



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



OFFICIAL REPORT

(The Hansard)

Thursday 24th 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: Hon. Members, quorum having been confirmed we proceed with the business for today. First order.

COMMUNICATION FROM THE CHAIR

HARMONISATION OF COMMITTEES' MEMBERSHIP

Speaker: Hon. Members, the only communication I would wish to make, which did not require to be written, is that there is a re-emerging and nagging issue that has remained in our books without any conclusion. That is, the issue of harmonisation of committees' membership. It is our considered opinion that we might require to sit over this weekend as a Whole House, though it will impact negatively on those Committees that had been approved to be out over the weekend, so that we conclude this issue that as you know, has been pending for the last six months.

If we are able to get accommodation at a short notice at the Kenya School of Government by evening, we shall be communicating to the Members. Might be during this Easter holiday the spirit of Jesus might come down on us to enable us finish on this issue so that next week we can start on a high note.

Laughter

So, if any development comes we shall communicate to you effectively. I can see the chairperson of PIC/PAC is not very impressed because of the work at hand but we agreed that without the committees running properly, it impacts very negatively on the operations of this House.

Once we confirm the details and we are able to be accommodated appropriately, I would request that you commit yourselves there so that we can hear your concerns and hear from those who are comfortable before coming up with a complete program which we can adopt next week and get running harmoniously.

Next order.

PAPER LAID

REPORT ON THE JOINT COMMITTEE ON INDUSTRIALISATION, TRADE AND COOPERATIVES AND AGRICULTURE, LIVESTOCK DEVELOPMENTS AND FISHERIES ON MIDLAND LIMITED PETITION TO THE COUNTY ASSEMBLY.

Speaker: Yes, Member for Gathaara and the vice chairperson of the Joint Committee, Hon. Daniel Kibebo.

Hon. Daniel Kibebo: Thank you, Mr Speaker. I raise to table the Report of the Joint Committees on Industrialisation, Trade and Cooperatives and Agriculture, Livestock Development and Fisheries on Midland Limited petition to the County Assembly. Thank you Mr Speaker sir.

Speaker: Very well, the report is duly tabled; but Hon. Members, some reservations on the legal aspects of that report have been raised and you will find that in that report there are very far reaching recommendations. We might even require the government to mercifully allocate resources towards ownership of the company. From the decisions of the court, if these things had not gone through public participation, you will find that somebody will just come from nowhere with unprecedented claims and you know the interests that are there concerning this industry.

There are those who want it dead and buried and those who want it alive and kicking. So, it is a company that has two sides like a coin and it would be fair if we follow the narrow and straight path taking cognizance of all the requirements of the law so that we don't leave any window of confusion or doubts in the way we deal with it. At this particular moment, now that this report has been filed on the floor of this House, my concern is, at which stage would

we be able to engage the issue of stakeholders, that is, the people of Nyandarua? Will we be able to deal with this report and resolve that there be further engagement with the public? Or should we have the report first withdrawn because it has been tabled? I had to wait for it to be tabled for me to address it. Would we require the report to be withdrawn so that it is subjected to public participation? So I find that there are some legal issues arising and maybe at this point, from what I have indicated, I would welcome any comments on this issue so that we can work it out in the best way possible.

Silence

Speaker: I appreciate that most of the Members, obviously because it has not been part and parcel of this House, might not have the facts to be able to effectively comment on the same but those are concerns that were raised.

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

Speaker: Hon. Members, we are consulting and we are kind of reaching the determination that we can, as a House, discuss the report and make resolutions then subject the report to public participation to enable us move forward on this particular matter. If the House has to allow the Government to intervene in this matter, we shall require to do it quickly because as you are aware, the budgetary estimates have to be brought to this House by the 30th of April and so we have no time. So, let us proceed with it and make resolutions and then subject it to public participation. The House Business Committee shall appropriately allocate time to the processing of the motion on that particular report. Next order.

NOTICES OF MOTIONS

Speaker: Yes, vice chairperson of the Joint Committee on Midland Hon. Daniel Kibebo.

Hon. Daniel Kibebo: thank you Mr Speaker, I raise to beg to give notice on the following motion THAT this House adopts the Report on the Joint Committee industrialisation, Trade and Cooperatives and, Agriculture, Livestock Development and Fisheries on the Midland Limited Company as a resolution of this House and the recommendations therein as the resolutions of the House. Thank you, Mr Speaker.

Speaker: very well, the Notice of the Motion on that report is duly given. The House Business Committee shall allocate time for the motion appropriately. Next order.

STATEMENTS

Speaker: Yes, Member for Gita, Hon. John Githinji Mwaniki.

Hon. Githinji Mwaniki: Thank you Mr Speaker sir, I beg to request for a statement from the chairperson committee on Industrialization, Trade Cooperatives and Tourism on the following issues concerning Geta cooperative society.

Aware that cooperative societies are key economic drivers in the county with majority of the county residents beings members of cooperative societies and that the county government has a mandate to ensure regulation of cooperative societies, further aware that in Geta ward there exists a cooperative society known as Geta cooperative society which has faced serious problems in tis management.

Concerned that despite various attempts to have the county department responsible for cooperative has not addressed the issues adequately with the situation deteriorating each passing day.

Mr Speaker sir, premised on the foregoing, I now pray that the chairperson of the committee on industrialisation, cooperatives, tourism and wildlife does issue a statement to this house addressing the following issues.

- a. The veracity of allegations that Geta cooperative society has been ridden and rocked with poor management, lack of accountability and transparency by the executive committee member particularly the chairman of the society.

Mr Speaker there is a time that I intervened as a local leader and I got a letter saying that the sad cooperative society is not a public utility. I fail to understand why a person who is managing public utilities could write such a letter.

- b. The rampant instance of unauthorized expenditure of the society's fund which are not well explained of accounted for.
- c. Why there has been a failure by the Executive Committee to convene Annual General Meeting in the past two years thereby denying the members of the society a platform to air their views and vote on crucial matters affecting the society.

On this one Mr Speaker...

Hon. David Ndirangu (Mirangine) rises on a point of order.

Speaker: What is it member for Mirangine.

Hon. David Ndirangu (Mirangine): Mr Speaker, I think that the member for Geta is out of order because this is a statement and he is not supposed to expound it. That time will come.

Speaker: It is good that when this statement goes to the committee, the committee knows the exact expectations of the member. That is why the member for Geta is explaining the areas he wants to be interrogated during the investigations by the committee chaired by Hon. Kibebo. Actually the member for Geta is in order. Proceed.

Hon. Githinji Mwaniki: Thank you Mr Speaker, I wanted to say that this cooperative was being managed very well in the 1990s but it collapsed. When devolution came the Geta cooperative was revived and they have never convinced an Annual General Meeting since then.

- a. Why there has not been audit of the society's accounts, lack of proper records and false documents
- b. Whether the sub county cooperatives officer has been compromised by the management of the society as he has severally acted only to safeguard the interests of the chairman and
- c. Whether procurement of works, goods and service has been in compliance with the procurement and disposal of goods act now amended.

The county government gave the society money for it to be supplied with electricity, they tendered and did the wiring but the person who was paid is not the one who did that work.

Speaker: Chairperson Committee on industrialisation, this is only one society and I think that you are just required to be there for one day and collect the views. If there are issues bedevilling the functions of the society we cannot wait. In that sense of urgency and for the reason that the department is said to have failed to address the issue, how fast can you be able to bring a report to the House?

Hon. Daniel Kibebo: Mr Speaker dealing with the cooperative society is quite difficult now because they had been taken and they assets had been taken by individuals. Mr. Speaker you are aware that we have been trying to save the Ol'kalou cooperative society but we could not. When some of the societies went broke the management hid the assets and invested elsewhere. I do not know whether this is the same situation is Geta but as you said

we need to meet with the public so that we can know whether the society has members or they have made it a different investment. We need to scrutinize everything and we cannot do it within a day. For us to bring a comprehensive report we need one month.

Speaker: I think with that kind of elaborate outlook of that issue one month is not too much. You can allocate time for filling of the report within thirty days.

Hon. Michael Kirumba rises on a point of order

What is it member for Kipipiri Hon. Michael Njoroge Kirumba?

Hon. Michael Kirumba: Mr Speaker, this is on the statement requested for on Thursdays and I take your further direction on the concerns raised by the member for Mirangine. If we have twenty statements, for example, which need to be tabled and read and then a member wants to go to the nitty-gritties, the House might not have enough time.

To some extents, even the committee meant to address the statement may not have any concerns. Therefore, we might need to have limitations in terms of how far a member can go in addressing issues, which are not documented as much as it is good to elaborate a statement. This is because we might set a precedent whereby a member requires a statement and he or she ends up consuming most of the time to the detriment of other businesses of the House. We are also aware that the Standing Orders are not explicit on the amount of time that an Hon. Member might take while contributing. Thank you Mr Speaker.

Speaker: Member for Kipipiri, I think we had already made a clarification on that matter in a previous session. We said that a member who is requesting for a statement is welcome to committee's deliberations in the event that they would require some elaborations. However, the elaborations should be at their very minimum while in the House. Let the statement be clear and elaborations be minimum. The major work of the mover requesting a statement is at the committee level. Next order.

STATEMENT

Hon. Joyce Ng'ang'a rises on behalf of Hon. Monica Wamuyu

Speaker: Yes County Member from Engineer, hon. Joyce Nyambura Ng'ang'a assuming that you are rising on behalf of County Member from Nyakio, hon. Monica Wamuyu.

Hon. Joyce Ng'ang'a: Thank you Mr Speaker. On behalf of Hon. Monica Wamuyu, I rise to request for a statement from the Chairperson Committee on Industrialization, Tourism, Trade and Cooperatives on the following issues concerning Lake Ol'bolosat;

Aware that Nyandarua County is endowed with a natural feature in Lake Ol'bolosat and which has a great potential as a major tourism site in the county.

Further aware that there is widespread encroachment of the lake, which is a direct threat of the lake's eco-system,

Concerned that urgent steps require to be taken to safeguard the existence and sustainability of the lake as a major tourism site in county,

Mr Speaker, premised on the foregoing, I now pray that the chairperson of the Committee for Industrialization, Cooperatives, Tourism and Wildlife does issue a statement to this House addressing the following issues;

- a) Whether there are existing boundaries of the Lake and the acreage thereof, and steps taken towards the final mapping and survey of the lake;
- b) Whether the lake has been gazetted as a protected area;
- c) What progress has been made towards securing the lake from encroachment; and
- d) What steps have been undertaken to enhance and harness the tourism potential of the lake.

Mr Speaker, I need not to elaborate on the statement because it is quite self-explanatory. I beg to sit. Thank you.

Speaker: Very well. I think most of the statements sought in this House have been directed to that particular committee and so I think it have a very loose connection with the grassroots. Member for Gathaara, hon. Daniel Kibebo, please brief us on when the House can expect a report in response to that statement.

Hon. Daniel Kibebo: Mr Speaker, I think that the committee has been in a position to respond comprehensively to almost all the statements directed to it. The committee has only one pending statement, which is working on. Therefore, we expect to respond to this statement within a month.

Speaker: Very well. Within one month, the House Business Committee shall allocate time for that and I would request you to incorporate the senior research officer, Mr. Gitau when responding to the statement because I had privately discussed with him on how to bring the report to the House because I know he has done quite a lot in that field.

Hon. Daniel Kibebo: Thank you Mr Speaker, I will bring him on board knowing the gravity of this matter and his invaluable input. Thank you.

Speaker: Okay. Next order.

Hon. Michael Kirumba rises on a point of clarification

What is it Member for Kipipiri and Deputy Leader of Majority, Hon. Michael Kirumba?

Hon. Michael Kirumba: Thank you Mr Speaker. I want to draw your attention to the Standing Order number 39 because the House Business Committee was tied up owing to the exercise we had yesterday and somehow there was no quorum. Given what the article of the Standing Order stipulates, I was requesting whether we could get a communication from you regarding the way we shall conduct business in the coming week as well on the businesses of the committees and how they will appear in the order paper. Thank you.

Speaker: Hon. Members, you will appreciate that article 39 of the Standing Orders is one of those articles that are victims of non-compliance. We actually comply with it for about three weeks and we abandon it soon after. I think the issues that the Member for Kipipiri has raised are very valid and for the issues to be dealt with the seriousness they require, I will make a formal communication to the House.

This is for Chairperson of Liaison Committee to appreciate what has to be done by Thursday and the chair of House Business Committee, who in this case is the Speaker, is able to do what is required of him by then. This will ensure that the clerk posts the weekly programme for both the committees and House in order for us to engage in a structured manner.

The article in the Standing Orders is very clear and I do not think we can pride ourselves for obeying it. I will therefore make a formal communication but the next week's programme will be exempted from it. On Tuesday before the afternoon session, we will sit and work on something that is not in contradiction with the Standing Orders.

Hon. Members, I think that the committees I had approved can move ahead with their work because I have been notified that Kenya School of Government is a public institution and therefore, it does not conduct business over the holidays. We cannot go there. Hence, we shall notify you on when the Committee of the Whole House shall meet to discuss the harmonization of committees.

ADJOURNMENT

Speaker: The business of this house having been exhausted, Hon. Members, I wish you all the best during the Easter holidays so that we convene here on Tuesday, 29th day of

The House rose at 3:01P.M.