is an old man and bearing in mind how our courts drag their processes, this process should be fast tracked because no one will live forever. This man has a lot of information that would be instrumental in resolving this issue. He is the one, not the church, who applied for the allotment letter and the church only managed to clinch the letter by going behind his back. We need to strengthen our people's case by securing that affidavit. The land in question should be put on hold until the case is determined.

Speaker: I thought you would have added that any activities on the land in question should be put on hold so that not even a transfer or construction can take effect before these issues are dealt with.

Hon. Kariuki Muchiri: Mr Speaker, would you please repeat what you said.

Speaker: Maybe you can add the words ‘any activities on’ before the words ‘the land’

Hon. Kariuki Muchiri: Thank you Mr Speaker. I wish to propose an amendment to this report that we insert the words ‘any activity on’ just before the word ‘the’ in number 4 of the recommendations and I wish to call upon the vice chair to come and second the amendment.

Speaker: Yes the vice chair of the committee on Lands Housing and Physical Planning and the member for Geta, Hon. John Githinji Mwaniki.

Hon. Githinji Mwaniki: Thank you Mr Speaker, I second the amendment.

Question on amendment proposed

Question on amendment put and agreed to

Speaker: That recommendation is amended accordingly. Member for Murungaru proceed.

Hon. Kariuki Muchiri: Thank you Mr Speaker and the members for that amendment. The next amendment is on number 5, that the National Lands Commission should assist the community to repossess the land. This is a key institution and if it is involved, it will fast-track the reversal of that document that the AIC church has so that the people of Wanjohi can start utilizing that facility and our people shall benefit.

The other issue is a road in Ndunyu-Njeru town which is very important because actually it is in the development plan but on the ground, it is closed. If opened, it will trigger opening up of businesses along the road. There is nothing much about that road and I wish to go straight to the recommendations which is on page 19.

1. The County Executive Committee Member in charge of Lands, Housing and Physical Planning ensures that surveying is done to establish the boundary between Ndunyu Njeru Township and Nandarasi Settlement Scheme.
2. The encroached road be opened and any other road that is encroached within the Town.
3. The encroached road be graded and gravelled to enhance communication and to open the area for development.

All the annexures and the evidence is there and if you go through it, you will find that the land belongs to the public and it should be returned to the people. Before I call the vice chair to second, I wish to draw your attention to the letter just before the allotment letter. The letter is an application that was done by the office of the chief Wanjohi location on 30th May 1986 and it is the one that was used by the church. This letter was addressed to the commissioner of lands, P.O Box 30008 Nairobi. The reference was Application for Plots or Public Utilities. The plots that were applied for were.

1. Wanjohi Youth Polytechnic
2. Wanjohi Full Gospel Church
3. Assemblies of God Church
4. Apostolic Faith Church
5. Kianda Secondary School
6. Kanini Women Group

Mr Speaker, you can see that when the committee says that this was public land, it is. It is the chief who applied for it and these people went behind the community because they knew that the community takes a lot of time to decide.

The church people rushed to Nairobi and they said that they have agreed that they be given that land. That is how they got it. It is clearly written that it is the chief who applied for the plot but it eventually landed into the hands of the AIC administrators. I now wish to call upon Hon. Githinji to come and second this report.

Speaker: Member for Geta and the vice chairperson committee on Lands Housing and Physical Planning, Hon. Githinji Mwaniki.

Hon. Githinji Mwaniki: Thank you Mr Speaker, I rise to second the report on Wanjohi polytechnic's grabbed land. I thank the members for how they conducted the business and how they went through the documents. This is a detailed report. The grievances of the public and the document showing the applications are in the report. It is just after the lease. It is not numbered...

Speaker: Is the clerk on the committee on lands here? I cannot see Mutahi, he should be here because he is the clerk to the committee on lands. We agreed and resolved that the clerks be here so that they are able to follow up on the resolutions of the House for implementation. We had agreed that the reports should also be numbered. This should have been the 5th or 6th report by the committee on lands. That is why we want them to be here because we cannot keep on repeating administrative issues over and over again.

The clerk-at-the-table consults with the Speaker

There is an explanation that the clerk to the committee on lands is bereaved and that the clerk present at the gallery is holding brief for him. Member for Geta proceed.

Hon. Githinji Mwaniki: Thank you Mr Speaker. The materials used to construct the building that is now housing the Wanjohi polytechnic were the materials meant for Wanjohi social hall which was to be built by the local community.

The social hall was proposed way back in 1966 and it was on the land that is now occupied by the Wanjohi youth polytechnic. The DC at that time insisted that the building should be permanent. During those days, the social hall was being used by the entire Wanjohi community. It was also used by the AIPCA church and later the Kenya Assemblies of God church until they had their own buildings.

In the year 1983, officials from the ministry of culture and social services came and said that if people came together, they were willing to assist to build a youth polytechnic provided that the community adhered to the ministry's guidelines. They also said that they would contact international organisations to aid the youth polytechnic. They later fulfilled the promise. Mr. Speaker you have seen the genesis of this.

When we summoned the AIC leadership, we requested for the letter of application of the lease but they did not produce it. However, in the annexures you can see that it is chief Kinuthia who wrote the application requesting that the said piece of land be given to Wanjohi polytechnic. The church had been given 99 years lease for the land in question. The allotment letter however was issued under the Wanjohi polytechnic. The matter is complicated. The lease was given to AIC but the allotment letter was given to Wanjohi polytechnic.

Land grabbing problem should be carefully examined especially if it concerns the youth. If these things will continue I believe that we shall be exploiting the future generation. In the letter I was reading, the chief mobilised the community to solicit the funds for the construction of Wanjohi polytechnic. How can a chief solicit funds from the community to construct the Wanjohi polytechnic? Different churches have their development programs that generate income for them. However this is an interest of an individual or a certain organised group with a different vision. It can be said that they joined hands to grab Wanjohi polytechnic.

On the Ndunyu-Njeru issue, I would say that the surveyor should visit the township and beacon all the public land and the encroached roads after which legal action should be taken.

I second.

Question proposed

Speaker: Yes member for Shamata and the majority whip, Hon. John Kinyanjui Gachari.

Hon. Kinyanjui Gachari: Thank you Mr Speaker, I rise to support the report. Some churches sponsor institutions and then they claim that they belong to them. I saw this in Shamata secondary school when the sponsors tried to take part of the land that belongs to the school. I do not know how they preach to the community. They cannot steal for God. He owns everything. He can make a person to donate land for them. This shows that probably the god they serve is very poor and mean and cannot afford to give them land for his work.

I feel sad that the bishop had been summoned to be questioned by the committee to give the right position but he failed to turn up. I urge that we treat that church like any other person that grabs public land. There is a court of law Mr Speaker and the title deeds can be cancelled by the courts. Let the county government take action even if it means going to court so that land is given back to the community.

Mr Speaker we have a lands' board and since they were appointed, I have not seen them acting against land grabbing in Nyandarua. Let the board act to ensure that this land is repossessed by the community so that our children continue learning. As stated by the committee, the contribution was started by the community and they contributed Ksh. 215,000. It was a long time ago and that was a huge amount of money. There was also a donation from the government of about Ksh. 470,000 which was given to the institution. The world vision international donated Ksh. 700,000 towards the same. Danish volunteer services donated Ksh. 461,000.

Mr Speaker, an allotment letter always comes first, title deeds and other documents come later. This indicates that the original owner of the land was Wanjohi youth polytechnic. A.I.C church is not the only church in that area for it to own the polytechnic, there are many other churches like catholic. We are seeing a church associated with Christ trying to steal public property. This is shameful. I do not know how they are going to preach afterwards to the locals because they have become thieves. They should preach Christ. Probably the person that grabbed is not alive but those who followed have continued in this sin which was done by a person that is no longer living. Let them correct themselves and let their conscience judge them and let go the land.

On the encroachment of Ndunyu-Njeru road, surveyors were given money to go and survey all the roads but actually they only pegged and those that had encroached the roads did not move their boundaries since there was no one to enforce that. Now that we have the

county enforcement officers, they should enforce that. I support and tell the CECM for lands to ensure that they enforce that so that the community may also see that they exist. In Shamata they surveyed and the contractor constructed a smaller road than the surveyed and they have started encroaching again and no one is stopping them. We shall not keep on allocating funds for that. Thank you Mr Speaker.

Speaker: County member from Wanjohi Hon. Jane Mwathe.

Hon. Jane Mwathe: Thank you Mr Speaker. I would like to thank the chairperson and the committee on lands. They have done a good job. I keep on asking whether in Wanjohi we are moulding our youth or wasting them. We see them waking up early in the morning and start packaging potatoes because they cannot do anything else to keep them busy. The D.O. and the inspector work from a house somewhere because their plot was allocated to a police post. The social hall for all the meetings in Wanjohi had been allocated a plot in the same place.

Mr Speaker, may I inform Hon. Gachari that if one does something inhuman in this world, judgment will catch up with you some day. The bishop that had the said lease collapsed and died in 2014. The lease is still with the family. He was boasting and telling the residents of Wanjohi that he has the lease and he would not give it out. That time AIC was associated with a dictatorial government 'koigi uteruo'. They managed to get the lease. Even if we are using a retired chief, there is also need to use the elderly in that community since they know the history of that polytechnic.

I know that with your leadership and that of the executive, that document can be revoked. That is a public utility and we need our youths to benefit. There is a cemetery beyond the polytechnics and the committee can bear me witness that there is a very wide road between the AIC and the polytechnic. We all know that land is a devolved function of the County Government. Therefore, with the support of the county government, we can reclaim the land so that it can be used for the benefit of the youth. Thank you Mr. Speaker, I support.

Speaker: Yes Member for North Kinangop and Deputy Speaker, Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr Speaker. I rise to support the report but before then, I would like your clarification as to whether Ndunyu Njeru is a ward and the Member for Ndunyu Njeru is Edinald Wambugu King'ori as the report purports in page 17.

Speaker: Obviously Member for North Kinangop, I would have expected you to move an amendment so that it reads, North Kinangop ward, because from where the

Chairman is seated, having moved the motion, he cannot move an amendment. Therefore, you are in a better position to move an amendment and you can go ahead.

Hon. Wambugu King'ori: Thank you Mr Speaker, I beg to move an amendment that whenever the committee indicates Ndunyu Njeru ward, it be replaced by the words, 'North Kinangop ward'. I call upon Hon. David Ndirangu (nominated) to second the amendment. Thank you.

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

Hon. David Ndirangu (Nominated): Thank you Mr. Speaker, I second.

Question on amendment proposed

Question on amendment put and agreed to

Speaker: Proceed Member for North Kinangop.

Hon. Wambugu King'ori: Thank you. I rise again to support this report by the Committee on Lands, Housing and Physical Planning regarding the polytechnic land in Wanjohi and closed roads in Ndunyu Njeru. Given the fact that land grabbing in the County and indeed the entire country is overwhelming, the Executive needs to implement the recommendations. In Nyandarua County, the County Lands' Board does not seem to be effective in the sense that we have not seen them go on the ground and repossess some allegedly grabbed public land.

Mr Speaker, the community and the church are embroiled in a dispute about Wanjohi Polytechnic's land. Apparently, the church has grabbed the land and we need to repossess it. On the specific road that the committee mentions as being closed in Ndunyu Njeru Mr. Speaker, I would like to say that the road is about 12 metres wide according to the development plan. In reality however, the road is only 4 metres wide. Indeed, the owner of the land and the previous regimes have all along been aware of that glaring fact.

As Hon. Kariuki Muchiri has mentioned, the business activities are plummeting in the Eastern part of Ndunyu Njeru because the road on that side is encroached. The Ndunyu Njeru development plan, since independence, has always highlighted that the road exists. Therefore, this needs to be looked by the relevant department.

In the ministry of roads, we have a road called C69 and B389 junction. We also have the MOW land, which, by the way, has been grabbed. Since time immemorial, the land belonged to the Ministry of Public Works. Just recently, we realized that the land has now been demarcated for development by a private developer. We also have a piece of land belonging to KCC processing plant of approximately 5 acres. It has also been grabbed.

Mr Speaker, it is clear therefore that these things need to be streamlined. I am aware that the recommendations can be implemented with the follow up of the Committee on Implementation within 60 days. It is important that the Committee on Lands, Housing and Physical Planning do an impeccable job by allowing the public to participate and subsequently, their recommendations will always be informed by the views of the public. To that end, I expect that you make a ruling that the Committee on Lands, Housing and Physical Planning should use the development plan of Ndunyu Njeru Township since independence so that they can have a clear view of how the township is demarcated. Thank you Mr. Speaker, I support.

Speaker: Yes County Member from Kipipiri, Hon. Nancy Ng'ang'a.

Hon. Nancy Ng'ang'a: Thank you Mr Speaker. I rise to support this very important motion. We all know the gravity of all matters concerning land. Sometimes they turn out to be grievous because we've heard of instances where land disputes have led to death even among family members. Therefore, matters of land should be taken very seriously. The church, in this case, which ought to be the custodian of the public property and the word of God, is in the forefront of corruption.

From the report, it is clear that the bishop of the church collaborated with the District Commissioner so that they could get an allotment letter. This is corruption at its best. These people are disguising as religious leaders and embarking on these illegal activities. The reason is that many churches have become moneymaking organizations and rarely do they care about their followers because they are just hiding in the Bible. They know that people are desperate for the 'word' and the clergy is aware that the moment they mention the word of God, the people, who are God-fearing will believe them. Therefore, Mr. Speaker, this incidence of Wanjohi Polytechnic just serves to show the extent of land grabbing in this county. The polytechnic has now stalled because no activity is taking place there yet we have the youth who should be benefitting from skills that the institution could be imparting. This is at a time when we, as a society, are grappling with the negative effects of drug abuse and alcoholism amongst the youth.

The rehabilitated drug abusers should be attending such institutions but thanks to corruption, they are not operational. The church, which should be in the front position of complementing government's efforts of combating this menace is busy grabbing land meant for a polytechnic. They do not care about the people and I don't know what kind of people constitute the clergy of this church. They should be jailed!

The former chief of the area can attest to this and since he was playing an oversight role then, his testimony has a lot of weight. In 1991, the report indicates that the community contributed about Ksh. 215,000 during a *harambee* meant to build the community polytechnic. At that time, the inflation rate was very low and you can only imagine how much the money is worth today. A loaf of bread cost about Ksh. 2.50 then. The people gave a lot and they were doing this in the hope that their children would acquire skills when the polytechnic became operational.

Mr Speaker, I don't think the church cares about the people who continue attending their services and paying tithes to the same church that has grabbed their polytechnic. I think if I were from Wanjohi ward, I could really incite the people against the church because this people have been taken for a ride. How is it possible that a church can halt the activities of a polytechnic, which should benefit my child and I continue paying tithes to the same church? I really could have ensured that many members stop going to the church if I were from the area.

Hon. Kimani Gachuhi rises

Speaker: What is it Member for Weru, Hon. Kimani Gachuhi?

Hon. Kimani Gachuhi: Thank you Mr Speaker. I just want to inform the member not to get too emotional. Biblically, I would advise her not to condemn the church and its leaders in that manner. Particularly, the pastors and bishops who are indeed the men of God. Thank you.

Speaker: So you would like the judgment to be carried out elsewhere?

Laughter

As leaders, you know we have an obligation because we cannot be promised paradise when we do not have anywhere to sit while we are in this world.

Laughter

Proceed County Member from Kipipiri.

Hon. Nancy Ng'ang'a: Thank you Mr Speaker. I think the Bible has frequently been misquoted and misused. There is a certain verse in the Bible that the clergymen have made it their refuge. It states:

Touch not my anointed one and do my prophet no harm.

They just interpret it literally and go further to tell the congregation that they should not even point a finger at 'a man of God'. Since it is the Bible saying so, the clergy is able to instil fear in the congregation and the community.

Mr Speaker, I think that we, as leaders, are servants of God. It is important that it be known that we are not only politicians but leaders as well. The reason is that we offer service to people and when you serve them, you are serving God. We are therefore servants of God. We should therefore not let things go wrong because the clergymen have that ‘protection’ given to them by the Bible. They have used the verse to intimidate the followers and steal from them.

Mr Speaker, the land should be repossessed because everything is in black and white according to the report. This won’t be the first instance where such a thing will have happened. In Naivasha, a place known as *Maiela*, we have heard that the community leaders had sold the land to *Kengen* for geothermal power production. The allegedly sold land was later repossessed because it was not sold in a transparent way. It is now upon the leaders to refund *Kengen* or else, find them another piece of land of equivalent value.

Mr Speaker, I agree with the committee’s recommendation that that land be reclaimed. Despite the fact that some of the leaders of the church have passed on, the ones who are alive should be prosecuted for their acts. The District Commissioner who collaborated with the church to grab the land should be summoned, questioned and prosecuted. I don’t know why the committee did not summon the aforesaid D.C. because he is largely implicated in this row. I understand that the D.C. was also a member of the said church. I therefore hope that this issue will be taken seriously and that the recommendations are implemented as soon as possible.

On the issue of closed roads in Ndunyu Njeru Mr. Speaker, I am of the view that sufficient amount of money has been allocated to deal with surveying matters and many more roads need to be opened. In the past, I remember that all pieces of land were separated by waterways. Nowadays, I don’t know where they disappeared to. I think people have already shared them out. Since we now have the County Government, I expect that this trend will change and everything will be back to normal.

With those remarks, I support the report. Thank you.

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

Hon. David Ndirangu (Nominated): Thank you Mr. Speaker. I want to take this opportunity to welcome our special guests seated in the public gallery. They are from Weru Secondary School. They should feel welcome and know that we are very proud of them. When such students visit us and observe the debates, we are moulding them to become good leaders.

Mr Speaker, this is one of the best schools we have around here and we have very bright students in it. Although last year's examinations were marred by irregularities, the school did quite well. The school's results were:

Grade	A	B+	B	B-	C+	C	C-
No. of Students	1	9	17	29	24	23	24

This shows that the school is one of the best performing schools in the area and we expect that the school will produce a president in future.

Applause

As the students were coming, they informed me that they would actually need a round-table conversation with you as a senior counsel. On the motion Mr Speaker, land grabbing is a criminal offence. This is because the land that is allegedly grabbed belongs to the public. In simple arithmetic, the amount both the people and the well-wishers donated was well over Ksh. 1 Million. This money was contributed so that we could have an institution that belongs to all people and not to a private entity going by the name of AIC. I therefore support the recommendation that the land should be reclaimed so that public can derive the benefits from it.

Mr Speaker, you can advise the Executive on this matter so that they don't waste time trying to 'catch a black cat in a dark room'. The land should be repossessed now. Thus, they need to ensure this is done without undue delays.

On the issue of encroachment of roads Mr. Speaker, all the roads should be opened so that the road maintenance activities can proceed. This is in addition to ensuring that our people's movement is not hindered. Without much ado, I will rest my case there. I recommend that the Committee on Lands together with the Member for Wanjohi, Hon. Mumba Gichini, to ensure that all is done to repossess the land. Thank you.

Speaker: Yes County Member from Engineer, Hon. Tiziana Mwangi.

Hon. Tiziana Mwangi: Thank you Mr Speaker for giving me an opportunity to support this report by the Committee on Lands, Housing and Physical Planning regarding grabbed polytechnic's land in Wanjohi and closed roads in Ndunyu Njeru.

First, I would like to thank the head teacher of Weru Secondary School for bringing his students in the House so that they can see what we do. I think we shall soon be moving into the new chambers, which is more spacious and can accommodate many more students. You will be welcome there too. I remember that there are two students from the school whom

I suppose are in form four. Their father has been sick and therefore, he cannot work. They lost their mother last year. Since we normally have bursaries, the *Mheshimiwa* from the ward ought to consider these students so that they can successfully complete their studies.

Mr Speaker, I support the report. The polytechnics and vocational training institutions have been devolved and lie squarely under the responsibility of the County Government. It is very disappointing therefore, that church people have grabbed some of the institutions that could have helped our young people. As hon. Gachari put it, 'the church should be the custodian of the truth'. I fail to understand therefore whether the churchmen have children at home. Aren't they merciful to the children of parents who are unable to take them to other schools? This is a very serious matter and it ought to be looked into with the seriousness it deserves. If at all this polytechnic was still operational, we could certainly have allocated money in the financial year 2016/17. Unlike Kiambu and Nyeri, Nyandarua has no big institutions and these are some of the institutions we should be focussing on.

Mr Speaker, land in Nyandarua is also very cheap and I also fail to understand why a church cannot conduct a *harambee* so that they can raise money to buy land. I don't have much to say because a lot has been said. However, my position is that the CECM for lands should address the issue. As usual, we pass numerous resolutions in the House but they are never acted upon.

We ought to pass a resolution in this House that after 60 days, we should have a review of what we shall have passed and the status of implementation. Because, we have made a lot of resolutions and *Wanjiku* is blaming us of having done nothing yet we are not the implementers. The implementer is the Executive arm of the Government. We should therefore embark on civic education on the role of the MCAs. In fact, the MCAs are very innocent but just because the people do not know that the CEC Members are the ones who should implement, we are the ones who are crucified.

To that end, I thank the committee for the good work especially on their recommendations. I think this should be acted upon very quickly so that our children in Wanjohi can benefit from the polytechnic. If they do not benefit from their County, where else should they benefit from? I support the report and beg to sit.

Speaker: Yes Member for Weru, Hon. Kimani Gachuhi.

Hon. Kimani Gachuhi: Thank you Mr Speaker. I am almost the last to contribute. I rise to support this motion by the Committee on Lands Housing and Physical Planning. I acknowledge the recognition of Weru Secondary School, which I am proud of. Actually, last year it managed to be position two in Oljoro-Orok Sub County with an average grade of what

a member has announced on the floor of this House. We expect even better performance by the school. I can confirm that it is a well-disciplined school because I have interacted with it in a number of occasions. I believe that its standard does not lie far from that of a national school.

The school's honour of visiting this Assembly needs to be reciprocated, considering that the students and their teachers who came used public means of transport. The school has a project of purchasing a minibus. I urge this House to support this project whenever called upon to do so. I appreciate Weru Secondary School for visiting us and I hope the school will have the privilege of visiting the new Nyandarua County Assembly Chambers, which are symbolic of our powers.

I am truly proud of the people of Weru ward. In view of this, I urge those who have not applied for National Identity Cards and those who have not registered as voters to do so promptly. The other thing I would like to say is that the bursary fund that is available cannot meet the bursary demands. I was pressuring my ward bursary committee to issue more bursaries but I eventually realised that there was nothing much they could do on the same. I commend this House for approving increase of the annual bursary kitty from Ksh. 2 million to Ksh. 3.4 million shillings. This will increase the number of beneficiaries. Actually, there are many students, even very bright ones, who have been sent home due to fee balances. I have requested an acquaintance who works at the KRA to register a Kimani Moses Foundation that will provide a platform for well-wishers to support needy students.

We are a generation that needs to correct the mistakes that have been done by the past generations; we cannot afford to continue making the same mistakes that our forefathers made. In fact, devolved governance was meant to make services delivery to the people more efficient. Everything a county government does should portray its efficiency.

I like the motion under discussion today, on the failure of the Executive to implement this House's resolutions, whose notice has been given by Hon. Nancy Ng'ang'a. we come up with resolutions but they are rarely implemented. If the Governor, who is the head of the county government, and the Speaker, who is the head of the county assembly fail, we the MCAs, also fail. Remember we should bring change and leave a legacy. If the people who bless us as leaders are wicked, we may pass on the wickedness to the next generation of leaders.

With the same powers as the high court, this House should protect the law. We should correct the mistakes that the county government has made. There are cases where churches have grabbed public land. Individuals have also grabbed public land. A good example is the

land that was designated for construction of Kasuku Polytechnic. I visited the former Nyahururu town council offices with the aim of enquiring on the plan of Kasuku Town. I found out that the plan incorporates land space for many public facilities. As we speak, the Kasuku public playground has been grabbed by a church. The same for the parcels of land meant for construction of Oljoro-Orok and Kangui ECDE classrooms. If the church, which has been implicated in land grabbing cases, is the one to pray for us, why would we not inherit the spirit of grabbing land and misappropriating public funds? That may even be the reason why we do not have principled leaders.

In paraphrase, the Bible says that one should not condemn leaders who God has called. Nonetheless, leaders, whether they are led by the spirit of grabbing land or of God, should work for the people for Nyandarua.

Hon. Kinyanjui Gachari rises on a point of information

Speaker: Hon. Kimani Gachuhi, do you require the information from the Majority Whip?

Hon. Kimani Gachuhi: Yes, I do.

Speaker: Proceed member for Shamata.

Hon. Kinyanjui Gachari: There is another verse I wanted to quote to reinforce what Hon. Kimani Gachuhi has intimated from the Bible.

Applause

The verse says:

You shall know them by the fruits of their labours

Thank you Mr. Speaker.

Speaker: You have been informed member for Weru, so proceed.

Hon. Kimani Gachuhi: Thank you Mr Speaker. Actually the Majority Whip has provided a very powerful piece of information. Our contract as MCAs is based on performance. However much passionate I am in leading the people of Weru, I may fail if the Executive fails to implement the resolutions of this House.

This House needs to support and adopt the motion whose notice has been given by Hon. Nancy Ng'ang'a. we need to keep the Executive on toes. Grading of roads whose money was approved in July last year, for example, was supposed to be done in January this year but nothing has been done on the same yet we are in March.

The Executive must be accountable and its officers who are not efficient in their work must be sacked. The Executive may even fail to implement the resolution of this House that the land in question be taken back to the real owner. Politically, about ten percent of officers

in the county government are interested in our seats and even higher seats yet they declared they would not express any political interests. These are the people we expect to work for the people of Nyandarua. Now that they are advancing their political ambitions on the ground, when will they work for us? A motion should be moved in this House to form a committee to investigate those officers. Our business is to work for the people of Nyandarua. That said, I wish to state that the people of Nyandarua are willing to survey the roads. The people of my ward, for example, just need surveyors who are facilitated by the county government to guide them in the surveying process. So the surveyors just need to allocate time to go on the ground and collaborate with the representatives of the national government like the chiefs.

The encroached roads need to be repossessed. This is a simple thing to do though it is magnified so much so that a lot of money is allocated for the same to allow avenue for misappropriation. I am not happy with the leaders who reduced the time for the anti-alcohol and pro-voters registration campaign sponsored by the president from fifteen days to five. These are the leaders who are expected to deliver services to *Wanjiku*. I am a member of that campaign and for your information, I hardly get relevant information from the concerned leaders on the ground who just serve their personal interests such as road shows.

We discuss a lot of things in this House and resolve on them but the implementers just sleep on their jobs. But the consequence of this will never let the have peace. Even the land grabbers will never have peace and they risked being cursed. But as an Assembly we need to pay the cost of correcting the mistakes that have been done by some people.

I may not be re-elected by the people of Weru, but what I will have done for them should be my legacy. Our performance as MCAs call for the support of the Speaker's office and the goodwill of the Executive. As an aspect of the spirit of devolution, services by the county government must be offered efficiently. There is so much to be done yet we are running out of time. Consequently, implementation of the 2015/2016 budget needs to be expedited.

Tomorrow the Governor will be in my ward to implement the projects I proposed. One of the projects is construction of a special ECDE classroom at Inoro Primary School which was allocated one million shillings compared to the Ksh. 700,000 for a normal ECDE classroom.

Leadership is sometimes difficult. One of the reasons for this is because a government must put up structures and make them work smoothly. Were there efficient governmental structures, MPs, for example, would not need to work so hard to ensure that roads under the national government are constructed or upgraded. In view of this, we need to ensure that our

county government works efficiently. Nevertheless, I commend our county government for its performance but we need to do more. We should be threatening to sack CEC members in order for them to perform.

I appreciate and admire the chairman of the Committee on Lands, Housing and Physical Planning and the members of this committee. Actually the chairman is very composed and does his own things very maturely and professionally. I urge him to continue in the same spirit. He has showed us the way. We should strive to be better than him.

The recommendations in the report at hand, especially repossession of the said grabbed land should be implemented immediately. The CECM for Lands, Housing and Physical Planning should do better. He needs to address the issues of title deeds. These include recommendations on title deeds by the OI Kalou land task force and the Kasuku titles transfer. The chairman of the Committee on Lands, Housing and Physical Planning should also take note of these issues. Finally, I support the motion. Thank you Mr. Speaker.

Speaker: Very well. Yes member for Githioro, Hon. Silvester Kagiri.

Hon. Silvester Kagiri: Thank you Mr Speaker. I rise to support the motion. I am a member of the Committee on Lands, Housing and Physical Planning. I do not know how we are going to measure the performance of our county government. I was among the members who visited the grabbed land in question. It is very sad that this parcel of land, on which a facility to cater for the technical skills of the youth was to be constructed, was grabbed by the church.

It is hurting that the men of God did this. I wonder why the church leaders could gang up and give wrong information to the relevant offices in order to acquire the parcel of land in question. We have been wondering how many parcels of grabbed land the County Land Management Board has repossessed since it was appointed. Actually the county government has been losing all the cases; there is no single case that the county government won. In the cases, the County Lands Management Board mostly claims that the parcels of land claimed to have been grabbed were acquired procedurally among other excuses.

We know very well that many parcels of land were not procedurally allocated. In fact, many people are suffering because parcels of land on which public facilities such as hospitals and ECDE centres were to be constructed were grabbed by private developers. People forget that we will at our own appointed times leave this world and leave all the property that we will have acquired. We will not go to heaven with the property we will have acquired. We have to mind about the future. We would not want to do something that will prompt generations that will come fifty years from now to curse us.

Mr Speaker, you wonder why a person who owns about one hundred acres of land can encroach few yards of a road. It is better to leave a good legacy because it will remain forever. Without saying much, I support the motion and invite the mover to respond. Thank you Mr Speaker.

Speaker: Yes mover.

Hon. Kariuki Muchiri: Thank you Mr Speaker. Before I thank the members for supporting this motion, let me say that I am a member of the African Inland Church and a born again Christian. But the grabbing of the parcel of land at Wanjohi is not according to our doctrine. It was wrong and will remain to be so. The procedures the church used, which were executed by collared men of God, to acquire that parcel of land are against the teachings of Christ. This is something that we should condemn.

I have a concern on implementation of the resolutions of this House. As the Committee on Implementation, we have petitioned the County Secretary to engage liaison officers in every county department with whom we will be dealing with on matters pertaining to implementation of the resolutions of this House. In order to make a deference in our county, the resolutions of this House must be taken seriously. We have passed so many resolutions in this House but very few have been implemented. I humbly request you Mr. Speaker to communicate to the Executive that resolutions of this House must be implemented promptly.

Let me now take this chance to thank members for supporting this motion. I also thank everybody who has participated in generating the report at hand. I thank the offices of the Speaker and the Clerk. I further thank members of my committee, the committee clerk and all the people that my committee summoned to provide information. It is now the role of the implementing authority to implement the resolutions emanating from the report at hand. I beg to move Mr Speaker.

Question put and agreed to

Speaker: Hon. Members, I wish to say that it is unfortunate that this Assembly has been forced to chase churches and people who have grabbed public property instead of tackling other better things. This House would have better businesses to conduct for the benefit of the people of this County. That said, if you look at conditions 15 and 16 on the Allotment Letter, the Commission on Land was deliberately tricked to issue the allotment letter to the AIC Church in question. The two conditions cited are added to the Allotment Letter in a different font. The conditions provide that:

If the land does not continue being used for the same purpose, that is, for construction of a polytechnic, the land will be reverted back to the public.

For me, the lease notwithstanding, the land has already been reverted to the community because the said church has reneged on the same.

The sixteenth condition is very clear:

That whenever the public will require that land for its use the church will be given six months' notice to surrender the lease and if it does not the lease will stand automatically cancelled.

Therefore, as a Speaker and a lawyer, I think the County Lands Management Board, which is an agent of National Land Commission, should write to the church requiring the latter to surrender the parcel of land in question within six months with a caveat that if the church does not surrender it the lease will stand cancelled and reissued in the name of Wanjohi Community Youth Polytechnic. That way this matter will be settled. We need to ensure that within six months this is done.

It is not any *Wanjiku* who grabs public property but those with power. So instead of using their power positively these people use power negatively for their own benefit as if they are going to carry these property to the next life. Remember there will be life in this world many years after we are gone. We want public properties to be retained and that way history will favourably judge us as the first Assembly that restored public property.

The matter at hand is a one that we are going to follow very close and I hope the clerk-at-the-table is noting this. We need to ensure that the aforementioned action is taken by the County Lands Management Committee as the agent of the National Land Commission to ensure that the parcel of land in question is put by any means under the name of Wanjohi Community Youth Polytechnic in six months. That way we shall have secured the future of posterity.

Next order!

ADJOURNMENT

Speaker: Hon. Members, the business for today having come to a conclusion, this House will now adjourn to tomorrow, Wednesday, the 9th day of March, 2016 at 9: 00 a.m.

The House rose at 4:47 p.m.