

17th July, 2013

Nyandarua County Assembly

Assembly Debates

(First Assembly) (First Session)

Official Report

The House met at 2.30 PM

Hon Speaker in the Chair

Prayers

NOTICE OF MOTION (MCA MURUNGARU) HON KARIUKI MUCHIRI.

Thank you Mr. Speaker Sir. Mr Speaker Sir I beg to give notice of the following notice of motion.

That

Aware that physical planning forms an integral component of development, Further aware that Mikaro trading centre is vast and its Development plan (DPA) is approved. Concerned that the area proposed for open market is not planned, and that the trading centre requires re-planning to include more public utilities, this house urges the County Government through the Executive Committee member in-charge of Lands, Housing and Psychical Planning to expedite the re-planning of the said trading centre so as to enhance development.

Speaker: Okay, That motion has been duly been duly approved by the office of the speaker. And notice has also been given and So this motion is mature for debate before this assembly and I would consider and allocate time for the same. Hon Member for Murungaru, Would the 23rd of July ,next Tuesday at 2.30 PM be convenient with you. Hon Muchiri: That's with me Mr. Speaker Sir.

Speaker: This motion will be interrogated or moved on Tuesday, 23rd July 2013 at 2.30 PM. Any other notice of a motion?

Next Order.

Procedural Motion on lands, Housing and Physical Planning by Hon Kariuki Muchiri (MURUNGARU)

Speaker: Yes member for Murungaru,

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

That

Aware that land is an important resource in this country. Further aware that there is public land that is private possession, Concern that people have grabbed or encroached on public land thereby hindering sustainable development. This House Urges the County Government through the County Executive committee member in-charge of Lands, Housing and Physical Planning to

1 : Make an inventory of all public land in the county including acreage, investigate all public land in private possession and take appropriate action to revert the said land back to public .

2: Investigate the constitution and operations of all land control boards in the county and further immediately constitute such fresh boards pursuant to the Fourth Schedule of the Kenya Constitution 2010.

Mr. Speaker Sir, land is very important in this country. And Mr. Speaker Sir public land needs to be managed properly Mr. Speaker Sir. And Mr. speaker Sir so as to know the acreage of the public land in this county Mr. speaker sir I do feel that we need to have an inventory of the same to establish mr speaker sir the amount of under polytechnics, the amount of land under secondary schools, the amount of land under primary schools, the amount of land administration, the amount of land Mr speaker sir that is held under cattle dips, and all these public utilities Mr. speaker Sir.

As a County, we need to know what we have so that if we do not have adequate facilities Mr. speaker Sir we can be able to purchase or acquire from the privately owned land mr. speaker sir because the Constitution allows the County Government Mr. Speaker Sir. Mr. Speaker Sir, I am really concerned that there is a lot of public land that is in private possession Mr. Speaker Sir. Mr. speaker Sir and especially during the Moi regime. Mr. Speaker Sir a lot of public land was grabbed. We want to know Mr. Speaker Sir how many acreage in this county is under private possession.

I am aware that in the defunct county councils, a time came when the councilors wanted to do repossession of that public land. But there were so many, many obstacles Mr. speaker Sir.

So before we recommend any appropriate action to repossess the said land Mr. speaker Sir we need to have an inventory again of all the lands Mr. Speaker Sir that is in private possession. Mr. Speaker Sir if this trend continues, and if those people who have grabbed and encroached on public land are not put to account Mr. Speaker Sir land grabbing in this county will continue Mr. Speaker Sir. We need to put policies in place, Mr Speaker we need to do a bill on repossession Mr. speaker Sir we can stand protected by the law when doing repossession Mr. Speaker Sir. Because we do not want to find this county against the law when we do repossession Mr. speaker Sir. So I am urging this House Mr. Speaker Sir through the relevant sectoral committee and through the executive member in-charge of lands to do a bill on repossession Mr. Speaker Sir. Mr Speaker Sir, I am aware that in every ward Mr Speaker Sir, there is public land that is in private possession Mr Speaker Sir and I would urge Mr Speaker Sir Honourable members of this House to come forward and give my committee all the information that they have so that when this matter Mr. Speaker Sir is committed to the sectoral committee on land Sir, we can be able to handle or tackle this matter expeditiously Mr. Speaker Sir. Mr Speaker Sir we have many dams in this county, most of them were excavated in the 40's, others in 50's and most of them Mr. Speaker Sir are desilted and Mr. Speaker Sir as a result of this and since the government has taken so long to desilt Mr. speaker Sir, people have decided to encroach on these public utilities Mr. speaker Sir. So we would want Mr Speaker Sir all those people who have encroached on these utilities Mr. Speaker Sir to be made to move out of those public utilities Mr. Speaker Sir and this Mr. speaker Sir I believe It can only be done through proper (Legislation) and if we have a bill that will give this assembly or this government the mandate to remove all those people who have encroached on public lands, Mr. Speaker Sir. Again Mr. Speaker Sir, if you travel into the interior of this county, you will find that the access roads most of them have been encroached Mr. Speaker sir. A road that was reserved to be 12 metres it now stands at less than six metres mr. speaker sir. And this is dangerous and serious mr. speaker sir. We have put so much money on roads mr. Speaker Sir because we have put so much money on roads to grade them Mr. Speaker Sir, then are we going to do that job as a county when all the major roads, the main roads have been encroached into by the public Mr. speaker Sir. So I urge this House Mr. Speaker Sir to make recommendations so that we can have a surveyor, a government surveyor go round this county Mr. Speaker Sir and put the boundaries of these roads to where they are supposed to be Mr. Speaker Sir and so as to ease the grading of our roads Mr. Speaker Sir.

Mr. Speaker sir we are aware that of the land in this county is agricultural Mr. speaker Sir and all transactions of agricultural land is supposed to be controlled by land control boards Mr. Speaker Sir.

Mr. speaker Sir this House would want to know how the boards are constituted Mr. speaker Sir. Mr speaker Sir we would want to know how these

boards operate Mr. speaker Sir because I believe Mr. speaker Sir there is nowhere we are supposed to have special boards Mr. speaker Sir. And I am aware that there are special boards in this county and by doing special boards Mr. Speaker Sir a lot of revenue is lost because land rates are not paid Mr. Speaker Sir. But if we enhance the performance of the land control boards Mr. Speaker Sir we shall be able to net a lot of revenue because the people as they go for the land transactions Mr. Speaker Sir we shall be able to pay rates for all the properties that is there and is ratable. Mr. Speaker Sir, I would urge fresh boards be constituted Mr. speaker Sir because Mr. speaker Sir I feel that those boards which are operational, those that are operating at the moment Mr. Speaker Sir, possibly they have been there for too long. And that's why there is a lot of luxury. And that's why we have a lot of problems Mr Speaker Sir because probably there are a lot of underhand dealings. Mr speaker Sir I would request this honourable house Mr Speaker Sir to recommend that this matter be taken, or be referred or be committed to the sectoral committee in-charge of Lands, Housing and Physical Planning Mr Speaker Sir so that these matters that I have raised on the floor of this House can be further investigated Mr. speaker sir. And on that note Mr Speaker Sir, I wish to call upon the honourable member for KIIPIRI to second this motion. Thank you Mr. Speaker Sir.

Speaker: Hon Member for KIIPIRI

Hon: Michael N. Kirumba

Mr. Speaker Sir, I rise to second this motion. And first and foremost thank the honourable member Kariuki Muchiri from Murungaru for coming up with this very, very important motion more so when we are have issues spread all over the country touching on land. This motion Mr. Speaker Sir is very specific and more so is trying to trace where the problem of land started.

And I am finding a sequence Mr. Speaker Sir all the motions that have come on the floor of this House are having a historical background on when things started going wrong and this honourable house has a mandate to address issues that we think cannot go unabated.

It is in the view of every member here that land from time immemorial has caused death, even wars, crashes, conflicts and before we have passed come to pass, this house will have a responsibility to avert those conflicts that might arise in our areas where we come from.

Mr. speaker it is in no doubt that these problems normally originate from the land the boards as currently constituted. We are all aware that chairmen of these boards have been from the provincial administration. It is my view that these boards have not been doing what they are supposed to do. We are aware that whatever transpires in those boards mainly are the causes

of the problems that we are now called to address. Then, therefore, it is even also appropriate to imagine a scenario where we might as well reconstitute these boards afresh so that we have what we are calling professionalism in areas which touch and which really come dear in our hearts.

Reconstitution of the boards spread all over this county in my opinion will be a thing that needs to be addressed to curb the grabbing that we have witnessed in the recent past. Alongside the land board, I would also see a situation where we also cannot separate the surveyors we have spread all over this county. The surveyors that we have we need to also address how they are interrelating with these land boards because when the boards pass or rather have their minutes we know the surveyors we have now pick minutes from that and go partitioning, giving titles and so forth.

That to me Mr. Speaker is critical because it is on the basis of this that if we have to uproot the problems we have witnessed we need to the fourth schedule here is very categorical on the way we need to go. Mr. Speaker, the grabbing of public land is like a menace. In my case for example, we have Rereshwa land buying company. Not more than once we have seen intervention from the provincial administration going there with their rangers harassing the residents because the directors of that land buying company have grabbed all the land, land meant for widows has been sold or rented. This is one area that we call the sectoral committee to address because it is just a matter of time before we hear of bloodshed. There were areas that were set aside for public utility, for cattle dips, for schools those parcels of land have since being grabbed and sold through back doors.

Corruption again, we will find that word coming all over again and again as long as we have this menace. Because our mandate is now to bring sanity in our society, professionalism Mr. speaker, management skills, ownership, accountability so that each and everyone who take advantage of this will come to be held to account. In addition, the beauty of this entire scenario in my view Mr. Speaker is that the Sectoral Committee has the teeth to go out and send very strong signals that these things of the past cannot be allowed.

Mr. Speaker, having said that the inventory of what we have because it is on the basis of having the public land identified per centres so that we know if you want to put up an expanded secondary (School), an expanded hospital, we don't need to start going looking for money to buy land. Mr Speaker, this County unlike other counties surrounding us, it is only in Nyandarua County eg in Central that you find farmers owning three, four , five acres. Mr. Speaker, our neighbours next door Nyeri, Murang'a and Kiambu the biggest chunk of land that they can own and call their own with tittles (Deeds) is half an acre, points and so fourth .

So Mr. Speaker, this is one thing that we cannot allow to continue because we need now to put systems so that posterity in the future will find that this First Assembly in a devolved Government did put measures that really left something that whoever will come after us will know that we stumped our authority Mr. Speaker so that encroaching on public land is a nightmare. You go to markets you find it find like, you cannot even know where to do what because when we talk of encroaching you find each and every centre in our market is not what we really knew prior to the elections of this year in earlier years. That is something that because if we don't do that , if we don't stand up to be counted, then, we would even have failed our people.

We need to have a legislation , we will need to put punitive measures in place so that however and we track down who sold what, was everything transparent or was it put over the table. That is the only way we will send a strong signal and nobody in the future will even dare or dream of grabbing a public utility. It is unfortunate Mr. Speaker that if we don't curb and come up with very punitive bills that is acceptable to all, then honestly Mr. Speaker then we will go on record and in the annals of history as having not changed the track things are going.

Mr. speaker I believe this motion is so dear to us, it is touching on our hearts because it is only when we do what we are supposed to do and it is on the floor of this House that we change I second this motion with all my heart, with all my soul. So Mr. Speaker, then therefore, without belabouring the importance of this motion, I second this motion and second it with all my heart and with all my soul. Thank you Mr. Speaker Sir.

Question proposed.

Member for Mirangine : Hon: DAVID N. NDIRANGU

Thank you Mr. Speaker Sir, I wish to support this motion which has been brought by the member for Murungaru Hon Kariuki Muchiri. Mr. Speaker Sir, public land has been grabbed in this County and Mr. Speaker Sir we are lucky that we have a government of the people of Nyandarua County which will take seriously all that which will be passed in this Assembly and ensure that all is well at the end of the day Mr. Speaker.

Mr. Speaker Sir, in my area land meant for the public has been grabbed. There is no land meant for the public that is now remaining there. Mr. Speaker Sir, we used to have land for those that were led by the white settlers Mr. Speaker , they were all grabbed.

Areas meant for Als those on the road sides all are grabbed, nurseries Mr. Speaker Sir all were grabbed. Areas that neighbours those dams were all grabbed Mr. speaker.

This land Mr. Speaker It also happens that other areas within the county in Nyandarua Mr Speaker Sir.

Therefore Mr. Speaker Sir, this motion has come at the right time Mr. Speaker and its upon the members of this county Assembly to support this motion for the betterment of our people Mr. speaker. Therefore Mr. Speaker now that we have a (County) Government and very serious government in place, Mr. Speaker, unlike in the past when things were Mr. Speaker Sir I wish that through the relevant committees that the county government will do all that is necessary to ensure that all grabbed land has been repossessed Mr. speaker sir.

I won't talk much about it but Mr. speaker Sir, I think that Mr. Speaker my points have been taken on board and maybe the government of this County will do all that is necessary and ensure that land has been brought back to its owners.

Mr. speaker Sir, the issue roads, people have really encroached and I'm happy that the chairman of lands (committee) will do all that is necessary within the county to ensure that roads are safe from those grabbers Mr. Speaker Sir. Thank You Mr. Speaker Sir.

CHIEF WHIP J.K Gachari (MCA SHAMATA)

Thank you Mr. Speaker Sir and I congratulate Hon. Muchiri for this motion at this juncture Mr. Speaker Sir. This is a very important motion to be discussed by this Honourable House because there is a problem in the whole of Nyandarua County.

I'm glad because the Government of Kenya has given the mandate to have the land in the county to be recovered by the County Government and I'm glad Mr. Speaker Sir because it is in our docket.

There was a time when people were going to Nairobi and coming with allotment letter (s). Anybody with money could go to Nairobi and get allotment letter even from a clerk from and get whatever he wanted for his own.

In Shamata there was a plot and people owned "kiosks" and somebody went there (Nairobi) and came with allotment (Letter) and removed the owners who has stayed there (occupied) for long, sold the plot for Ksh 850,000 (Eight Hundred, Fifty Thousand) and the plot was set for administration.

Mr. Speaker Sir, we are struggling to buy everything ie plots for construction of markets and there are plots grabbed by people.

They are very comfortable 'sitting' on it while we are struggling to buy (plots) for the community.

This is our high time Mr. Speaker Sir to repossess those plots. I remember in Nairobi on the Highway way, the government took hundreds of acres and even destroyed supermarkets which were build on the roadside. We cannot be fearing to repossess those plots Mr. Speaker Sir, because we want to utilize and even expand our towns and even Mr. Speaker Sir a plot was set aside for a certain purpose and I don't see why we should not go and repossess it.

Mr. speaker Sir, I therefore support this motion, since Mr. Speaker Sir it has come at the right time and it was properly brought up (Moved) by Hon. Muchiri.

Mr. Speaker Sir on the side of the roads, they have encroached on those roads and even going to an extent planting trees and they could have even pulled the land (move boundaries) to become big and plant trees on the roadside. They (Shamata residents) are complaining the road is not in order and in poor condition. Why? They are the ones who have sat (encroached) on the roads.

Mr. Speaker Sir, I therefore urge this House to come out with a policy on land so that Nyandarua County. There was a time that they (Grabbers) were saying Nyandarua County is a public land. So when you were to complain with the land office they could say it is under the commissioner of lands Mr. speaker Sir.

Now it is under ourselves. We have nobody to blame. We are the ones to take action . I therefore request this House to take action. People will feel pained but soon they will be very happy with us and by the year of election (2017), we shall sail through Mr. Speaker Sir.

Instead of going to buy land for the hospital (to construct) and one person is 'sitting' (grabbed), on it and which was updated for the Hospital is with one person. It is a very serious thing Mr. speaker Sir. I therefore support this motion and I thank 'mheshimiwa'(Hon. Kariuki Muchiri) who is the chairman of this committee (on Lands) and who has brought this motion to start taking action right from now. Thank you Mr. Speaker Sir,

Member for Central Hon: P.M. MAINA

Thank you Mr. Speaker Sir, I would like to congratulate Hon. Kariuki Muchiri for bringing this motion at the right time where our county sits on this land. Mr. Speaker Sir, it is a matter of concern to note that land in this county..... an inventory in this county as Hon. Muchiri has done (requested) so that we can be able to ascertain what is public land and private land Mr. Speaker Sir.

Mr. Speaker Sir, the land in Nyandarua County has gone to the hands of individuals who have grabbed this land for their own personal and selfish gain leaving out the people of Nyandarua (residents) languishing in problem (poverty) because they cannot have land Mr. Speaker Sir.

Mr. Speaker Sir, when we talk of land in Nyandarua County Mr. Speaker Sir we just remember what we call historical injustices bearing in mind what we called provincial administration where Nyandarua could be governed all the way from Nyeri.

Mr. Speaker Sir when we are now talking of Nyandarua County (Devolution), we are talking of Nyandarua county where we are standing today and where that land is Mr. Speaker Sir.

Mr. Speaker Sir, is a matter of concern to note that , that land we are talking about it, it's we to put up measures to prevent the land grabbers and those land buying companies from grabbing and encroaching lands from our people.

This Mr. speaker Sir, is in the public domain that the problem of land is the genesis of the 2007/08 post-election violence. Mr. Speaker Sir, we have people who grabbed these lands and they have these lands in their possession knowing that they illegally acquired those lands Mr. Speaker Sir.

Mr. speaker it is the prerogative of this House through the committee on lands and physical planning Mr. speaker Sir , to move urgently to make a legislation and bring a bill which can be debated and approved by this House so that we can be able to govern land in this county.

Mr. Speaker Sir blood shed may be found if our lands are not well (demarcated) Mr. Speaker Sir. Mr. Speaker Sir we as this House (MCAs) have been mandated by the people of Kenya and the people of this County (Nyandarua County) . Mr. Speaker we have a mandate to ensure public land and private land have been put separate (demarcated) and be known the acreages because Mr. Speaker Sir.

We cannot wait for our government (Nyandarua County Government) to go buy lands for public utilities whereas we have land which is held by this county Mr. Speaker Sir. Mr. Speaker Sir, it's wise to note that change is expensive Mr. speaker Sir when we talk of repossessing those lands (blurr....) that we will have repercussions Mr. Speaker Sir.

Mr. Speaker Sir it is good to note that only this House that may pass a law Mr. Speaker Sir which will govern the repossessing of these public lands from those who grabbed Mr. Speaker Sir. Mr Speaker, when we sit today and compare the earlier days nothing is so called free land Mr. speaker Sir, they have all been grabbed by the people who have selfish gains.

Mr. Speaker Sir as I wide up, I would like to bring this to the relevant committees Mr. Speaker Sir, let them sit with the executive secretary of lands so that they can be able to ascertain and to bring conclusive measures on how we can be able to protect our electorate who are people living in this County to give them a good life while in the land of Nyandarua.

Mr Speaker Sir ,I wish to support this motion brought by Hon. Kariuki Muchiri. And with that few and many remarks I beg to support.

Member for Kaimbaga Hon: SAMUEL K. NJIRAINI

Thank you Mr. Speaker sir

I know this is a very sensitive docket (Land) and it usually affects the whole of Nyandarua County and I don't know whether this is a tradition of Land grabbing because you find not only in Nyandarua County, in many areas where there are freehold or rather public lands, you find there are people with wrong hands or rather a big taste grabbing public land Mr. Speaker. As Honourable Kariuki Muchiri has come up with this motion, it has come up at the right time Mr. speaker Sir, because if we can be in a position get the area of all the polytechnics Mr. speaker I think it could be of benefit to the people of Nyandarua Mr. speaker.

In addition there are so many primary schools without titles, or rather we don't not know the area of the schools Mr. speaker.

In addition there are so many dips (cattle dips) in Nyandarua County, there is no appropriate area for those dips Mr. Speaker. And since we have this docket our people there will be saved by this docket because there are people who may want to grab all these Mr. Speaker.

In other areas, Mr. Speaker we have cooperative lands and all those lands have been grabbed Mr. Speaker Sir. I think this the high time, the Hon. Kariuki Muchiri Mr. Speaker I think this is a very sensitive docket Mr. Speaker be protected and given security and facilitated enough Mr. Speaker, (Laughter).

If you go to an area like Kapten Mr. Speaker, that land is an open market and also a very sensitive and important facility and when it was constructed and after it collapsed another person was allocated that plot and is already constructed, a house, a toilet Mr Speaker. Another person has already constructed house. It is very sensitive that we don't even have a toilet there.

There has been a very big quarrel as you noted Mr. Speaker. There was a Matatu stage in Olkaraou Mr. Speaker, it was allocated to another agency Mr. Speaker after a very big (protracted) dispute Mr. Speaker.

It is very important for this docket to come up with a bill and legislate so that we can have a way forward to protect our people there on the ground Mr. Speaker Sir.

If you go to (the) area of roads, Mr. Speaker if you go to Kaimbaga area, from Kapteni to Shabora where we are heading to Kaimbaga Health Centre all that road is already up in dispute, It's encroached by somebody. From Mihuti to Kandutura, already that road is encroached Mr. Speaker.

I fail to understand who will save our people but time has come Mr. Speaker for us to save our people from all those who have encroached on those roads so that our people could feel the taste of a new government (devolution) of Nyandarua Parliament (Assembly) Mr. Speaker.

In addition , we find that there are so many dams which are already encroached, like Mihuti Dam Mr. Speaker and others in Nyandarua County. We urge this docket to be very thorough Mr. Speaker and to take all necessary measures to protect our people from land grabbers Mr. Speaker.

In Kariamu Mr. speaker there is a health centre which was constructed, finished and needs facilitation and somebody is claiming that land is his.

Mr. speaker, its very frustrating and we already have staff who we want to deploy there (Health centre) for it to start operating. Mr. Speaker, that House (health centre) was not constructed at night. It was constructed during day light, somebody knowing that he will come to claim the land Mr. speaker and it's in the public domain Mr. Speaker.

In Nyandarua County, most probably in Ol-kalou town, where we are having the headquarters Mr. speaker there is a social hall which is entitled for Nyandarua County and that hall is already grabbed Mr. Speaker Sir. Meanwhile, Mr. Speaker, if that hall was not grabbed, we (Assembly) could not have rented church premises (PCEA HALL) and we could be holding our meetings there waiting for the construction of our assembly Mr. Speaker.

There are so many others like agro-forestry that was grabbed by somebody at Kiariam area Mr. Speaker. Another land at the headquarters (Ol Kalou) is already owned by somebody about 100 acres that was meant for the construction of a polytechnic. In addition you find there are so many jua kali areas and you find those jua kali sectors they are already sub-divided divided if you go to Kapteni and that one is in the public domain Mr. Speaker.

I don't know whether our people have been glutton to public land Mr. Speaker. Every public land being found people are chasing it (Grabbing) Mr. Speaker.

If you go to Jua kali there is even an airstrip , a prison which have already been grabbed. It is very shameful but I know this docket with Hon. Kariuki Muchiri (Chair), I don't know whether he will be carrying a gun in his pocket Mr. Speaker. It's very sensitive. (Laughter) I do not mean that he will go shooting people but I know he will get this right. More laughter.

In addition, Mr. Speaker, Jua Kali area has been allocated ten acres land and already people have subdivided it. Let us protect our people Mr. Speaker so that they can feel that this government reposed those facilities they need Mr. Speaker.

There are other areas like crunch where our farmers used to take animals for IAs (Artificial Insemination) , for treatment (Vaccination) and if you go to Muthaiti all that land, about two acres have been grabbed Mr. Speaker. I do not know what a hell! Excuse me Mr. Speaker for that. I know we will make it Mr. Speaker.

I urge this docket, to be very serious when moving out there and come up with a very clear report on all those areas so that we can save our people.

Not forgetting our IDPs at kabingu Mr. Speaker, Those people bought land from whoever sold to them and today those people (IDPs) are still suffering Mr. Speaker. Those people are landless today. Meanwhile they do not know where to go. Mr. speaker, those people contributed money. I urge this docket to investigate on what is happening and other IDPs at Kaimbaga.

They are our people, sisters and brothers, our fathers, Kenyans and they have a right to live here. If there is a problem there, let the government Know Mr. Speaker Sir.

With those few remarks I support this motion wholeheartedly Mr. Speaker Sir. Thank you.

Member for Kanjuiri Hon:SULEIMAN . MUIGAI

Thank you Mr. Speaker Sir, I rise to support the motion as brought by Hon. Kariuki Muchiri, MCA Murungaru.

First I want to say this. When I was investigating about the dips (cattle dips) in my area, I heard that some of them are already grabbed and we have to take the necessary measures to repossess them. We have money to rehabilitate those dips, but they are not there.

If we go to my area there are a lot of cases concerning those public utilities (Land) so I urge the relevant committee to visit those areas so that they can know what is happening on the ground.

Also in my area those centres, there is no good plans (Centres Unplanned) , I urge the committee concern to try and have good plans so that when these people are building houses we can have no problem later.

If I can go back to my area still, there is a cemetery there, that cemetery is allocated in a very bad area close to a river. If that cemetery remains there, I think there will be a problem and I urge the relevant committee to look into that. I know how that cemetery came to be allocated there and I urge the relevant committee to look into it and help this people.

With those few remarks, I say thank you and I support this motion.

Member for Nyakio Hon: JOSHUA M. MUIGAI

Thank you Mr. Speaker for granting me permission to contribute to this motion brought be Hon Kariuki Muchiri MCA – Murungaru.

First I congratulate Hon Murungaru for bringing this motion when the people of Nyandarua County are crying for the land they have been grabbed by individuals. Mr. Speaker Sir it is my concern that, I was somewhere yesterday and people were complaining about the dam grabbed by an individual at Nyana. That land was meant for the dam and the dam has been grabbed by an individual, such that the people of Nyana are suffering.

The people are complaining that dam was meant for the public but was grabbed by that individual. I ask that committee when it comes to Nyakio to look into that dam.

On the other hand, Mr. Speaker Sir, as you are aware and you know the area of Karangatha well, you visited that area, there is a plot 147 at Karangatha town and that plot has been given to an individual and he has got an allotment letter and that land was meant for a polytechnic.

So it is my concern that the committee on lands and Housing to come to Nyakio and see to it that the plot is returned to the polytechnic so that the people of Nyakio will not suffer any more.

On Roads, Mr. Speaker Sir I don't know why the people of the whole County have encroached on the roads. Also as I was passing on my area I found out that the road from .. to Karangatha all the road have been encroached have been encroached . So I ask the committee on land to look into that matter.

On catchment area Mr. Speaker Sir, there is nowhere that has been left for enlargement (Expansion). People have encroached, they have also build houses on it, so it is my concern that the relevant committee will look into it.

On the other side other side of Karangatha town, Mr. Speaker Sir, there were plots allocated to car wash, for other works Mr. Speaker Sir, but it has been given allotment letter and as Hon. member for Shamata has said, they went to Nairobi and they were given allotment letters such that own the land. So I will ask the sectoral committee to look into area.

On the side of drainage, as I said, the committee should look into.

With those few remarks I support this motion brought by Hon. Muchiri. Thank you very much Mr. Speaker Sir.

Member For Gathaara Hon: KIBEBO

Thank you Mr. Speaker Sir, I wish to support the motion and has come at the right time concerning land grabbing which is an issue in the whole county. And Mr. Speaker sir, it is a worry that public land has been grabbed.

Concerning my area Gathaara ward, Engineer ward, Githabai Ward and partly Njabini ward, there is a dam with an acreage of three hundred and fifteen acres (315) by the name of Yasmin Dam. It has been grabbed by some farmers Mr. speaker Sir.

315 ? is very large (laughter) and it had been mapped that as a wetland and those that grabbed went to Nairobi, got an allotment letter , came to the sit.... Drained water and started cultivating that land. They came and started demarcating it, two acres each.

Mr. Speaker is a worry and and see and have a map of that area

Mr. Speaker, it was a lie people were caught by police together with Hon Mwangi Gichuki . They are claiming if one goes to take his animals for water (drink) they are arrested, taken to the police station and accused of trespassing. A public land and one is accused of trespassing Mr. Speaker!....

Before, in 1964 that the area was earmarked. It has a resource that we can use ..

In the water of that dam, there are so many species of birds and mostly water ducks. White men (Tourists) were coming to shoot water ducks. No more now.

Mr. speaker, it is a worry and I say “that area boarded by three to four wards Njabini ward, Engineer ward , Gathaara ward and Githabai ward.” Even if there is athis is an area for tourist attraction, even we can make a hotel there and the birds will return to the dam. It is a worry and we need attention of that Mr. speaker Sir.

So I urge the sectoral committee on land, Mr Speaker Sir, through Mr. Muchiri to take immediate action to reclaim that dam Mr. Speaker Sir. Thank you.

Member for Weru Hon: Samuel Kimani Gachuhi.

Mr. Speaker Sir, I rise to support the motion introduced by Member for Murungaru. I apologize that I was late (murmurs). I thank the honourable member for introducing the motion because if you touch land, you touch my docket. If you touch on road encroachment, it falls on my docket and I am assuring the Chairman (Hon Kariuki) that the problem will be addressed because what we need is legislation and there is a person who is in-charge of implementation.

Member for Kipipiri (Hon Kirumba) on a Point of Order.

Speaker: What is it member for Kipipiri?

Hon Kirumba: Mr. Speaker Sir, I rise on a point of order.

I have realized some of the members are very allergic to crawling reptiles and chameleons and I am concerned that the Speaker may be having problems because I have noted him trying rolling because he is trying to take caution on a crawling lizard.

Unless Mr. Speaker tells us that he is comfortable, I am trying to bring the attention of the House that we have a problem. Thank you Mr. Speaker Sir. (Laughter)

Speaker: Thank You Member for Kipipiri for raising that concern (laughter). It is true that we have an intruder. In fact it was very serious because falling from the ceiling it almost fell on me (More laughter). It fell on the table and is still hovering around. As the member for Kipipiri has said, I am not very comfortable and therefore let us members adjourn for ten (10) minutes.

On resumption

Speaker: Thank you members, I think now we are clear, we can now proceed effectively from where the member for Weru left.

Hon Gachuhi: Thank you Mr. Speaker Sir, I apologize for the alien and feel comfortable. As I was saying concerning the coordination between the committee on land and that of the roads, I do request we align the two and have a joint consultation so that whenever we are coming up with a legislation, it will involve road encroachment although I will bring that motion latter this month whereby I would need to have a legislation and investigation concerning the same.

We need to bring this insanity to an end. Though it is a very sensitive area, more than an y other docket, I believe with the cooperation of each of us, we will come up with a legislation that will fit the future generation of this county.

When it will come to legislation, Mr. Speaker Sir, of the law that will be created in thuis House, it will be a law that will bring the grabbed land back to the public.

In my area, I have a stadium that is grabbed, we have Churches, we have individuals even the former councilor is among those implicated and I am sorry to question the same because it is an open thing.

When it comes to the land of the lake Ol Bolosaat, it has been dispersed (allocated) to some individuals because we are coming up with a legislation which involve road encroachment and I will bring this latter this month whereby I will need to have a legislation and some officials from the administration (provincial) are among the people who have grabbed land in the area.

The areas reserved for urban planning some (grabbers) have allocated themselves urban space. I will go further mentioning the markets that we have and have been grabbed. Like kasuku we have an area that remain the of the market area is very small and the people cannot occupy or cannot operate on that area. It is small and the area is not conducive.

So the business women resort to conduct their business along the road. It is not good at all even though we have plans to buy a land to re-locate the market, it is not fair at all.

I do not know what to do because the place meant for the market is already built up with permanent houses but I believe with the coordination of the members of this House will come up with a legislation that will fit , will not oppressive the people on the ground and a very harmonized law whereby, whenever it comes to implementation, it will not be like we hate them, we are threatening them.

Such kind of a scenario, I think we need a legislation that will make people understand whatever we are doing, we are doing for the benefit of the future of this generation.

So Mr. Speaker, in my capacity as the chairman of roads (committee), I am committed to

Contribute to the chairman and any other individual so that we give the relevant officials the power to implement the law so that whenever we go to oversight, (role) we will see whether the laws we have made in this House are implanted as per recommendations by the committee (Lands).

This is because we need to come up with a community, I usually tell them, I am coming and I am coming hard (Performing) because I need to be clear to them that we need to put ourselves in a place whereby our future begins somewhere. Our future starts recreating itself in a manner that it gives hope to the economy of this county.

So therefore Mr. Speaker Sir, I really feel pity for the people that have been affected because as I was saying in another meeting attend the Governor, I do not see a public land whereby some one knows is a public land and buys. Mr. Speaker, somebody

Majority Leader (Hon: Mwangi Gichuki) on a point of order.

Hon Gichuki: I rise on a point of order to seek clarity. Is the member of Weru in order because when I go through the motion that was moved by the Hon Member of Murungaru, I find that the greater content of the motion relates to planning of our public utilities. However, I think the direction this has taken Mr. Speaker Sir, is really on public land which have been grabbed. I am wondering Mr. speaker whether it is in order to discuss a motion which has really not been moved because the motion in question is about the planning of the various public areas within our County and specifically about Mikaro trading centre.

Mr. Speaker I stand to be guided.

Speaker: Majority Leader I believe you are completely out of order (Laughter). The motion that you are alluding to is not the motion under debate. That motion a notice has been given and it will be debated on 23rd of July 2013 at 2.30 PM. So the member for Weru is obviously in order (More laughter).

Hon Gachuhi: Thank you Mr. Speaker for protecting me and I believe majority leader is being disturbed by the alien (Lizard) and is confused but (More Laughter) as I wind up, is a very wide topic that everybody needs to contribute. It is not a topic that we need to wide up just like that.

So I appreciate the contribution because it seems the kind of ideas being brought by each and every member, it shows that we are committed to bring this to an end whereby in the next one financial year, is reclaiming each and everything that has brought this county to a shame.

When I was young, I was seeing there were stores whereby people called it 'Githitoo' that were meant to store cereals that were meant for the cereal board. At Kasuku there was one, and was grabbed like the one that is here (Ol Kalou town).

There were those lands that were meant for the cemeteries are also grabbed. So I pity people that are poor or displaced and there is nowhere to bury them and there is no public land. Eventually I have come to find that even when lands are being grabbed and finally the government buys them again, the same people comes back and grabs the same land.

It is a sequence that needs to be brought to an end. So, I would request the necessary committee to align the already existing laws so that the same law is enforced to be in place, because there are laws, it is only that we need to seal the loopholes in these laws. And I thank you, I support the motion.

Member for Wanjohi Hon: Joseph Mumba

Thank you Mr. Speaker Sir, first I congratulate Hon Muchiri for the motion he brought. As we have heard from the honourable, this kind of motion that we are discussing today is a problem of the whole country.

I would like to say or to cite about my area where when I was young, not so young (1980s) I was an adult and used to take our cattle to a certain dip. After two years it was grabbed and also destroyed. That land was bought and cultivated.

This is a very serious case where this (Cattle Dip) is a public utility and now it is used by an individual. So I would one, urge the committee to come up with a solution to that and to preserve the land that Hon Njiraini was saying just near Kariamu, is in my ward.

Some years ago, it was reserved for Agro- forestry just near River malewa. A few individuals grabbed it. I have seen the late councilor Ndaro and mobilizing people and uprooting fences and burning them on the road.

I do not know what is happening and the same person repossessed the same land. I would also ask the sectoral committee to look at that.

There is another point I would like to say concerning roads. All roads as have been noted have been encroached especially in Kiburuti, Mishore. A road is three (3) metres. We know very well that smallest road is about six (6) metres. So we have to look at that.

The other thing is about the public cemetery in Wanjohi, it is located along the River where people fetch water (Laughter). It is unhygienic.

On the other hand, I would also touch on the village, Wanjohi village sometimes it was surveyed and it was not completed. I request the committee to ensure the village is surveyed and everyone allocated his/her parcel to get a title (deed) to develop.

With those few remarks, I support the motion.

Member for Njabini/ Kiburu Hon: Gachomba (laughter)

Gachomba: Thank you Mr. Speaker Sir, Thank you Honourable members. I rise to support the motion by Hon Member of Murungaru Kariuki Muchiri.

Mr. speaker Sir, as land in Nyandarua County forms an integral part as the member has narrated in his motion.

Mr. speaker a lot of our land particularly the public land is in the hands of the public (private)
Mr. speaker sir.

I believe those people (who were in office) by those times, those who allocated public land to private people are still in the office Mr. Speaker Sir.

Mr. Speaker Sir, it is my humble request that we do an inventory of all public lands in our county. I remember Njabini Farmers Cooperative Society, which has been grabbed by a person known as Kamau Nyanga agencies has stolen every piece of land in Njabini town.

Njabini town is owned by one person and I believe Njabini town there are people with title deeds of those lands. Mr. Speaker, I wonder where other titles are coming from . Some own huge tracks of land , Nyanga primary school in Nyakio location. It was also grabbed by the same Kamau Nyanga.

Mr. Speaker Sir, I believe this is the high time that the Honourable member for Murungaru has brought the motion on the floor of this House. We must be very first when dealing with these issues. I believe Mr. Speaker that the docket which Hon Member for Murungaru (chairs) must be guarded.

I believe he should be provided with security officers so that when he is moving around, it will take care of his life and that of the community.

Mr. speaker Sir, there are other areas that have been grabbed like dams that Hon member of Gathaara has cited Karagi dam about 300 acres Mr. Speaker Sir. It has been grabbed by a bout five (5) people who claims it's their motherland.

Mr. Speaker, if you can remember and I believe you are a lawyer, that Kandagi dam is a settlement scheme that belonged to the white settlers and later given to our people. At the centre of that piece of land, there is a big dam that they could use for their cattle.

This time, they have subdivide the three hundred acres (300) . There is a former DO (District Officer) from Kinangop who subdivided that land into five (5) acres to sell to our people.

..... Mr. Speaker. I believe I believe the whole Assembly has the mandate, even to persecute (prosecute) those people who Mr. Speaker I still remember the Salient Settlement skill in belongs to this County. Mr. Speaker I believe there was a DC (District Commissioner) Mr. Machogu.

He subdivided the piece of land within our county and some of these lands were not allocated to anybody. They were just left unmarked.

I went to the Registrar of Lands in Nyahururu and got a piece of land that is registered under a luhya name and is not even a community member of this county. He was trying to look for names that the DC would use to sell those lands in future.

Some of them are idle. That's why I am saying the sectoral committee should go to the root cause of this problem and have a clear picture of what is on the ground Mr. Speaker.

Mr. Speaker I realize that I have been affected by encroachment on our roads. We have budgeted 9.1 Billion for Our roads. I believe it is prudent if road encroachment is well monitored so that produce coming from our farms reach the market at the right time.

I am appealing to the sectoral committee on the same to come with a clear picture on how we shall re-map our encroached roads. If we can be able to grade our roads in our areas, we can take our produce to the markets and hence fasten development.

Also Mr. Speaker Sir, Member for Wanjohi have said there are people who have given away riparian lands and the same officers are still in office drawing money from government coffers. And why are they doing this? I believe that, when they were employed, they had to sign performance contracts with the government that they could execute their duties according to the law. I believe they have done contrary to the law.

Mr. Speaker those people have not gone anywhere. They are still around in this county. Mr. Speaker, I would also like to have an inventory of everyone (Employee) who is lands office who has done the obvious to face the full force of the law.

Mr. Speaker Sir, I beg to support the motion and call the mover of the motion to respond

Members: No! No!, No! (Laughter)

Speaker: Majority leader,(Hon: Mwangi Gichuki)

Hon Gichuki: I think the member of Njabini/ Kiburu has not been able to simply read the mood of the House. Much as I think I had two set of papers from the same gentleman who was moving the motion, Kariuki Muchiri, I think I read the wrong one. Now I am reading the correct one.

Mr. Speaker, this is one of the matters that are weighty.

Very weighty indeed because I think the major concern of everybody is that public land. That public land that is now in private hands.

Mr. Speaker if I would start with one which the member for Njabini/ Kiburu have forgotten, one of the most contentious land that is under debate currently and this is specifically the Midland Company Mr. Speaker Sir. Mr. Speaker this is one land that has never been agreed on whether it is public or private land and there is the other contentious part of it on its acreage. Whether it is five (5) acres or is twenty-five (25) acres.

Mr. Speaker, there is need for this committee to ascertain clearly the ownership of Midland as a company. In this, regard Mr. Speaker it is also necessary to know the shareholding of this particular company because Mr. speaker the public, I would say this without fear of contradiction had been dubbed into believing that Midland is a public company.

But this is one company Mr. Speaker where members have bought shares but who have never been able to get any correspondence even after having been shareholders. But most contentious is the land composition. It has taken Mr. Speaker but subject to scrutiny by this committee as per the books or what Midland has said has five (5) acreage of their area.

Mr. Speaker, it is well known because this land was given out by the then Minister of Finance Mr. Amos Kimunya when there was need to have a place where we could have the packaging of potatoes and the seedlings reproduction.

Mr. Speaker, it is known that this particular company was given five (5) acres of land but it istands now that that company enjoys twenty-five (25) –acre piece of land.

Mr. Speaker among the things that this sectoral committee must look into is the reason why a single entity as company who have a twenty-five acre piece of land, what would not inform the decision to have the twenty-five acre divide into five acre piece plots and the owner of the land is the same person?

Mr. Speaker because it widely taken that the few title deeds that go by the name of that particular company may not necessary be public. The genesis of this Mr. Speaker is to understand the that the land allocated belonged to AFT (Agricultural Farmers Training), a farmers training centre in Njabini where farmers get different training on various agricultural production.

Mr. Speaker when you give out this land to an individual because as of now Mr. Speaker we have not been able to realize the direct benefits of this Midland Company to the public. Mr. Speaker then this is a matter that the member for Murungaru is going to take on and I don't know whether the member is in order when he insinuates that our chairman does not require security. This is a really weighty matter and I know the people he is going to deal with are the weighty guys of our county.

Mr. Speaker, I think this matter must be handled with caution but with integrity and vigour it deserves. If that is done, and I believe Mr. Speaker you are aware of this because at one time you acted on behalf of the farmers of the community who were complaining about the same.

As a matter of fact this is a situation that is in its extremes. Mr. Speaker, as the member for Gathaara was putting it, this is one dam where you cannot take your cow to drink water. You make a mistake and the next thing you are in a police station.

This is where the irony of the whole things comes in. Somebody who have grabbed a public land has the gut to take you to a police station with accusations that you are trespassing in his land. Mr. Speaker we went there and though we solved the problem, I believe that these people are taking it a bit too far. I believe that that dam borders about three wards and I think Mr. Speaker as an Assembly and if this particular sectoral committee is not able to go into the jinx of this matter, and revoke title deeds (Grabbers have genuine documents)- follow the right procedure and revoke these title deeds which they already posses.

They have sub-divided it into two -acre plots. Mr. Speaker, we will not be seen to be doing our work. And this must take precedence over the other matters. Later Mr. Speaker, I will come to another critical boundary.

The boundary between central province and Rift valley and Mr. Speaker somebody is saying there is absolutely no mark that shows a boundary that is inter-provincial. Mr. Speaker, this is completely unacceptable. This is the boundary between the Rift Valley and Naivasha where we sub-divide and my ward at a place called Itomboya.

This is where tow farmers have closed down a road of two hundred metres, something completely big. The other areas are open but when it comes to his area says, there is no way and it has been a critical issue and I must bring to the attention of this Assembly . In the same place there was an organized screaming event.

Mr. Speaker men and women assembled at the place and screamed for one hour. The need to scream was arrived at after the members of this community went to all available places where they can seek assistance which has never been availed. The time they decided to go and scream, that is when the provincial administration, the DC from Naivasha and the DC from Engineer (Nyandarua South) and chiefs met there.

It was agreed that the two administrative units are going to address that particular situation. One year down the line Mr. Speaker nothing was done. The same community organized 'screaming number two' and it was also convened. This time round it is not about screaming alone. It was screaming and destroying the property of those individuals and as did, the same administration came back at the same point and place. Before they could destroy the fences, the farmers agreed to move their fences by a bout forty (40) metres.

Mr. Speaker the question is this, who in this world will give out his land and there are big chunks of land when you give forty (40) metres it is quite a big chunk. Mr. Speaker this committee will have to visit that site. You realize it is quite a big chunk of land. And this one gentleman agrees he is going to give this community that chunk of land. And the then chief of Naivasha because the chief of Engineer had not arrived convinced the farmers and the community that such a move was okay to avoid chaos. Let's first have this, then we can claim the rest and to this day Mr. Speaker, that fence still stands at the point where they had already given forty (40) metres.

However, even after giving the forty (40) metres, that particular boundary does not open up because of one major prominent people in Engineer who refused completely to open up his side.

Now Mr. Speaker and this one has to be taken seriously and especially for the purposes of record, because Mr. Speaker, this I have also notified the Executive because I have serious instructions from the community and the affected guys, that they have screamed twice. The third time they have said they are not going to scream in vain. They will scream because somebody is dead, the community has agreed, and this should be taken not as a matter of joke Mr. Speaker. For the purposes of record, the farmers have said they will ensure the person who is crossing the road is dead because they are saying they have gone to the National Government and it has not assisted them.

They have gone to the administrative arm all the way from the PC. Mr. Speaker I have a correspondence of all those records. The letters, the correspondences of all these, the particular community have written. The maps that show that this place is a boundary between the Rift Valley and Central provinces and nobody has taken any action.

Mr. Speaker any time you will have those farmers killing each other and once they do that, I know all of us will be rushing there and don't say the road is here and it should have been done earlier.

Mr. Speaker, I want to be exonerated on that and put it on record that we have put this to the notice of the Executive and to the notice of the sectoral committee that this is a critical matter that must be addressed. I will avail to this committee Mr. Speaker all the correspondences in regard to that particular dispute in that particular area.

Mr. Speaker, still in the same area as I wide, there is still this other road that Mr. Speaker connects all the parcels of land between that boundary and Engineer town. A very expansive road and for that matter, I think the only one road that is straight, completely straight and it has been encroached and you get some farmers, it runs from this section, cross down and then re-open it again so there are so many disjointed areas.

Mr. Speaker, I will also avail details of the plot numbers of all people who have encroached on it and completely closed those roads so that the sectoral committee can look into it and ensure that one is also dealt with once and for all.

Mr. Speaker, I wide up by saying the list of the grabbed pieces of land is extensive and maybe at this particular forum we may not be able to list each at a time and the underlying point here is that the committee be given enough time. This is not a matter they can really rush on, they be given ample time to look into this once and for all because Mr. Speaker we don't want this repeated and especially because this is a weighty matter.

Mr. Speaker I believe it is in the interest of these members to handle it in the first few years of our establishment because I know it is going to bring issues on the political front. We do not want to harass each other by the time we go to elections, they have forgotten what have happened a little early.

Mr. Speaker, this should be expedited and should be done at least in this first year. If we are to do this, I think we will have an opportunity to restore order in this county. Land grabbing has nothing to do with small guys and it's with those well connected. It involves former councilors who are major beneficiaries, senior administrative officials and senior personalities in the society, the permanent secretaries and in some cases the heads of state.

This is why I said critical analysis must be done and encourages the sectoral committee and especially the Chairman that the Assembly protects him.

I wish to support this motion and specifically request the sectoral committee to look into dams, the particular boundary between Central and Rift Valley provinces in a place called itomboya and the same road between Itomboya and Engineer road, which I am going to furnish them with the relevant documents. Thank you Mr. Speaker.

Speaker: Member for Gatimu,

Mr. Speaker, I am grand to contribute to this motion laid in this House by the Member for Murungaru Mr. Kariuki Muchiri. I believe his committee is able to expedite its duties make sure it comes with credible solutions and recommendations.

Mr. Speaker I will start with various grabbed lands in my area and make short recommendations. In Nyandarua County we have a dam that has fresh water, Kamwona dam, and the dam has a spring that never runs dry. But a certain prominent person known as Museveni went ahead and fenced to the extent of where the dam is. Mr. Speaker there is no where people can pass and there is always land rules that one can access to those features Mr. Speaker. This person has fenced and actually, people enter his compound where the fence is through 'panya' routes to get to the other side because he has personalized that I and.

Mr. Speaker, that is also endangering the source of water for this dam. This dam has the waters of the river that connects the famous Ewaso Ng'iro or Ngare naro. The Ngarenaro River before it is joined by the Museveni- Kamwana dam river, it dries. When it is around Lusugwa to a place called Chemichemi to a place called 'Kwa Njeri wa Number moja', the river dries completely. It has no water during the dry season. Kamwana dam river joins Ewaso Ng;iro at a place called Ngomomgo.

The water that now goes to Kirurumo comes from Kamwana dam. It is an important dam for the lives for the people of laikipia. For those reasons Mr. Speaker, I think the committee (Lands) will address those matters because they are of great concern. Hon: Mwangi Gichuki has raised a issue of concern- boundaries. Mr. speaker somebody has closed a road, a road has been given , the road takes its course and it's the between Nyandarua and laikipia. Instead, somebody bought the land and constructed Mr. Speaker. If you want to access Gikingi Primary School in Emammuel , you go to Kamwana dam and go through a long route to reach Gikingi primary and secondary schools. Somebody has deliberately closed the road between Central and Rift Valley provinces Mr. Speaker Sir in Laikipia. So that matter must be dealt with and closing a 'dead' road by that person.

Another feature is where we have Kariana which has a spring of very clean water just near Gakenia. Somebody has grabbed that wet land. People have grabbed even wetlands .

A mineral company can be established in that area and even an industry for the benefit of the people of Nyandarua. That land Mr. Speaker is in question.

Mr. Speaker I also want to put to notice that Kenya is a unique country unlike other countries in Africa. What makes her unique is that it was surveyed in those early days. There are survey maps that have existed for quite a number of years, the reason Kenya is a special and good country unlike other countries mostly in Africa and more so unlike other countries in Africa.

Mr. Speaker it is only in Kenya that you find papers as old as forty (40) to Fifty (50) years. There exists maps that show this is an industrial zone, by-pass zone, sewerage zone. I am talking about zoning.

Kenya has been zoned and even our towns and I believe Ol Kalou town is also zoned. Those maps are in existence Mr. Speaker. If those maps are in existence and government officers who are the custodians of these documents, go further and forfeit what those documents say and go contrary without change of use proposals made in the same plans, people sit in Nairobi and change the original use without consultations and allocate land for other purposes.

If a land was zoned for sewerage, there is a reason for that especially where the gradient is sloping. If people have encroached and plots issued and allocated by town councils, county councils and other people supposed to be protectors of the law, where in future will these facilities be constructed.

You cannot construct a sewerage in a hilly area, If sewerage was supposed to be constructed around Huruma and mahiga areas, Mr. speaker there were reasons why it was proposed there. Those lands have been grabbed and you see the importance of this committee (lands) needs security. People have started complaining and the Governor (Daniel Waithaka) and Hon Speaker (Ndegwa Wahome) have issued very stern warning and people are adamant that they acquired that land legally. They are saying, they will teach us a lesson. Who are they to teach us a lesson? It is we, the Assembly who would teach them a lesson.

Mr. Speaker, as karau Member was saying, this people (Committee) need a lot of security. These people will do a lot of work to make clean the dirt. I will give an example in Nairobi a few days ago. There was a land in question in Ruanda (Estate) . There was a by -pass coming all the way from the Airport, through to Ruaka Mr. Speaker. Rich people went to court and argued that the land was Eighty metres while it should be sixty metres. The original maps produced indicated the road was actually Eighty Metres. The court ruled according to the original maps of eighty metres.

We may say we have a lot of work but the maps will show what the areas were originally meant for and revert to the original maps. If an area was meant for a by-pass, it should remain as intended. The people who are supposed to protect the land are the ones tampering with it. The people who messed up are still in office. We are very angry about that and for that, let us start as a clean team. We shall be judged because of people who are not prone to public security. We will be scrutinized, so let us seek legal redress to clean the mess.

Mr. Speaker, the Land offices for a long time have been in Nyahururu, we understand our constraints but I would request those offices be re-located to Nyahururu. I request the Executive through this House to arrange for the re-location of the offices. We are not comfortable going to Nyahururu anymore.

Mr. Speaker, there are reports that the railways is leasing land, it is just here and you can see people fencing the plots. We are the people's government of Nyandarua. Let us be felt in this matter because I know the office of the Governor was not consulted during that issuance. For that reason, let us give this committee the necessary support Mr. Speaker Sir.

I support the motion.

Member for North Kinangop Hon: Ednald Kingo'ri.

I rise to support the motion by Hon: Kariuki Muchiri. The land historical injustices in this county should be considered and with great concern. The only thing I fear when we come to legislate this is that National Land Commission (NLC) has been given mandate to manage national and county government.

Speaker: What is it member for Karau?

Hon Kamau: Mr. Speaker I think the honourable member has erred in saying that the NLC is in - charge of county and national land.

Chapter Five Article 62 describes what is under the NLC and under National Government.

Speaker: I think Hon member is correct. When you leave out the participation of the county government under Chapter Five that land should be managed by the National Government and what are the functions of county governments under Schedule Four, PART TWO, Paragraph 8, obviously you are out of order.

Hon King'ori: Thank you Mr. Speaker for your guidance. What I was referring article 67 (2).

Speaker: *Proceed*

Hon King'ori: The Functions of NLC are

(a) To manage public land on behalf of County and National Government, so I think that I am in order.

Speaker: Member for North Kinagop, this house is not moving this motion in vain, that the people who would be doing this is the NLC. We are saying that this motion meets the constitutional and the statutory threshold on the direction of land policy in this county, that is why we are discussing it. That this county government and assembly has a duty protect land in this county.

The land issue is a devolved function and maybe what the NLC will do is to play an advisory role with great consultation with the county government. If you look at the national land commission Act and the Kenya National land Policy document and the sessional paper and the Kenya land national policy, if you look at those documents, the critical issues raised on land are under county government.

Hon: Kingori: I was just starting my comments. Mr. Speaker Sir, as I have started as per that Article 67, it is the mandate of the NLC to manage public land on behalf of the county and national government.

I believe in the schedule 4, it is now devolved, it is true. What I was recommending is that the sectoral committee according to standing order No 191(5) (c), the sectoral committee should first come in place to look at earlier legislations and then move ahead to look at all these historical injustices.

Mr. speaker Sir, may I cite some areas in my ward that have this injustices, five acre land left for KCC in Nduny Njeru. That land was grabbed by few fellows, high ranking in the past government. Also in the same area, there is Ndunyu Njeru village and it was allocated plots in early 60's and even today a village the owners of that land have not been allocated the leasehold.

We have the Vias in North kinangop and those Vis. They are all grabbed Mr. speaker. I hear of Ol-Kalou we had 96 acres for a university. Today if the county requires a public university, there is no land.

This House has a lot to do through the sectoral committee and the relevant docket of the Executive Mr. Speaker Sir. We must come with a stiff legislation that will guide the historical land injustices.

I remember in my ward there is a land that was allocated for a dam called K itovu and today, that dam is being grabbed by an individual. I beg to support this motion Mr. Speaker Sir.

Speaker: Honourable member for Karau Hon Kamau

Thank you Mr. Spear sir, I thank the mover of the motion for bringing such an important motion. Mr. Speaker I want to reiterate what honorable member (King'ori) has cited. I don't think the Constitution or law should be read selectively. Article 62 what elaborates what is under national land policy and NLC and what is under county government.

This is like minerals, forests, water, roads all those have been mandated under NLC but land that has been held in trust of the people is under county government. I do not want to dwell on land issues because the committee will unearth the dirt that is in Ol-kalou town.

I will reiterate what Hon Kieru (**Gatimu**) said that the original map is available. If we follow the original map, most probably we are going to solve these issues.

If we follow the original map, I have not seen or heard, these people be held accountable. The surveyors of those times, town clerks, there so many unsuspecting customers who bought land through them knowing land had been marked for specific developments eg. Sewerage, airstrip, industries, conferences. Unsuspecting customers bought land in the belief that this land was genuine.

People working in cohorts were town clerks, surveyors and chairmen of those times. Mr. speaker, as the committee digs deeper into the matter, let us know who dished what, under whose order it was issued.

Mr. Speaker Sir, I want to be realistic. There are people who will opt for litigation. These are civil cases and will take long to determine. We would like to know how this can be expedited.

Mr. Speaker, I am on record here when one executive member Nderi Ndiani was brought and some members said law and land do not go hand-in-hand. Now we can see why we need a person with a law background.

As we accord these sectoral committee members security, the executive officer should be accorded twenty four hour guard. He will touch the hearts, soul and body of the mighty and influential and his security should be beefed up.

Point of Order by member for Rurii (**Hon Kamoche**)

Speaker: What is it member for Rurii?

Kamoche: He is in order but the Governor has spoken in the Assembly.

Speaker: Under what standing order?

Laughter

Resume member for Karau

Thank you Mr. Speaker, I think the member is inside and outside the house. There should be ways to ensure people do not see outside the house. Mr. Speaker, the committee should look at the social and economic implications taking back land given to the people. What are the political effects? At the end of the day, we are politicians.

The honourable member has go outside there and told he be taught a lesson. I don't know whether the lesson will come after five years or immediately. The committee should look at the political implications when these issues are addressed.

The inter- county, inter government should also be involved. Why I am saying this. We have MPs and senators. Senators can take the matter to a national level. I have a case in Mawingu, 187 acres of forest land grabbed and on top of the list are chiefs, Dos, DCs and other former administrators.

If we collaborate with MPs and senators through the inter-governmental, I don't belittle the sectoral committee, these issues tackled from a higher level, the process can be expedited.

I support the motion and by reading the mood of the house, I request the mover to respond. Thank you.

Speaker: Honourable members, as we agreed the mover's role is only to thank the members or merely refuse to thank them.

Hon Muchiri: Mr, Speaker I want to thank all the members for their healthy contributions and when this matter is committed to my committee for investigation, I promise we shall do a thorough job and we shall not be intimidated by anybody.

I request all members to provide the committee with the relevant information concerning all grabbed land so that we can move fast in dealing with this matter. Mr. Speaker Sir, I beg to move.

Speaker: Thank you member for Murungaru, the mover of this motion which was seconded by The member for Kipipiri and the contribution of members and your insights, which was really appreciated by the Speaker.

Question put

As many as of a similar opinion say “Aye”, As many as of the contrary opinion say “Nay”

The “Ayes” have it.

This now becomes a motion of this House, the same will be communicated to the executive and in communicating this motion to the executive, I think all the concerns of the members will be taken care off as they have been raised on the floor of the House.

I know there were those intimations by the executive that they might be forming a task force to take care of this issue. However, as an assembly, we must maintain and sustain our sovereignty and our independence and we must be in control of this particular issue because it is critical.

I know the task force that will be formed by the executive would also include people like the surveyors, physical planners, settlement officers and I know hon. member for Murungaru will still be incorporated with those kind of people where they are required.

For me, I would expect that you would be able to get back these public grabbed lands. You know how many cattle dips, acreages, dams, lets have everything including the AHITI land, KARI and everything so that we have a clear document.

Another concern that the member for Murungaru raised, there should be a bill to be generated by the executive and in the motion it is made clear and we expect a bill from the executive. If it does not happen, this Assembly is able to generate a bill and that committee is given all the requisite mandate to get experts by standing orders to help in generating such a bill if there is delay.

Further honourable members you realize that land is a function of this county **Fourth Schedule Part Two Paragraph 8** and therefore this is our baby we have to nurture and as the founding fathers of this county.

Honourable members as the late Jomo Kenyatta said the tree of freedom is taken care off by giving it not water but blood. You have to be ready to go that extra mile, this is a very big issue in the county.

It involves the powerful and the mighty and even those plots being leased at the Railways have not been given to any poor person in Nyandarua County.

Whatever security is required, whatever facilitation is required we are ready to give to ensure as the founding fathers in this county, we do it the right way, without fear or favour.

Honourable members, as I have mentioned about the railways, although the railway own the land, the planning is that that is a railway reserve. If they want to change it under the physical planning Act, the county government should be consulted.

Member for Murungaru should move fast to ensure if the county government is not involved, you as a committee write to the railways, and tell you how they can come to plan our county without being invited.

Honourable members you know that land control boards are very crucial and honourable Muchiri and your committee you know when this (county) took over. You know the land function was devolved. What the provincial administration doing to ensure that function is devolved to the county government and why it has not devolved and the mechanisms they are doing to ensure it devolves.

I think this also goes to the executive, what is the executive doing to ensure that it exercises the powers given to it by the Constitution of this Republic. And also we would like to know how much money we have received from the railways for this consent. The land control boards letters of transfer and where the money is going. Is it coming to our government under devolved function or where is this money going.

Those are serious areas that I feel you should address and the issue of land registry. Land is the capital of development in every other area of our county and when it is administered from Nyahururu, it is very much unfair. The committee should be told what arrangements are there to ensure the office re-locates to Ol-Kalou.

Another critical issue to be addressed is the Ac primary school. On the ground, you find it is two acres and on the map, you find it is seven acres. Ensure there is harmony on the ground and what is registered on the map.

This committee has also a herculean task; it has to look at the National Land Commission NO. 9 and engage the executive to know why we do not have the county committees that should be addressing these issues on the ground. And why we do not have the county land management boards. Why are you people not have a say on those to sit on those boards?

Those are very critical boards and the **National Land Commission Act No 5 of 2012**, the County land committees and the county land management boards. Why have they not been constituted? I think that is an issue you should look at and be able to engage the National Land Commission on that issue.

This committee has to read all the related acts, parliament on land, Kenya land policy paper, the popular one by the Kenya land Alliance and the actual one by the Kenya Government so that you know where you are going. You should look at the Tanzanian land Policy Paper that is the most elaborate and progressive in the whole of Africa and the Ugandan land Policy Paper. So that you can be able to see where you are going and starting.

My office is able to facilitate you to ensure you get all those documents. Also look for previous officers to come up with the facts because we have lost about 80 per cent of land in Nyandarua county when one Rachael Maina was the settlement officer in Nyandarua. That is an officer you cannot leave out when it comes to investigation.

We know Ol-kalou town people have been allocated temporally licenses where there are already leases by the commissioner of lands, so our people are suffering for nothing. These people together with Nyandarua County council should be investigated and the law take its course. You look at what is allocated and is not supposed to be allocated.

Members I am emphasizing on this so that the chairman can know the kind of work he has to do, so that he can be able to ask for enough time to be able to cover all those areas.

Those are enough directions and I think we can get from the chairman when he is ready to table the report.

Hon Muchiri: Minimum six months.

Speaker: Date to be given on Tuesday.

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