

MURANG'A COUNTY ASSEMBLY THE HANSARD

Thursday, 2nd April 2015
The House met at 2:39 p.m.
(Deputy Speaker Hon. Gachui Mungai in the Chair)

PRAYERS

MOTION

REPORT OF VETTING OF NOMINEES TO THE SUB-COUNTY ALCOHOLIC DRINKS REGULATION COMMITTEES

Hon. Charles Kirigwi: I wish to move the following motion;-

That, this Assembly adopts the report of the Trade, Industrialization, Tourism and Wildlife, Youth, Culture and Social Services and Health Services committees, on the vetting of nominees to the sub-county Alcoholic Drinks Regulation committees, laid on the table of the Assembly on April 01, 2015.

I believe the report is in members files and yesterday from 9 o'clock we had tripartite meeting whereby three committees were involved, that is my committee Trade, Industrialization, Tourism and Wildlife, hon. Njihia's committee that is health services and Hon. Caroline's committee that is Youth, Culture and Social Services.

We were instructed by the Speaker to split further to form four sub-committees so that we vet the nominees that were forwarded to us from the executive, there were 24 in number and we broke into four sub-committees and we did vet all of them.

If you allow Mr. Speaker I will just go to the bullet number four on page 30, that is recommendations of the committee whereby having vetted all the 24 members who were forwarded to us the committee approved the following and I read;

Pursuant to the provisions of the Public Appointments (Parliamentary Approval) Act, 2012, and Section (9) (7) of the Murang'a County Alcoholic Drinks Control Act 2014, the committees found the following nominees suitable and do approve them for the position of the Sub-County Alcoholics drinks Committee in the following wards;-

| Name | Sub-County |
|-------------------------|------------|
| Nelson Gikera Kahara | Kigumo |
| Teresiah Wambui Kamau | Kigumo |
| Evelyne Wakonje | Gatanga |
| Michael Njau Kamau | Gatanga |
| Mary Njoki Kinuthia | Maragua |
| David Macharia Mwangi | Maragua |
| Joel Irungu Mwanik | Maragua |
| Francis Gachema Wathigo | Kandara |
| Leah Wanjiru Mwangi | Kandara |
| John Ngugi Kamau | Kandara |
| James Mwangi Chege | Kahuro |
| David Irungu Kamau | Kahuro |
| Mary Wambui Kabathi | Kahuro |

| | |
|--------------------------|----------|
| Sammy Maina Kariuki | Kangema |
| Henry Gicheru Mwangi | Kangema |
| Nimrod Karuga Maina | Kiharu |
| Jesse Maina David | Kiharu |
| Jecinta Wangari Ng'anga' | Kiharu |
| Boniface Wamui Maina | Mathioya |
| George Wachira Mwangi | Mathioya |
| Lucy Wambura Maina | Mathioya |

We also found the following nominees not suitable and therefore we did not approve them in the sub-county alcoholic control committee in the following sub-counties;-

| Name | Sub-County |
|---------------------------|------------|
| Josephine Wambui Ng'ang'a | Gatanga |
| Geoffrey Kuria Kiarie | Kigumo |
| Damaris Wacuka Kanyuira | Kangema |

The reasons why we found them unsuitable are in the report and under their names you will see why they did not impress the committee.

Pursuant to Section 10 of the Public Appointments Act 2012, which provides that, where the nomination of a candidate is rejected by the County Assembly, the appointing authority may submit to the relevant sectoral committee the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly. Subject to this, the County Public Service Board is to submit to the Assembly, the names of other nominees to the committees.

There is another observation and I want to emphasize here that despite the committee approving members of the committees that we have named the provisions of the Murang'a County Act 2014 section 9 [4] [h] were not adhered to by the appointing authority. That is there was no nominee representing persons with disability. I rest my case there and I request my co-chair hon. Boniface to second the motion.

Hon. Boniface Njihia; Thank you Mr Speaker sir, due to the menace or due to the bad face we have in this county, we have reported cases of blindness and even death due to the menace of alcohol. Those are some of the reasons we passed these people because we needed to do it like yesterday because we must have that board in place.

I am here to second this report, we need to have those people in place so that we can start fighting alcohol in this county. It is only that section (9) has not been adhered to but with the names that we have removed if they are going to replace those people I think they should consider the disabled. I second the motion.

(Question Proposed)

Hon. Florence Nyambura: Thank you Mr Speaker, I do not know whether to adopt or to reject because if you look at that report there is no representation for people with disability.

This is a worry to us because every competitive or appointive committee that is there in the county including the employment opportunities in the county people with disability are not considered and I do not know what is wrong with County Public Service Board.

Our Constitution and the Act is that about 5 percent inclusive of everybody, there should be people with disability. I remember people with disabilities had been asked their curriculum vita and they took them to their respective sub-counties and they have even brought their CV's here, the CEC health is the one who asked for those details.

I am worried because when it comes to the alcohol, it is affecting people and it is one of those things bringing disabilities in our county. So Mr Speaker sir, I stand you guide us what we are going to do, whether the remaining seats that are not approved will be reserved for disabled.

(Hon. Duncan Njuguna rose on a point of order)

Hon. Duncan Njuguna; Mr Speaker sir, is it in order for the member to mislead the House, yet she is one of those who were vetting the nominees and she was in sub-committee number two and in the list she is number three Hon. Florence Nyambura and we cannot see in the report anywhere that she rejected the list of the nominees Mr. Speaker sir.

Hon. Deputy Speaker: I think hon. Florence has not yet rejected the report she was asking for guidance from the chair. Hon. Florence, it is clear that you have even appended your signature to the report meaning that you own the report. However, you have your own view as a member either to reject or support.

Hon. Florence Nyambura: Thank you Mr Speaker sir, I have adopted the report but the seats that are remaining should o be reserved for the disabled, I thank you.

Hon. Deputy Speaker: I think Hon. members, the member is very much in order and it is now for the mover of the motion when responding to touch on that issue.

Hon. Esther Ngugi: I concur with what my colleague is saying and I also seek your guidance. Are we supposed to adopt this report when it contradicts the law? Article 42 of the Constitution stipulates that 5 per cent of every public nomination should be for people with disability, and even in the Murang'a County Alcoholic Drinks Control Act 2014 there is that provision. I need your guidance Mr. Speaker.

Hon. Deputy Speaker: Hon. members, the case for Hon. Esther is the same with that of Hon. Florence because she has appended her signature on the report. However, as I said there before, the mover of the motion while replying will take into consideration your feelings. I was trying to do my own calculations here, five per cent is about two people in the whole county, which if the mover will respond positively that can be taken care of.

Hon. James Kagoni: I stand to support this report. If you go through the names of the people who were vetted yesterday and when you go through their CV's and experience, you realize these are people who can assist this county to regulate alcohol.

The law that has given us the opportunity to have these three people is the Act that we passed just the other day in this House and it is actually in section nine that stipulates who is supposed to be sitting in that sub-county committee.

When you look at the same section, you realize it offers another opportunity, and I am saying this as I address the concerns of my two colleagues, you realize it has another opportunity of filling the two positions of people with disability because I think (i) or (h) I cannot remember which one states clearly, but I am happy with this report so far. Again we have another opportunity because when you read the report you realize that two people were rejected by the committee and so there will be an opportunity for that.

Of importance at the moment is to note the quality of the people that has been brought in this House so that they can be licensing the alcohol. Though one of the challenges I noted is that many of them were aware of the national law and Mututho law and were not aware of our Act as the county and perhaps that tells us that going forward public participation is supposed to be made more pronounced so that many people become aware of our laws.

The other weakness I noted with the candidates is that their mentality is to come and reduce alcohol which is not the case but rather to come and regulate alcohol and licensing of alcohol. And it is very good in future when they are being inducted to be informed clearly what their work is. Their work is not to close every other bar they find around, their work is to regulate and to licence the people who want to sell the alcohol in the right place and right premises.

Because alcohol business is business like any other and should be regulated in the right way Mr Speaker, it is good that people understand, we do not form a perception like we are fighting the bar owners and the bars themselves and we are forgetting that we are acting under the Act that is supposed to help us regulate alcohol in the county. I realized that this could be an issue in future when the candidates are not so sure what their mandate is.

I am sure the public service board is about to bring the names for the county alcohol board, and I would like to see many young people included there because the victims and the casualties of these illicit brew are young people. Sometimes you need to use a young person to regulate a young person because they are able to understand each other very well.

I would also want to urge my colleagues who represent the people with disability, if they can be able to urge as many people with disabilities to apply in the coming one or may be to check clearly before the names are tabled in the committee and see whether the names of the people they want are there.

I am happy when I see the people who are here are not faces that represents any interest, and I remember the committee I was in, we had a problem when we realized there could be a conflict of interest as people were sent to represent others and that should not be the case.

We want people who are passionate and people with interest not people motivated by the small fee being given as the sitting allowance, because if that is the case then those are the people who can be compromised in one way.

We want people who understand the bar owners very well so that they give them the respect they deserve and not people who comes with perception that they are coming to fight bar investors. That is a challenge we need to emphasize on and even as we pass this report we need to note that one. Those sentiments need to be captured by the Hansard that their work is not to come and fight alcohol their work is to come and regulate alcohol business in our county. I thank you very much Mr. Speaker.

Hon. Deputy Speaker: I will call the mover to respond.

Hon. Charles Kirigwi: Mine is to thank all the members who have contributed and say that I think the vetting exercise yesterday was an eye opener that going forward there is need to pass information to those we represent, that there is this opening in the county government.

I shared with the appointing authority and there is no evidence that persons with disability really applied for this job. If you look at the report you will see that the youth are not many.

There is a provision in the Act that the youth must be considered but they were also not interested in applying for the posts so I think and as much as we want to comply with Murang'a Alcoholic Drinks Control Act 2014, all that is not lost for youth and disabled because as Hon. Kagoni has said 9 (j) provides that the CEC will appoint two more from business community. I know we have very able business community in the county and I hope this message will go to the CEC to factor in the youth and people with disability.

Otherwise if that does not happen, I think I will urge the committee on youth to propose amendments to the Act because every time we do not seem to be making the threshold that are not achievable.

I urge all members of the Assembly to support the motion. In fact I was looking at the petition that was forwarded to court regarding the appointment of the persons with disability and the conclusion by the hon. Justice S. M Mutuku is that in that petition, I can read if you allow me, is that there lacks evidence that any of the members of the petitioners applied for the post of the executive committee and also none were attached to this petition showing that the qualified one were not considered. So I will borrow much from there and say that even in our county here I believe there were no applications. But if there were, I believe this Assembly will look at them positively in the next appointment. I thank you Mr, Speaker.

(Question put and Agreed to)

Hon. Duncan Njuguna: Thank you Mr Speaker sir, I am the MCA Gitugi and also the Chair land, housing, physical planning and settlement committee. I beg to move the following motion;-

Aware, that public land shall vest in and be held by a County Government in trust for the people resident in the County as stipulated in Article 62 (2) of the Constitution of Kenya 2010, further aware that Murang'a County is marred with numerous cases pertaining to illegal and irregular allocation of public land and challenges in identification of the same, noting that the County Government requires land to develop infrastructure for public services, cognizant of the fact that land is an emotive issue in Kenya and there must be enlisted public participation to ensure that public land is protected and reserved for public purposes; this House urges the County Executive Member for Lands, Housing and Physical Planning to-

1. Constitute a technical committee to coordinate a community led public land mapping in Murang'a County.
2. Develop a program and work plan for mapping of public land in Murang'a County.

Mr. Speaker sir, since the year 2013, the Land, Housing, and Physical Planning Committee has been moving around the county visiting towns, market centers and shopping centers due to numerous outcries from the members of the public, especially those who own plots, and those who like to safeguard the interests of the community by safeguarding the public lands. From that, we have found out that most of the public land that is meant for public utility that is public schools, dispensaries, police posts, polytechnics or any other amenity has either been grabbed or is being used by one of the members of the community illegally.

Knowing very well that re-planning this county will cost a lot of money, and also knowing that at times we don't have that money, we need to move a bit fast. That is why, as a committee, we decided to involve the communities from different areas to identify public land that is in those areas where, maybe, they would like to build infrastructure for public use. We know very well that it has been a subject of corruption and the conflict and legal acquisition of these plots and public land for politics and political gains.

Therefore, as a committee, we came up with a suggestion and we invited a non-governmental organization group known as GROOTS Kenya in conjunction with the CEC Lands. We met in her office last week whereby they took us through what they have done in in Lari sub-county, Kiambu County. We found out that the exercise is less expensive and a bit faster because the resources are locally available; that is the human resource which is going to do that and even the materials, especially the inventory or the software which is now available for the community to use.

Mr. Speaker sir, we know that the common heritage we all have as the people of Murang'a county, other than what we own individually, is the public land. So, that was why we saw the need of doing this and involving the community and the County Land Management Board which is now in place so that we can identify and we know which land has not been grabbed and which one has been grabbed. Instead of maybe bringing reports or motions here in the Assembly for the County Government to buy pieces of land for building polytechnics or any other institutions, we found that we have land that we have not identified and know whether it belongs to the County Government or to an individual.

We have some public land that has already been grabbed and buildings have been put up and in some cases, there are even businesses operating in those buildings. We will be able to identify and know the magnitude of the problem so that when we bring a report or a motion in this Assembly, we will be able to recommend what can be done without affecting the people or the community involved.

Therefore, Mr. Speaker sir, we need to enhance capacity of the communities. Without doing this, people will not be able to own whatever is theirs. What is theirs is the public land which they can say or decide what they want to do with that land through public participation.

Therefore, I would like to urge this House to support this motion so that we can deal with this menace in the whole County, once and for all, instead of doing it in piece meal. Thereafter, when the County Government will do spatial planning of various towns in Murang'a County, it will be able to, in a very quick way, identify what the County Government owns. From there, they will be able to enlarge the shopping centers, market centers or even the various towns we have in Murang'a County.

So, Mr. Speaker sir, I will urge this House to support this motion so that we can start the mapping and opening of the inventory and having the database of all the public land in Murang'a County since even the Transition Authority that is supposed to have transferred the parcels of public land in Murang'a has no done so. As of last month they were saying that they are holding a draft report with them and, therefore, the Murang'a County Government cannot even be able to identify and know how many parcels of lands in form of assets it owns or is holding in trust on behalf of the people of Murang'a.

For example, in Ciumbu, as at 31st, that is the day before yesterday, the County Government had not collected any revenue involved in form of land rates because it is not

in their books. We will also be able to identify the surrendered parcels of land by the so land buying companies in Murang'a County which has not yet been surrendered to the County Government by the said land buying companies. With that, Mr. Speaker sir, I will call the Member for Township, Hon. Charles Karina, to second the motion. Thank you.

Hon. Charles Karina: Thank you very much Mr. Speaker, I just stand to second this motion and thank the mover because to me, this is a cure to so many problems we have been having in our committee of lands and physical planning. This is because we have so many problems in each and every area of our county regarding the public land.

So, I would urge this House that since we now have a cure for this big and long standing problem, and I know each and every member in this House is representing Wanjiku, and looking at the kind of grievances that are brought to my committee of Lands and Physical Planning, I see that there is nothing much to add on this. When we have a cure, ours is maybe, to just pass this motion and then the committee of implementation see to it that this motion is implemented within the given timeline. So, I stand to second the motion.

(Question Proposed)

Hon. Deputy Speaker: Hon. Jesse.

Hon. Jesse Mburu: Thank you Hon. Speaker, I represent Nginda ward. First of all, I would like to congratulate the chairman and his committee for coming up with this motion which was long overdue.

We have seen what has happened to the feeder roads in all the wards, some of them which were about eight or nine feet are only passable by bicycles today. In other cases, like a case I have in point in Nginda ward, there is a 15 acre piece of land which was given to the coffee society. The directors or the committee members went as far as selling one acre from that yet this is government land. I did the search for that piece of land and found out that it belongs to the Government of Murang'a County, something like that should be rectified.

There are a lot wells in my ward where the members of the public are used to fetching water. Some of those wells, what is remaining of them is only where the water is coming from because any other land adjacent to the source of the water has been taken.

Mr. Speaker, I would like to say that this House has been given the mandate by the members of the public to reclaim what belongs to them and if we leave it that way, because we have left it for two years now, the members of the public will not be happy with us and we shall be blamed for what is going on.

So, I stand to support this motion and urge other members to do so because we are the people who are given the mandate to reclaim what has been taken by the greedy members of the public. Mr. Speaker, there are a lot of public land which needs to be surveyed and fenced and perimeter fences marked so that we have the proper land mapping. So, I stand here to support this motion and urge other members to support. Thank you Mr. Speaker.

Hon. Deputy Speaker: Hon. Muhoro Njeri

Hon. David Muhoro: Thank you Mr. Speaker, I am the Member for Kariara. It is good before I support this motion to state that we are still going through what transpired yesterday. We had a very traumatizing situation and I thought as a House it is good to actually take that matter with a lot of seriousness. A County Governor is an institution---

Hon. Deputy Speaker: Order! Order! Order! Hon. Member, we are debating a motion that has come from the Committee on Lands.

Hon. David Muhoro: Thank you Mr. Speaker, we are coming to terms with that but we think this House will have time to discuss the situation which transpired yesterday. I stand to really support this motion. What is happening in Kenya today is that we have very hungry people who are out there looking for public utility so that they can grab and utilize it to their own benefit. It is only through such a move, that such a public utility would be safeguarded for the future generations which will come. I have a case in my ward, where I am trying to---

QUORUM

(Hon. Samuel Wandia rose on a point of order)

Hon. Deputy Speaker: Point of order and you state which order has been violated. You may continue but state the order which has been violated.

Hon. Samuel Wandia: I can't really state the point of order but there is no quorum Mr. Speaker.

Hon. Deputy Speaker: It is the issue of the quorum?

Hon. Samuel Wandia: Yes.

Hon. Deputy Speaker: Mr. Clerk, confirm if we have the quorum.

(No Quorum)

Serjeant- At- Arms, ring the bell.

(Quorum Bell rung)

Serjeant- At- Arms, when the bell is ringing nobody is allowed to leave the Chamber.

(Several members walked into the Chamber)

(Quorum Attained)

Hon. Muhoro, You may continue.

Hon. David Muhoro: Thank you Mr. Speaker, I was contributing and I was citing a case in my ward where I am trying to establish a health facility and there are some people who are claiming to be the owners of a public utility. If this had been done, this could now have been achieved. You can imagine having been funded Kshs. 5 million and I cannot establish a health centre because some people are claiming that they are the owners of that land.

Mr. Speaker, it is through such an initiative that we will shape things and actually, draw a very red line between the public utility and personal belonging. So, I support this motion and urge the chairman of this committee, together with the Implementation committee, to move with speed to see to it that such kind of motions are not just here for discussion and being passed and clapping of hands or anything, but we want these things to be dealt with and be implemented. We want to see what we are passing here as Bills and motions being implemented. Thank you Mr. Speaker, I support this motion.

Hon. Deputy Speaker: Hon. Charles Kirigwi.

Hon. Charles Kirigwi: Thank you Mr. Speaker. Mine is short as I support the motion, but I will urge the Executive to provide for resources for this. It is a very important exercise and we need human resource, financial resources and we even need time resource. In the Southern part of Murang'a, I think we only have one planner and one surveyor and he is tossed from Gatanga to Kigumo to wherever. So, I think these are key

things that can contribute to operationalization of this Motion. I think with that one being considered, it is a good way forward. Thank you.

Hon. Deputy Speaker: Hon. Leader of Majority.

Hon. Peter Kihungi: Thank you, Mr. Speaker sir, I stand to support the motion and congratulate the mover. It is a very bright idea but as I got it I think they are partnering with a non-governmental organization to support the project. I think that way we will be assured that the operationalization of this motion might be quicker.

Mr. Speaker sir, being the first Assembly under the new dispensation of the County Governments, I think the former local authorities missed the point because when the first planning was done in 1963, they were considering the over 100 years to come. I think the local authorities that were there were not considering the future of the country.

Therefore, we have a very big problem which I think began from around 1978 until maybe around 2002 whereby there were no major developments or sequences of developments being done in the villages. The most important thing that was there was people grabbing the lands that had been left for various purposes. But after 2002, the CDF came and development started. That was when people now started realizing the purpose of land. In 2013, the County Governments came and the developments are now double or triple.

The most important thing with this motion is that it will, first of all, secure whatever land is already for the government. That can be documented and the public can be given awareness to make sure that the land is protected as we also look forward to repossessing the land which were taken illegally that belonged to the public and they were demarcated in 1963 and identified for a specific purpose. I think that will now come up with another project.

Therefore, I look forward to the start of this activity. Having people that are sponsoring it, I am very sure that it might start anytime from now after we pass the motion and we will be ready to support them even on the ground and give them people. I think it has stated that they want to involve the community. We will also try to mobilize the community who have the history of the land to be able to assist us to see where the land has been left.

Mr. Speaker sir, when the land was being demarcated, they used to leave the cemeteries. For a long time, nobody had the need for a cemetery. Nobody knew the purpose of a cemetery because we had enough land and very big land, but after the sub-divisions and the steps taken, our children will not be able to bury their children in our *shambas*, they have to go to the cemeteries. Somebody now took that cemetery. Where do we go?

Therefore, I think it is a very good move that we protect what is available currently and then come up with another process whereby we will repossess that which has been taken. I stand to support the motion.

Hon. Deputy Speaker: Hon. Dishon.

Hon. Samuel Wandia: Thank you Mr Speaker sir, I represent Muthithi ward. Mr. Speaker this motion should have come earlier than it has. If you go all over the county, land has been grabbed and I would pray that before we start this move of going to the members of public because some of the land has been grabbed by the prominent people, we go around, we hold barazas, we sensitize the people so that they may know what is before us and the members of the public will have a lot of respect for this House, if at all if this motion

will be implemented. I say that if it will be implemented because the committee of implementation we are putting this matter in their hands in your hands and I tend to believe what the chairman has said in this House, he will live to it.

Mr. Speaker, I said that because previously we have passed so many other very important motions and still dust is growing on the papers in the registry so Mr. Speaker what I would say not only the current land one of my colleagues has said what has remained. There is nothing remaining we need to take possession of all public land irrespective of whether it was grabbed or not so that people can have respect the county government of Murang'a.

So Mr. Speaker, I would pray that the public land once it is identified, those who have grabbed should be asked to surrender those the titles if at all they have got them, they surrender the titles immediately they are identified so that the land can be reverted back to the public and the dignity will come back to the people of Murang'a .

So Mr. Speaker, I thank the committee again for coming up with this wise decision, we support them and indeed Mr. Speaker if we take off I will start holding *barazas* in my ward next day. Thank you Mr. Speaker.

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Hon. Deputy Speaker: Hon. member for Mugoiri

Hon. Kago Njoroge: Thank you Mr. Speaker, I am from Mugoiri ward and I stand to support the motion and also to say that today was the best time for the motion to be here not yesterday simply because it was just realised now. This is when we have woken up and the morning of every person is when you wake up.

Mr. Speaker, I am happy that the members are supporting what we are saying and it is only through public participation that the public will be able to own this land because Mr. Speaker, we won't want the Government to own the public land we want the public to own their own land, because Mr. Speaker, when we talk of a market place, it does not belong to the government. It belongs to the people or to the public then the government is a custodian of what the public is supposed to own.

So when we will be starting this program, we want the people to be involved from the word go, we also do not want to go and start politicizing, it should be done professionally. Simply if Hon. Wandia today goes holding public *barazas*, saying that we are going to repossess and maybe he points to a certain hotel which is being built on any land, maybe to himself he may be thinking that it is a public land but when you come to involve the public, because the public in conjunction with the government will come to realize that the person owns that land legally.

Mr. Speaker when we are coming on the ground, we will be calling people to come and give us information and we will not become malicious. You remember when the Former Prime Minister Hon. Raila Odinga was the minister for Lands, he went all over authorizing the marking of those big houses Mr. Speaker and you remember the uproar which came. Mr. Speaker we want people who are educated so that they can know why do we want to own this. Why should this person be persuaded to leave or decide to leave that land because they have known its importance. We don't want it to be a tug-of-war between the public and the government but the public to initiate.

Mr. Speaker I have a case that I had in my ward where there was a group of people calling themselves *muki*. It was a village and everybody here knows how the village came about. Those people said nothing can be done in this land unless we are requested. I

remember my former councillor who was there before me in 2007, he tried to go and allocate land to a church. They were chased away and when they chased away together with those people who belong to that church, at night the church members came and started putting the fence again. The members of the public the following day, the *muki* people woke up very early in the morning and they started demonstrating saying none would worship in that ground. So we want to empower the public we want to give them the information that they are the owners of this land and with that Mr. Speaker I believe we will be able to safeguard those cemeteries, market places, hospitals and our people will say that the first county assembly really did good work. Thank you Mr. Speaker, I support it.

Hon. Deputy Speaker: Hon. Member for Ruchu

Hon. Bonface Njihia: Thank you Mr. I am the member for Ruchu ward, first I would like to commend the mover of the motion for coming up with a very brilliant idea. One thing I would like to say is that in Murang'a county we have only one, two or three resources or minerals, like one is water and the other one is soil.

(Hon. Charles Kirigwi rose on a point of order)

Hon. Deputy Speaker: Point of order

Hon. Charles Kirigwi: Is it in order for hon. Njihia from Ruchu ward to address this House when he is literally undressed?

(Hon. Bonface Njihia tucked in his shirt)

Infact, I think he has now dressed the way he is supposed to be done. He has addressed the point of order. Thank you Mr. Speaker sir.

Hon. Njihia you may continue but I want to remind the members that whenever in the Assembly, you have to observe the decorum, even if the weather changes, whether it is hot or cold. You may continue.

Hon. Bonface Njihia: Thank you Mr. Speaker for your protection, but on the other days we are going to observe the rules of the House. I was trying to say that we only have two minerals in our county, that is soil and water and anybody who can try to joke with the one, maybe he is trying to kill the people of Murang'a county. If I can come to the soil, in the whole of this County, we have some land preserved for the people. Like in my ward I have a certain ground that was meant to house the DO, to house the chief, the hospital around that area, but it has been allocated to other people in a process that I do know how they were allocated that land. The people are saying that it is their land and when I went to search in the sub-county office, I was told that the land belongs to the private developers but the people in the surrounding area claim the land.

If we are not going to curb this vice at this particular moment, our future generation is going to inherit the problem so it is the high time that we go as per the motion so that we can give the public what they own. I stand to support.

Hon. Deputy Speaker: Hon. Mary

Hon. Mary Waithira: Thank you Mr. Speaker sir, I want to commend the mover of the motion because this is an area where our people are crying because many things have happened. The other thing that I want to say is that I wish we would start by mobilizing our people so that they can give many of the areas where we have public land that has not been grabbed and there is nobody who is settled on it.

I would also want to suggest that it would be also an opportune time Mr Speaker Sir if we thought of repossessing some of that land that land rates are not being paid and yet the land has also not been developed because it shows whatever was meant for that land was never taken seriously and since we are not benefiting from it.....

(Hon. James Kariuki rose on a point of order)

Hon. Deputy Speaker: Point of order.

QUOROM

Hon. James Kariuki. Mr. Speaker we do not have a quorum

Hon. Deputy Speaker: Clerk confirm whether we have a quorum

(No Quorum)

Hon. Deputy Speaker: Hon. members, the issue of quorum has been raised several times and it is good that the hon. members to contain themselves in the Assembly because we cannot keep on ringing the bell to call a quorum and yet the members know exactly where they are supposed to be. It is unfortunate

(Quorum Bell rung)

(Several Hon. Members walked in the Chamber)

(Quorum Attained)

Hon. Deputy Speaker: Hon. Mary you may continue

Hon. Mary Waithira: Thank you Mr. Speaker sir, I was talking of the idea of repossessing land whose land rates have not been paid and yet they are not developed because it shows that whoever was meant to take it seriously did not do that and that is why it was left like that. Since it is not benefiting the County in any way, I think we can repossess it as we know that there is scarcity of space that we would need for establishment of development projects.

Mr. Speaker sir, the other thing that I wanted to suggest is that as we come up with a technical committee, if at all this motion will go through; it is good that this technical committee be vetted. This is because we do not want to have a scenario where by we come up with a composition of people in that committee and it seems as if we are giving them a leeway of go to find where public land is laying idle and undeveloped in a way that later they may start scheming on how to benefit from it.

We know this has happened severally and that is why we are hearing even land that has been set aside for cemetery, cattle dips and for other things has been grabbed. We might come up with a committee without vetting them to know their credibility and give them a loophole of establishing where public land is lying idle and we have other problems later.

It is also good that as we go about the technical committee and as we know where the public land is, we come up with a suggestion of a program and a work plan which will also address how we are going to come up with an action plan of how we are going to fast-track and repossess some of the grabbed land. Like now, I can talk of land that was meant for cemetery in Saba Saba, it was grabbed and today the homeless people are forced to take their people all the way to Lang'ata in Nairobi when they die which is a challenge. That distance is too much and if at all it can be repossessing, the one that is remaining

undeveloped, it can really help. All this will give rise to action and work plans of how we are going to address the issue quickly. The issue of vetting the personnel to sit in the technical committee is of importance. I support.

Hon. Duncan Njuguna: Thank you Mr Speaker sir. First of all I would like to thank the Hon. Members for their contribution and I think we are having the problem of quorum because of early Easter celebrations. I would like to take this opportunity to wish them well during their Easter holidays.

Mr. Speaker sir, some few points have been raised by the members; one is on the feeder roads. As we sit here today, we know that we are having that problem in every ward. What is being done is not done in the right way because in most cases we just assume that a road is 20 or 30 feet without proper mapping, surveying or something like that. So, on the side of staff, I agree that we only have one physical planner in Murang'a South and another one at the headquarters. We also have one surveyor in Murang'a South and another one here at the headquarters. I have been pestering the CEC and the Governor on the need of contracting the surveyors and physical planners so that we can address the problem of surveying and planning in this County. That is one of the major reasons for coming up with this motion.

On the side of safeguarding the public land, we need to promote public awareness so that the public can know how to safeguard what is theirs. On the magnitude of the grabbed land, I said that we need to identify that so that we can come up with a report in this House and from there maybe the House can decide on what should be done to the grabbed but developed lands.

On the repossession of grabbed land or plots which are not developed, the regulations or policies stipulate very well that one is supposed to develop what he or she owns as an individual held in trustee by the County Government during a certain period. So, Mr Speaker sir, we are in the process of bringing a report or a policy in this House. We will do it very soon so as to repossess some of the plots lying idle and not being paid for.

The technical committee is purely for co-ordinating the community. I will be identifying, like for example in a certain ward, ten, 20 or more people who will be trained on how to identify the mapping. This will be done with the help of the NGO groups in Kenya in co-ordination with the County Land Management Board. With that I highly doubt whether we can experience corruption in any area. I doubt whether something can be done in the wrong way because the technical committee is not there for anything else but for co-ordinating the community that will identify the public land in different areas.

Mr Speaker sir, as I sit I would like to quote the late Prof. Wangari Muta Mathai. She once said that "In a few decades the relationship between the environment, resources and conflict may seem almost obvious as the connection we see today between human rights, democracy and peace" May her soul rest in peace. Thank you Mr Speaker sir.

(Question put and Agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members let me take this opportunity to wish Hon. Member for Mugoiri well, in absentia as he prepares to tie the knot on 5th which will be on

Sunday. I hope all the members will be there to celebrate together. I also want to wish the members of the Assembly, members of the public present and the members of staff a happy holiday as we start the Easter holidays.

This House now stands adjourned until Tuesday 7th of April at 9:30 am.

The House rose at 3:52 p.m.