

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

1ST ASSEMBLY- 5TH SESSION

OFFICIAL REPORT

Wednesday, 5th April, 2017

The Assembly met at the Assembly Chamber at 9:00 a.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 no quorum)

Speaker: There being no quorum, I invoke the provisions of Article 34(1) of our Standing Orders and direct that the quorum bell be rung for an initial ten minutes, or until such a time within those ten minutes that quorum will have been achieved.

(Quorum bell is rung for ten minutes but quorum is not achieved as confirmed by the clerk-at-the-table)

Speaker: Hon. Members, quorum having not been recognized at the expiry of the initial ten minutes, I direct that, pursuant to Standing Order No. 34 (2), the quorum bell be rung for a further five minutes, or until such time within the five minutes that quorum will have been achieved.

(Quorum bell is rung for two minutes and quorum is achieved as confirmed by the clerk-at-the-table)

Speaker: Very well, quorum having been achieved, we can now proceed with the business for this sitting.

PAPER(S)

1. STATE OF THE COUNTY ADDRESS

Speaker: Yes, Member for Murungaru and the Leader of the Majority Party, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr Speaker, Sir. I wish to table the Address of His Excellency the Governor on the State of Nyandarua County. Thank you Mr Speaker.

Speaker: Very well, the paper is duly laid and the House Business Committee shall give further directions on its processing if it has not already done so.
Next order.

2. BUDGET ESTIMATES 2017/2018

Speaker: Yes, Member for Murungaru and the Leader of the Majority Party, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr Speaker, Sir. I beg to table the Nyandarua County Program-Based Budget Estimates 2017/18 for consideration in this House. Thank you Mr Speaker.

Speaker: Very well, the paper is duly tabled. Members, these are budget estimates for the FY 2017/18. You are aware, from the circulars from the Treasury that they were to be passed on before 31st of March, in view of the impending general elections in August. Unfortunately, we were only able to receive this document on the 3rd day of April 2017 and in view of the fact that yesterday's was a special sitting and no other business could have been transacted, the earliest we could bring the document to the House is today.

This document requires public participation and the Budget Committee must purposely interact with relevant departments so that there is clarity of allocations in this budget. With that in mind and taking into consideration the upcoming nominations for the dominant party within the region, on the 21st April 2017, I am alive to the fact that most, if not all, Hon. Members are involved but that this business must be dispensed of too. I believe the Chairperson will make the appropriate request to the office of the Clerk and that of the Speaker to have additional relevant staff in their secretariat from the relevant departments so that the Members are appropriately assisted in interrogating this document so that a report is brought to this House by 21st of April. You must therefore move with speed and put up the adverts for public participation. It is upon you to decide whether they will do it at the County or the sub-county level.

Further, Members the Supplementary Budget will be coming to the House in the afternoon which is very critical for the smooth running of the Assembly. As is, we are almost grounded. When it is tabled this afternoon, we will need to process it as soon as possible so we can be through with it possibly by next week. Chairman and the Member for Njabini Kiburu, Hon. James Gachomba, I do not know whether you have anything to add.

Hon. James Gachomba: Thank you Mr Speaker. It is unfortunate that this document was delayed by the County Executive and now we are running out of time. Mine is to appeal to the Speaker, as you have indicated that we have additional staff in the committee so that we can bring the report to the House as soon as possible. Thank you Mr Speaker, Sir.

Speaker: Very well. Next order

NOTICE OF MOTION

STATE OF THE COUNTY ADDRESS

Speaker: Yes, Member for Murungaru and the Leader of the Majority Party, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: I beg to give notice of the following motion that:

The Thanks of the Assembly be recorded for the Public Policy contained in the Address of the Governor Nyandarua County. I beg to give notice.

Speaker: Very well. The notice is duly given and the House Business will allocate time for its processing. Next order.

STATEMENTS

PROGRESS REPORT ON LAND ISSUES IN KANJUURI.

Speaker: Yes, County Member from Karau Ward, Hon. Patricia Wanjugu Njoroge.

Hon. Patricia Wanjugu: Thank you Mr Speaker, on behalf of the Chairperson, Committee on Lands, Housing and Physical Planning, I wish to respond to the following statement as sought by the Member for Kanjuuri Ridge, Hon. Suleiman Kihika Kimani:

Mr. Speaker, Sir, I hereby seek a statement from the Chairperson, Committee on Lands, Housing and Physical Planning on the above stated subject matter addressing the following concerns; **Aware** that the Constitution of Kenya 2010, under Article 62, provides that Public land shall vest in and be held by a County government in trust for the people resident in the County, and shall be administered on their behalf by the National Land Commission.

Further aware that there has been encroachment of public land set aside for a cemetery and sewerage system in Gathundia village in Kanjuuri Ward;

Concerned that there is lack of clear demarcation of the land in question which has led to cases of double allocation and that there are ongoing private developments on the land. Further concerned that encroachment on such land may lead to denying the public very crucial services and that double allocation may lead to chaos.

Taking cognizance that there was a meeting held on the issue in which the District Commissioner froze the issuing of titles on the land in question yet further allocations have continued.

Arising from the foregoing, I seek that the Chairperson of the Committee on Lands, Housing and Physical Planning provides the following information:

- I. The demarcation of the land showing the boundaries of the public land set aside for the cemetery and the sewer land.
- II. The documents relating to all the parcels of land including, but not limited to development plans, registered index maps (RIM), survey plans, allotment letters and little deeds of the area in question.
- III. The circumstances under which the individuals alienated the said plots from the public land.

- IV. The measures to be taken to ensure that the public land and utilities are in future not encroached by private entities.’

Mr. Speaker, Sir, I hereby seek a statement from the Chairperson, Committee on Lands, Housing and Physical Planning on the above stated subject matter addressing the following concerns;

Aware that the Constitution of Kenya, 2010 has devolved the powers to set and regulate land rates, trade and for trade development to the County Governments.

Further aware that traders at Tumaini trading centre have been allocated trading kiosks for which they pay an annual rent but have not been shown the physical location despite having raised the issues with the department of lands.

Concerned that the failure for each trader to know the specific kiosks they pay for may lead to double payment of rent for the same kiosk.

Further concerned that this confusion is hampering economic growth and empowerment of the traders and might lead to chaos amongst the traders.

Taking cognizance that there is need for order and certainty in allocation of the kiosks to avoid double payment; Further guided by the fact that the County Government is required to show the traders the kiosks which they have been allocated. Arising from the foregoing, I seek that the Chairperson of the Committee on Lands, Housing and Physical Planning provides the following information:

(Hon. Kimani Njiraini rises on a point of order)

Speaker: What is it Member for Kaimbaga?

Hon. Kimani Njiraini: Is it in order for an Hon. Member who has asked for a statement to leave the House when the statement is being addressed?

Speaker: The main issue is that whenever a business is tabled in the House, it becomes a property of the House and it is no longer the property of the individual Member who asked for the statement or one for whom a report was generated. However, I appreciate the concerns of the Member for Kaimbaga because this has become a recurring issue. Just last week, a member who had requested for a statement absented himself from the House when the statement was being responded to and it brought a lot of issues that the report did not address his concerns.

It is important and advisable that you are in the House when you bring an issue touching on your constituents and one that requires your personal attention like this one and the one we dealt with last week. Unfortunately, whether or not the concerned Member is in the House, the business of the House has to continue because this is an issue of interest to the people of this county and the Committee has a mandate to dispense of such matters. Although this is a matter of concern, we cannot be stopped from adjudicating or deliberating on it by the absence of the Member who sought it. Proceed County Member from Ol’Kalou. What is it Member for Kipipiri?

Hon. Michael Kirumba: Thank you Mr Speaker. I appreciate your approach to the issue but I wish you could give a concrete ruling for posterity. The Hon. Members can attest to the fact that this particular Member expressed great concern for this issue. Additionally, records will show that the Member was in the House and he saw the order paper yet he still walked out. If we don’t get a way forward, this unfortunate incidence will recur. There is nothing to stop the Member from coming tomorrow and claiming that his concerns were not addressed. I beg the

indulgence of the Speaker, to make a ruling today or some other time that would bar such member from revisiting an issue that was dispensed of in his or her absence.

Thank you Mr Speaker, Sir.

Speaker: Very well, the point is well taken and I think I will look at various parliamentary practices on this issue where the subject matter is sectoral with individual interests touching on a particular a constituency. For the Member for Kanjui Ridge, I would mitigate his moving out because it was sparked by some information I passed to him regarding his ward and he had to run very fast. He never even sat down again.

Proceed Member for Karau.

Hon. Patricia Wanjugu: Thank you Mr Speaker, for addressing that issue of great concern.

- I. The number of kiosks that have been allocated by the department to traders at Tumaini trading centre.
- II. The number of traders that pay annual rent for the kiosks.
- III. Whether there are cases of double allocation of the said kiosks.
- IV. Why the traders have not been shown the specific kiosks which they were allocated and pay rent for
- V. Measures that have been put in place to ensure that there are no double allocations and that each trader knows their kiosks.

The committee keenly perused Part Development Plans (PDPs) obtained from Physical Planning Office in Nyahururu for Gathundia Village and Tumaini Trading Centres.

From the PDPs, the committee was able to obtain the following;

- a) Locations of land parcels in question.
- b) Boundaries of land parcels in question.

The committee after obtaining the above information, is now preparing for a site visit to the said parcels. This will help the committee to come up with ground status reports for the same. During these site visits, the committee hopes to get more information from members of public who will be invited to give their submissions. Further, the committee hopes to obtain ownership documents from members of the public which will enable it to deduce evidence concerning ownership.

The committee is still working towards compiling a full and satisfactory report to table to this Honourable House soon.

Mr Speaker, Sir, the committee has had to embattle numerous challenges in the discharge of its mandate, chief of which is access to relevant documentation. Land, Mr. Speaker, is a highly emotive issue and this calls for the Committee to be extra- thorough in its investigations. For this reason, the committee has often lagged behind in expediting its duties with some reports, such as this one going for months before it is satisfactorily concluded.

Further, Mr. Speaker, investigations into land issues require numerous resources both financial and time, both of which the Committee finds itself highly constrained of.

The committee unanimously made the following recommendations;

1. That the committee be given ample time to conduct its investigations and compile a comprehensive and satisfactory report.

2. That the committee to be facilitated to execute its mandate and to compile a report on the same.

Mr Speaker, Sir, the Committee on Lands, Housing and Physical Planning remains highly committed in the execution of its mandate, effectively and with expediency. In this regard, we seek the indulgence of the Member for Kanjuiri Ridge and, indeed, the entire House so that we can bring the land issues in Kanjuiri Ridge, and hopefully the entire County to a conclusive end. Thank you Mr. Speaker.

Speaker: Very well, Member for Karau as you sit down, maybe you can tell us when the complete report will be brought to this House.

Hon. Patricia Wanjugu: Thank you Mr Speaker. The committee requires to go for a site visit from next week and for a report writing retreat thereafter, if facilitated. So I would say after two weeks.

Speaker: Very well. We shall give priority to that business after the long recess. Members you are aware that we have been trying to pass the supplementary budget since October because we have already exhausted our DSA vote head and that is why most Committees have not been facilitated to go compile their pending reports. For that reason I urge the Budget Committee to move with speed and bring a report to this House. Next order.

MOTION TO BE MOVED

STATE OF THE COUNTY ADDRESS

Speaker: Members, I will not allow the motion for the simple reason that the procedural infrastructure in the order paper is in contravention of article 46 of our Standing Orders that does not allow us to move a motion unless a notice of motion has been given at least one (1) day before a Motion appears on the order paper. My directions is that we don't process that motion until the House Business Committee, which is meeting immediately after this, gives further directions. Next order.

ADJOURNMENT

Speaker: Having exhausted the Business of this sitting, this House stands adjourned to today the 5th day of April 2017 at 2.30pm.

(The House rose at 9.40am)