

MURANG'A COUNTY ASSEMBLY THE HANSARD

Tuesday, 13th September 2016

The House met at 2:47 p.m.

(Temporary Speaker Hon. Beth Ngugi in the Chair)

PRAYERS

PETITION

MURANG'A COUNTY SENIOR CITIZENS

Temporary Speaker (Hon. Beth Ngugi): Pursuant to standing order 214 (2) (b), I wish to report that on August 12, 2016, the County Assembly received a public petition submitted by senior citizens of Murang'a county. The petitioners draw the attention of the Assembly to the matter of catering for Murang'a county senior citizen's needs, activities and aspirations.

I further wish to state that the petition is signed by 23 petitioners; the petitioners' prayer is that:-

1. Murang'a County Government caters for senior citizens' needs and activities.
2. Murang'a County Government helps to facilitate establishment of a senior citizens' centre for socialization, continuous learning, counseling, and legal advice through building, hiring or buying.
3. Murang'a County Government provides free medical care and check-ups in all government health facilities, and that the association be involved in the enrolment exercise and their members to be given first priority.
4. The County Government provides health field officers in every sub- location to monitor welfare and health of senior citizens, equipped with blood pressure and sugar monitoring machines.
5. The senior citizens seek recognition and inclusion in activities such as decision making boards, and to be used as resource persons.
6. The County Government assists the association financially to run the association office.
7. The County Government creates a revolving fund for the members to enable them remain active in economic and nation building.
8. The County Government provides subsistence allowances of a minimum of Kshs. 2,000 per month to senior citizens as stipulated Article 4 section 57 of the Constitution of Kenya 2010
9. The County Government assists in building a modern home for older persons who for various reasons are unable to live in their homes or with relatives, and that project is initiated as soon as possible to help rescue a number of senior citizens that are abused by members of their family.
10. The County Government provides a conducive environment and facilitates senior citizens live and age gracefully without abuse and harassment.
11. The state and the County Government creates or establishes a department or a ministry to cater for senior citizens affairs and social security benefits.
12. The County Government removes all manner of discrimination to senior citizens.

Pursuant to the provisions of standing order 216 (1), the petition is hereby committed to the sectoral committee on Youth, Culture, Gender and Social Services committee.

Further, pursuant to standing order 216 (2) the committee shall in not more than 60 calendar days from today, respond to the petitioners by way of a report addressed to the petitioners and laid on the table of the Assembly.

Hon. members, there is another report on petition from residents of Kaigwa village within Murang'a county.

PETITION BY RESIDENTS OF KAIGWA VILLAGE ON GATAMATHI WATER
COMPANY LIMITED

Temporary Speaker (Hon. Beth Ngugi): Pursuant to standing order 214 (2) (b), I wish to report that on August 3, 2016, the County Assembly received a public petition submitted by Maina Wanja of ID No. 27828322, on behalf of residents of Kaigwa village within Murang'a County.

The petitioners draw the attention of the Assembly to the matter of investigation of Gatamathi Water Company Limited management, for misleading the community of Gaitheri and failure to give water to residents of the region despite completion of the project.

I further wish to state that the Petition is signed by 29 petitioners and that the petitioners confirm that the issues raised are not pending before any Court of law, constitutional or legal body. The petitioner's prayer is;

- a. That the company's management be investigated and prosecuted for misleading the community of Gaitheri
- b. That the management be summoned by the County Assembly of Murang'a to explain why they failed to give water to the residents of that region despite completion of the project.
- c. That, the management should account for the water project.

Pursuant to the provisions of standing order 216 (1), the petition is hereby committed to the sectoral committee on Water, Energy, Forestry, Natural Resources and Co-operatives.

Further, pursuant to standing order 216 (2) the committee shall in not more than 60 calendar days from today, respond to the petitioners by way of a report addressed to the petitioners and laid on the table of the Assembly.

REPORT ON PUBLIC PETITION ON GITUAMBA LAND USE
LR/KINYONA/LOC.2/786

Hon. Duncan Njuguna: This is the public petition report on Gituamba land use LR/Kinyona/LOC.2/786.

The committee on land did receive the petition after it had been committed to it by the Speaker on 12th July 2016 and we were given 60 days to submit the report to this House after investigating and coming up with comprehensive recommendations. First we called the petitioners and they gave us details as to why they want this land with acreage of 65 acres to be returned to the community for public use because there is crop rotation.

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

Hon. Bernard Kariuki: Is it in order for member of Kangari to enter the House without being properly dressed; he is a senior leader.

Temporary Speaker (Hon. Beth Ngugi): Hon. Muchemi you are totally out of order, you know the decorum of dressing in this Hon. House. Kindly go out and be dressed properly before you resume sitting and next time it happens, because it has been your habit you will be locked out for some sittings. Continue

(Hon. Anderson Muchemi walked out of the Chamber)

Hon. Duncan Njuguna: Thank you Madam Speaker, as I was saying they gave us the details of why they want the land to be repossessed and be returned to them because the lessee was not using the land as per the agreement with the then Murang'a County Council.

It was supposed to be a nursery or a demonstration for tea project. They have found that the new lessee KTDA has planted eucalyptus on the land which has made the rivers to dry up around the area.

It's also contributing to insecurity in the area because women and girls have been raped in the forest and also when the robbers rob people around the area they go hide there in that forest and therefore they pray the land be reverted to its original use.

We also did call the representatives from National Land Commission (NLC) in Murang'a that is the County Land Management Board (CLMB) which is represented by its secretary; the secretary to the board and we interviewed her and she was of the opinion that the legal way that is to be followed is through Article 167 of the Constitution so that whatever is done is done in a legal way. She was of the opinion that we leave it to the board to go on with the investigations so that it can come up with a very conclusive report about the same, but since we have been given 60 days, we decided not to wait until they are through with their report.

We also did invite the management of KTDA and their Managing Director (MD) Mr. Tiampati who responded through their lawyers that they would not honour our invitation since they legally occupy the land and the lease which is supposed to expire in 40 years' time.

The committee decided to visit the area to see for ourselves the grievances of the people of Kinyona, and true to what they had said, the whole farm is planted with eucalyptus trees which has made all the rivers in that area to dry up, and on the insecurity as stated, it is true because you could tell from the evidence on the ground, and also the area Water Resources Users Association did a memorandum which was forwarded to us and they stated that according to them, the eucalyptus trees are not supposed to be planted in that area since it's a catchment area and a source of water for the people of Gituamba. They were for the opinion the trees should be uprooted because they had made the whole area dry, and they return the farm to its original use.

There was also a representative of KTDA; that is Ikumbi tea factory unit manager. He did agree with the community that the area has become a security problem because of the eucalyptus trees they had planted; although he promised he would consult the executive to have the trees cut for use at the tea factory.

We therefore concluded our investigations and we gave the following recommendations but before I proceed to the recommendations, you allow me to read one or two observations so that the House can at least get the whole picture.

The initial body which had leased was the Special Crops Development Authority which was a government entity that evolved to Kenya Tea Development Agency which is a private entity, and with that, we couldn't give a recommendation of reverting back the land to Murang'a county government because our hands are tied because the lease is a legitimate one and also they acquired it through the legal ways.

The other observation is that the committee did not have the mandate to revoke the title or interfere with privately owned land. However the committee realized that the conversion of the land from the land trust board reserved for Gituamba tea nursery and factory to a lease issued to Kenya Tea Development Authority in 1998 to current holder of the lease Kenya Tea Development Agency which is a private entity. Unlike the two previous organizations which were government owned, now KTDA is a private owned entity.

That is why we concluded by urging the National Land Commission through the County Land Management Board to do further investigations so that they can come up with a solution of how the land can be returned to its original use or even the county government for proper use by the community.

Our recommendations are four if you allow I will read them;-

1. That the matter be arbitrated with the view of achieving an amicable solution between KTDA and the people of Kinyona. To this end the committee appreciates the constitutional rights to the private ownership of the lease enjoyed by the KTDA. However the committee also appreciates that any private rights so enjoyed should not infringe the rights and freedom of others or cause a great inconvenience to members of the public.
2. Pursuant to Article 67 sub-sections (i) under failure of parties to adopt recommendations within 30 working days, the committee recommends that County Land Management Board which is a creature of the National Land Commission under the National Lands Commission Act section 18 to immediately take up the matter and enquire into the historical land injustices and make any necessary redress.
3. With regard to the security issues, the committee recommends that the County Commissioner or the Deputy County Commissioner in the area to take up the matter with immediate effect, noting that security is not a devolved function and that is the appropriate office mandated to deal with security issues on behalf of the ministry of interior in the county.
4. That the National Environment Management Authority conducts an environment assessment on the massive growth of eucalyptus trees and the subsequent impact of the environment in Kinyona.

Those were our recommendations, observations and our findings. I therefore rest my case and the petition is hereby submitted to this House. Thank you.

PAPERS

REPORT ON PUBLIC PARTICIPATION ON MURANG'A COUNTY DISABILITY BILL 2016

Hon. Esther Ngugi: Thank you Madam Speaker; I stand to able the report on public participation on the Murang'a County Disability Bill 2016, on the table of the Assembly today September 13, 2016 afternoon sitting.

NOTICE OF MOTION

REPORT OF FINANCE AND ECONOMIC PLANNING COMMITTEE ON THE MURANG'A COUNTY GOVERNMENT THIRD QUARTER FINANCIAL REPORT FOR THE FINANCIAL YEAR 2015/2016

Hon. Joseph Kimani: Thank you Madam Speaker, I wish to give the notice of the following motion;-

That, this Assembly adopts the report on sectoral committee on finance and economic planning on the Murang'a County Government third quarter financial report for the financial year 2015/2016 laid down on the table of the Assembly today 13th September 2016.

STATEMENT

LACK OF NON-PHARMACEUTICALS IN HEALTH CENTRES IN GITUGI WARD

Hon. Bonface Njihia: Thank you Madam Speaker, health committee received a statement request from member for Gitugi requesting to know from the committee the following;

Whether CEC for Health is aware that non- pharmaceuticals supplied by Community Health Workers in Nyakianga, Nyangiti, Gitugi health centres in Gaturi ward have been out of the stock for last one year.

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

Hon. Duncan Njuguna: Madam Speaker, is it in order for the hon. member to mislead this House? Nyangiti, Gitugi and Nyakianga health centers are not in Gaturi ward but in Gitugi.

Temporary Speaker (Hon. Beth Ngugi): Hon. Boniface, confine yourself to what is in the report reading the names of places appropriately as they are indicated on the report. Proceed.

Hon. Bonface Kimani: Thank you Madam Speaker, I was to say Gitugi.

Question number two is whether the CEC is aware that lack of non-pharmaceuticals especially gloves, Aquatabs, treated mosquito nets and hydrogen peroxide in the mentioned health facilities is demotivating the health workers who are volunteers who are suffering while on duty.

Is it true that the health workers volunteers are given a stipend of Kshs. 2000 per month, when is the last time the county government issued this token and how regular is the program because the current status of the membership of community health volunteers with national hospital insurance fund since they registered in August 2015.

When will department of health services provide non-pharmaceuticals urgently required at Nyakianga, Nyangiti and Gitugi health centres in Gitugi ward to enable the community health volunteers effectively perform their duties?

Hon. Speaker we sought response from CEC and it is as follows; response to question number one is; Yes the CEC is aware. This was a problem there before, however in August this year non-pharmaceuticals have been supplied to the above health centres. The community health volunteers are now able to get them through their respective sub-county community strategy co-ordinators.

Response to number two; Aquatabs are issued periodically from the public health officer at sub-county level. County Health Volunteers (CHV) are required to get them through their own initiative. About 2000 Aquatabs were distributed on 26th August 2016 to sub-county health officer for CHV's collection.

Mosquito nets are issued at facility level for only the children below one year and pregnant women as per the ministry of health guidelines. It can therefore not be given to CHV's to issue them.

Hydrogen peroxide is currently out of stock we are therefore using potassium permanganate which is equally effective.

Response to number three; the last time community health volunteers received their token was in February this year. Pending payment has been caused by lateness of payment schedules at the sub-county level. However schedules for March, April, May, June and July 2016 are now complete and will be paid in two months instalments until all months are covered.

The payment for community health volunteers NHIF membership were last paid in August 2015. The vouchers were prepared in due course but have not been honoured by finance department despite several reminders.

Response to last question; the health facilities have enough of these supplies; issuance done from end of July and month of August 2016. The community health volunteers are required to make the order of the commodities through the respective community health strategic coordinator at sub-county level. I thank you Hon. Speaker.

Hon. Duncan Njuguna: Madam Speaker I had not seen this response until now, in the morning sitting it was not there. I need to visit these health centres to confirm what they have said. I requested for this statement on 3rd August 2016 and the response is confined in the month of August because now we are in September.

As per their response they have said that they have supplied everything in month of August so I need to visit the area and confirm the same but I have some few reservations from the same especially number two, section two of the answer. That is mosquito nets issued to the facilities. There before the community health volunteers were the ones who were given these mosquito nets to go and issue them to the people in need.

On the response on the payment of the allowances which is given to CHVs they have not committed themselves as to when they are going to pay the two months instalments. When are they going to start and when will they end because they have only stated that March, April, May, June and July whereas August is over and we are almost half September-----

(Temporary Speaker called for order)

Temporary Speaker (Hon. Beth Ngugi): Order! Hon. Duncan, resume your seat please. Are you contented with the response to the statement that you had put forward to health services committee? Are you satisfied with the answer they have given?

Hon. Duncan Njuguna: Madam Speaker I had stated earlier I am not contented with response and that is why I was highlighting the areas that I am not and I have also stated that I need to visit the area because I have just received the response and see whether what they are saying they have supplied is true. But as I have highlighted -----

(Hon. John Gitau rose on a point of information)

Hon. John Gitau: I wanted to inform the hon. member that most of these are consumables and if they were supplied yesterday, if you go tomorrow you might likely get that the supply is not there, since they are on use.

(Hon. Bernard Kariuki rose in his place)

Temporary Speaker (Hon. Beth Ngugi): Hon. Bernard, what is your point of order?

Hon. Bernard Kariuki: I rise on standing order 45, the issues raised by the Hon. member for Gitugi cut across the entire county. I have a dispensary called Kariua and the same things that the member is asking for are also lacking.

The chair for the health committee comes from the same constituency; even the CEC. I do not know what is happening because if you go to Kariua there is no medicine for the last one year, also in other dispensaries. These items are critical for the health care purposes. Could the chairperson health undertake to take serious actions against the CEC who is unable to drive this department?

Temporary Speaker (Hon. Beth Ngugi): Hon. Duncan you can conclude

Hon. Duncan Njuguna: As I conclude, I will take Bernard, I do not know what Hon. John Njoroge means; consumables are not like spirit that they evaporate, if you receive them and if they are out of sock that is so. In conclusion, I wish for him to clarify who is the sub-county community health strategist since in Mathioya we do not have one. Thank you

Hon. Bonface Njihia: I am happy about what hon. Duncan has observed, since the CEC has stated that they have equipped the hospitals with the equipment that hon. Duncan was requesting, it is good that he verifies next week and argues his case, since he has said that he has just seen the statement now

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

Hon. Duncan Njuguna: Madam Speaker is it in order for me to request for a statement and at the same time go and get the response. It is upon this committee to go and verify whether they have supplied the pharmaceuticals in those dispensaries, not only in Gitugi but across all health centres.

Temporary Speaker (Hon. Beth Ngugi): Order! members, I will make a ruling here in regard to this statement.

Hon. Boniface the chair for Health, the member who asked for this statement is not satisfied, there are echoes from other members of this Assembly that there is something missing. This House rules that your committee goes back and addresses the issues raised and submit to this Hon. House within the next seven working days.

MOTION

MOTION OF ADJOURNMENT

Hon. Peter Kihungi: Pursuant to the provision of standing order 54 b, I beg to move the following motion;-

That this Assembly adjourns to Thursday 15TH September 2016 to allow Members of the County Assembly attend launch of the Sustainable Development Goals (SDGs) in Kenya, to be presided over by H.E. The President Uhuru Kenyatta CGH on Wednesday 14, September 2016 at Safaricom Stadium, Kasarani.

Madam Speaker, this is an urgent meeting that all Assemblies have been invited to, it is important as we work out on Sustainable Development Goals. The function will be presided over by the President and other dignitaries from all over the world; we wish all the members to be available.

Those who adopted the Millennium Development Goals (MDGs) succeeded mostly in provision of clean water and health services. On Sustainable Development Goals, I think it is important for all the Members of the County Assemblies to be part of the function as we move on with our legislation work in the Assembly. I call upon Hon. Florence to second this motion

Hon. Florence Nyambura: I stand to second the motion. We should not be left out as a county, we need to get the ideas from the Presidency and implement them here. Our county will be able to work within this. I second the adjournment

(Question proposed)

Hon. Duncan Njuguna: I rise to support this motion. As far as I am concerned, when I am invited from the Clerk's office, I get facilitated by the Assembly, when I receive an invitation by the Leader of Majority's office; I get facilitated by the executive. I am saying this because of the Naivasha incident where we received an invitation message but when we got there we were embarrassed and policemen were called to lock us out. I hope this one; even if we are adjourning will not be another Naivasha.

This is something that the President is presiding over. As we go we should know the contact person to contact in case of anything. It should be the case as it was when we went for the launching of the Jubilee Party. Thank you Madam Speaker.

Temporary Speaker (Hon. Beth Ngugi): Yes Hon. Mwicigi.

Hon. Rebecca Mwicigi: Madam Speaker, I support the motion and congratulate the Jubilee Party for beginning to involve us in whatever they are doing. I will however echo my resentment of Saturday. The Members of County Assemblies (MCAs) were kept under the very hot sun; most of them fainted there; they were the only ones from around the country

who were under the sun. All the others were under the shade. People were falling and fainting and we did not even have water.

Our nominee to the County Assemblies' Forum (CAF) should make sure that when they meet, they look for a better place for the MCAs to sit. We should sit under the shade like everybody else because that scorching sun can even cause us cancer. Thank you Madam Speaker.

Temporary Speaker (Hon. Beth Ngugi): Yes Hon. Machiri, it will be probably good for you to comment on this.

Hon. Joseph Machiri: Thank you very much Madam Speaker, I represent Kamacharia ward and for your information, the right person to answer that is non-other than Hon. James Kariuki, who is a Member for County Assemblies Forum.

(Loud Consultations)

Temporary Speaker (Hon. Beth Ngugi): Order! Order! Hon. members, please do not throw words at each other.

Hon. Joseph Machiri: Do not put words into my mouth, I am a grown up person who can eloquently---

Temporary Speaker (Hon. Beth Ngugi): Order! Hon. Machiri.

(Laughter)

That language is not parliamentary. Please proceed with the accepted language in this Hon. House!

Hon. Joseph Machiri: I withdraw that language and I will be very smart in future. I stand to oppose that motion on the condition that there is no time to prepare ourselves. Further, it should be a lesson because last time, our dignity was very much eroded in Kasarani. In order to teach those people a lesson, let us withdraw from that meeting. I oppose.

Temporary Speaker (Hon. Beth Ngugi): Yes Hon. Wandia

Hon. Samuel Wandia: Thank you Madam Speaker, it is good that we have been invited to that forum; I have however whispered to my colleague here who has told me that the facilitation will be from the Assembly. God is great that it will come from the Assembly. We are all Members of this Assembly, big or small. It is very embarrassing to want to go back to the glory we had. Sometimes ago, we had the glory, but it has eroded. We have to stand by our feet and say no where it is needed.

We were humiliated in Naivasha whereby nine of us sat under the scorching sun; we really had it rough. I pray and beseech the management of this Assembly to go back and earn the glory we had. Let us work as a team. When it is no, that should be the case and when it is yes, we should stand firm. We are soon going out; we met here to bring glory to this county of Murang'a. It is my humble submission to the management to sit down and think on how to bring back the glory we had.

When I am humiliated and made to sit under the sun, while others enjoy the shade as they eat and drink well, I wonder where I came from and why I came here. I came here to serve the people of Murang'a. If at all we are to serve the people of Murang'a equally, the Assembly management should please think of it and try to bring back that great glory we had.

Temporary Speaker (Hon. Beth Ngugi): I will now call the mover to respond.

Hon. Peter Kihungi: Thank you Madam Speaker, this is not a party meeting; it is a meeting by the national government through the Ministry of Devolution. Therefore, the issues raised are on the party and are very separate from this.

In this meeting, even the Orange Democratic Movement (ODM) and other parties have been invited. The mistakes and mismanagement of the party cannot be put on the management of the government. This is a government organised meeting and has nothing to do with politics; it is about sustainable development goals. It is very different with what we have been going through.

The other issue is that immediately you do not have control of finances, you do not control anything. If members chose and say clearly that they do not want any facilitation from the Executive that is when we can have control. Whatever we are in control is any facilitation that comes from the Assembly because we can direct that it must go to all the Members. Whenever facilitation is from the Executive, I have no control. Somehow, that explains why you sometimes find some mismanagement. For this one, the Assembly will facilitate. You are supposed to leave toady and you should leave as early as possible. The meeting might run into the evening. Members will go on with their meeting on Thursday. I therefore call upon Members to separate this from other events that have been happening and were not in control by the Assembly.

Temporary Speaker (Hon. Beth Ngugi): Okay hon. members, you have heard and I am now going to put the question.

(Question put and agreed to)

ADJOURNMENT

Temporary Speaker (Hon. Beth Ngugi): Hon. members, this Assembly stands adjourned to Thursday September 15th at 2:30 p.m.

The House rose at 3:36 p.m.