

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Thursday, 25th May 2017

The House met at 2.35 p.m.

(The Deputy Speaker Hon. Gachui Mungai in the Chair)

PRAYERS
STATEMENT

HOUSE BUSINESS FOR THE PERIOD MAY 30, 2017 TO MAY 31, 2017

Hon. Duncan Njuguna: Thank you Mr. Speaker, I am the Member of County Assembly (MCA) for Gitugi and also a Member of the House Business and Rules Committee and not House Business Committee and Rules Committee as indicated in the Schedule. The Order of business next week is as follows:-

On Tuesday, 30th May 2017, morning sitting, the Chair of the Liaison Committee will lay a Paper on the Committee's Half Year Progress for the Fiscal Year 2016/2017. Item two will be a Notice of Motion by the Chairperson for Public Investments and Accounts Committee (PIC/PAC) on the Auditor General's Report of the Financial Operations of the Murang'a County Assembly for the period of 31st July 2014 to 30th June 2015. Wednesday will be the last sitting next week. On 31st Afternoon sitting, item number one will be a Statement from the Chairperson for House Business and Rules Committee on the business that will come the week after, which is from Tuesday June 6 to Wednesday June 8th 2107. There is a mistake because I have never heard of a public holiday on 9th June. It therefore should read up to Thursday. The date is alright but the day is not. It should be Thursday.

The Deputy Speaker (Hon. Gachui Mungai): That is a typing error. They will rectify that.

Hon. Duncan Njuguna: Thank you Mr. Speaker, Sir, number two will be a Motion by the Chairperson for the Liaison Committee on the Committee's Half Year progress Report for the Fiscal Year 2016/2017. Thursday 1st June will be a Madaraka Day and I take this opportunity to wish the Hon. Members a happy Madaraka Day.

Thank you Mr. Speaker, Sir.

The Deputy Speaker (Hon. Gachui Mungai): Let us proceed to the other Order.

MOTION

STATUS REVIEW OF DEPARTMENTAL PENDING PROJECTS

Hon. Charles Kirigwi: Hon. Speaker, I am the Chair for the Trade, Industrialisation, Tourism and Wildlife Committee and I beg to move the following Motion;

THAT, this Assembly adopts the report of the Trade, Industrialisation, Tourism and Wildlife Committee on the status review of Departmental Pending projects, laid on the Table of the Assembly on Tuesday 23rd May 2017.

Honourable Chair, this Committee looked at various pending programs that our County Government has done and the report is in your file. Briefly, I will go to the Committee's recommendations on each and every program. After visiting the pack house in Makuyu, the Committee recommended that the pack house should be renovated to ensure that the septic tank is correctly installed and the remaining accessories procured. We also observed that the pack house should be completed because the renovation and procurement of the requisite machinery requires huge budgetary allocation.

We visited another program, the milk processing plant, in Maragua and we recommended that the Milk Value Chain is a capital expenditure that requires an audit by the

County Public Accounts and Investments Committee. We felt that it does not lie squarely on our Committee but our very able PIC/PAC can take it up from there. The Clerk of the Assembly advised that my Committee's mandate starts when the real business starts. That is why we recommended that they take up that from our shoulder for final conclusion.

The third one was on the Agro-industrial Park and we made various recommendations. They are five of them, and if you allow, I may refer to what the Committee observed from the file. With the matter of the Agro-industrial Park before the Senate County Public Investments Committee, this Committee recommends that the County Assembly awaits the outcome of the matter and other probes by the investigative bodies. We realised that this one is under the Senate and there is no need of duplicating what the Senate is doing. We are therefore seeking the Assembly to allow the Senate to finish with its recommendations and observations.

Number two is that the County Government, in view of disposing the Public land and to represent the best public interest, and does not occasion loss of public funds; adherence to relevant provisions of the Procurement and Disposal Act should be observed. We observed that if the County may think of disposing the land, we do not have any problem because we are not necessarily losing any public funds but they must observe the Procurement and Disposal Act.

Another recommendation on the report is that environmental assessment for the Agro Industrial Park should be forwarded to the County Assembly for review by the relevant committee of the House.

Much as it has generated public interest after deliberations by the auditor general the transactions on the Land for the proposed agro park in Kabati should be audited to establish if value for the money was achieved.

We also observed that in case the current arm of Legislature of Murang'a County Government is cleared of any wrong doing and decide to forge ahead with the project, the internal track roads needs to be readjusted to the recommended 9 M road. We observed that the road provision was a bit narrow.

On animal feed factory, we recommend that it should be completed and the pending bills seconded by a bill by the end of financial year because we understand that it does not require a huge amount of money like others.

Project Number 5 is the Coffee Roaster, the committee observed that it may not require huge amount of budgetary allocation and it should thus be completed by the end of the next financial year.

On Animal orphanage program we recommended that the County Government and the Directorate of Nairobi Metropolitan Development should involve the public before commencing the Murang'a urban park and ensure that Road to the site are in good shape. We understand that it has not commenced despite the award of tenders for fencing and the like.

Lastly, you may realize that we have two milk tankers, the cans inside those tankers when they were fabricated the supplier did not provide for compartments and thus the way they are they cannot do their intended work accordingly.

We need to separate compartments inside so that we reduce the probability of having the tankers roll when they are loaded. I happened to work in the fuel industry and I noted that when you are driving a tanker and the liquid that you are carrying when you break it pushes the mass in front and you may need to have those compartments inside to prevent the mass from affecting the breaking system.

Considering that also where the milk comes from terrain are usually sharp and we have the tankers roll when they are carrying milk from our villages, we recommended that they should be reconstructed according to the specifications provided by the user department.

That being the case I know some of the programs will raise a heated debate but we will argue them out and we will have a possible conclusive debate. I urge the members to debate objectively and I call upon my very able member a lady that I really respect who comes from Kandara and is ever smart Honorable Esther Ngugi to second the motion.

I thank you.

Hon. Ester Ngugi: I second the motion.

(Question proposed)

Hon. Duncan Njuguna: I rise to to reject this report because of a few reasons or remarks that I am going to make. To say that majority has their way and minority has their say. If Honourable James Kariuki agrees with me and he is my teacher on that. Some of this project that were being investigated by the trade committee, I think it was about three weeks ago when I had similar motion to this requesting the executive to give us the details of this projects, where they were carried out and the money used, if that has not been done then we should have a special audit.

The first Honourable member to recommend that the plenary be adjourned and I go do my homework is none other than the Mover and I have seen in one of the recommendations he has recommended ‘‘should be audit to establish if the value of the money was achieved’’. That was the spirit of my motion and that is what I wanted to know and I alone did that motion and the committee on trade with 17 or so members sat down and came up with similar ideas.

As I move on to 6 (iii) the agro industrial park supposed to be contracted on the 34 acres piece of land near Kenol, I have problems with the recommendations because even though we have a pending case with the Public Accounts Committee at the senate, we also have a pending case with the Lands committee on the ownership of that land, because we received a petition from the Swani and Mithi Cooperative claiming that the land does not belong to the County Government of Murang’a

(TAKE 3 BY MWATI missing part)

Hon. Duncan Njuguna: on the ownership of that land. We received a petition from the members of Swani and Methi claiming that the land does not belong to the county government of Murang’a. We have already called some witnesses although we are still going on. The ownership is therefore under question.

In the 2014/2015 budget adopted allocated 57 Million to the industrial park and nothing have been done including the trunk roads and the 57 million was not accounted for. This is what I wanted to know in my motion before lack of quorum. I am afraid, because the county government or any other government is not in the business of real estate of buying and

selling land. If the intention was not achieved, there is nowhere in the public procurement and disposal act where it is indicated that the land should be disposed since the government is not in business. Since this is contentious, the county should be told whether the land was overpriced and this house to approve a concept report from the ministry of trade so that the land can be well utilized, but what I see here as the recommendations I have a problem, the owner are under power lines traversing the land.

On project number 3, 6.4, the animal feed factory, for 3 fiscal years, the project was allocated 30Million, the committee made a site visit on March 28th and no information was got in regard to the factory yet in the recommendation is that the factory should be completed yet they did not see one, in the pending bills you wonder where the pending bills are coming from yet no one can tell where it is yet we are 1 week and 1 month away from the end of fiscal year 2016/2017

They have stated that in a letter dated 21st October 2016, the committee requested for a progress report on the animal feed factory. The committee was referred to the procurement department for a response during a committee meeting held on 11th August 2016 and that is when they decided to visit and I do not know to where since no one can tell where that factory is even though it has a 3.7Million pending bill and does not require huge budgetary allocation. They are recommending we pump another 3.5 Million on top of the 30Million paid to the contractor if there is one. The report is not conclusive, I will advise my able Chair to withdraw the report, on the animal orphanage, the recommendation is that the Muranga county government should involve the public before commencing the work of Murang'a urban animal orphanage and ensure that the access roads to the site are in good condition.

I will challenge the Chair and the committee to tell us where the location of the animal orphanage. I am the chair lands committee, there was a proposal to have it opposite

the sports club, then there was another proposal to take it at the juvenile area towards Mathioya River yet In 2014/2015 the project was allocated 6 million which was utilized since no one can tell where the money went to. To recommend that before commencing, yet the project is already paid, I will not pick on the others since during my investigation I did not touch on the milk tankers and the milk value chain since it is on the 3 that I have a question to the executive for them to tell us who was paid to construct these projects, how they were constructed since the people of Muranga need to know where these projects are. These projects have over 100 Million. Mr Speaker, the people of Gitugi who rejected me like I am rejecting this report, but since I will represent them till 7h of August at midnight, I can constitutionally speak for them and state that me and them, we are rejecting this report. Thank you.

Temporary Speaker (Hon. Gachui Mungai): Honourable member for Gitugi, don't condemn the Gitugi people, they did not reject you, and you had a substantive number of votes.

Hon. Beth Ngugi: Thank you Mr. Speaker, I wish to reject this Motion on several grounds. The report itself is an indicator that all is not well. The way it has been reported is a clear indication that these projects are not in operation. I am a resident of Maragua and that is where most of these alleged projects are park house, the Agro Industrial Park, the Coffee Roaster and the Animal feeds. When you go to these areas you find that the park is a warehouse with some writing and the industrial park as well. You do not know what is there since it is always locked.

I do not know where the Agro Industrial Park and Coffee Roaster are. I also do not know whether they are operational. I would suggest that the able committee of trade to withdraw this report as suggested by Honourable Duncan Njuguna and work with the executive to have these projects re-evaluated and see where they are and if they are viable or not. We cannot sit down and lie to ourselves that this is working. I reject the Motion.

The Deputy Speaker (Hon. Gachui Mungai): Honourable member for Mugoiri Ward

Hon. Kago Njoroje: Thank you Mr. Speaker, I stand to support the Motion. The first part of the Motion is where the committee conduct investigations and report what is exactly is in the ground and that is what the committee is doing. If the committee brings the report and

is voted down then the House cannot be able to do investigations. The members who are responding are doing so because there is something that has been reported to them by the committee. My feeling is that whatever has been brought by the committee be adopted by this House because that is exactly what is in the ground.

Regarding the Park House, the committee has given details about even the date when the projects commenced. We are even saying the extent to which the money that was budgeted for has been used and where the project is located. We are reporting and it is after reporting that the committee of trade will question. The committee has given its recommendations, I have heard my chairman for lands Housing physical planning and settlement say that he does not know the location of the park.

The report was brought by the Trade Committee and we tried to explain where the park is going to be done. The park will be behind the county government offices as you face Gaturi. The survey have been done the tender have been given. We have had the Kenya wildlife service (KWS) Officers in the committee explaining the level of collaboration with the county government towards the projects. It is only that all of us do not attend trade committee meetings. It is only trade committee members who visited the Coffee Roaster site and not the whole House. But if the whole House request to visit the site you can allow that because you have the power and they can confirm whether the reporting is true.

We are even reporting when the tankers were procured and we are recommending that they should be taken back to the manufacturer so that the recommendations pertaining to them can be taken into consideration. We are reporting what is on the ground and what should be questioned, even citing what the senate had questioned. Meaning, what we are reporting is what should be questioned after the adoption of the report by the House then we will know the way forward so that whoever comes after this assembly even though the chairman for Lands Housing, Physical Planning and Settlement who is outgoing is blaming his people for rejecting him, I think it is the reason he is rejecting the report. Here we are not talking about rejection but confirmation of the report by the trade committee, which have done investigations. I want to commend my fellow members of trade committee for....

(Hon. Duncan Njuguna on a point of order)

The Deputy Speaker (Hon. Gachui Mungai): Point of order from the member for Gitugi ward

Hon. Duncan Njuguna: is it in order for the honourable member to respond to my deliberations and he is not the mover?

The Deputy Speaker (Hon. Gachui Mungai): The law requires every member when debating to quote any member who had deliberated earlier. So he is in order. You may continue.

Hon. Kago Njoroge: Thank you Mr. Speaker for protecting me. When we talk about standing on a point of order some of us do not know the point of orders they are standing on. I support the report, the committee have done a good work and has reported what is exactly on the ground which should be investigated further if there is another committee which you should give mandate. For those of us who would want to go on the ground you should also allow them so as to verify the committee findings. I support the Report.

The Deputy Speaker (Hon. Gachui Mungai): If there is no other member willing to contribute to this debate I will now call the Mover to respond.

Hon. Charles kirigwi: Thank you Mr. Speaker and the members who have contributed I am grateful that they have expressed their opinion and representations. However, I must observe that it is one of the saddest days in the assembly as we are coming to the end of our term. It seems that honourable members do not read the Motion or what it entails and I read

for them. That you adapt the status review that is the key word, meaning the status as it is. The honourable member for Gitugi ward because of being stressed by the people of Gitugi in rejecting him, he never realized that if you go to; like the example that he gave on land. The ownership is in question. In that whole report we said and I quote number Four and Five much as it has generated public interest that the deliberations by the auditor general the transaction for land of the Agro industrial park at Kabati should be audited and that auditing should establish whether that ownership is ours or not. That is the status and I am quoting verbatim. Just in case the current executive is cleared of any wrong doing then bla bla.

What we are saying is that all those issues he is raising will be addressed in that particular time. And we are telling you yes, we know there is problem with this Agro industrial park; this is the status of that report. If he is contrary to that you should come and say the executive were cleared. But opposing the motion because we are telling the truth, then our usefulness in this assembly is in question. Number two, the government is not in disposing business. And I want to inform him that even the national government, we have seen it disposing the embassy in Tokyo, we have seen the government disposing some of its shares in the national bank, we have seen it disposing the shares in Safaricom. Yes we are not in business, but we are saying as a county government holding the land in Kenol, is it in our best interest? If it does not, then we can do away with it. There is nothing wrong with that. There are evidences in Kenya, abroad that the government can dispose any of its assets at will. Even vehicles when they are old, provided it is done according to procurement Act. And the committee is very clear; it should be done within the provisions of procurement disposal act.

Honourable Speaker, we also sighted another motion that was not concluded. I will not dwell on that because there is no resolution in the assembly. On the animal feed, I want to inform the members that allocating a budget is not as expending the same. We may have been allocated 50million and my committee is one of the most disadvantaged in the county government also the committee for lands. Because when we are making the budget, and allocate 100million or 50million to that committee, but along the year we find that the county government comes back to the assembly to appropriate that money to another 'needy' vote for example the year ending next month, my committee initially was allocated 86million but as we are closing the year we only remaining with 16million. What can we do with 16million, it is only recurrent. In essence most of these projects that are here we have nothing in the ground. Even on the department of lands, initially we had about 40million but towards the end of the year, it is not the priority of the government to those two departments. I hope in the next assembly, God willing they will give them teeth to stand with their votes.

On the animal orphanage the committee observed that we need to have public participation. As rightly as honourable Duncan has put it, when it initially proposed its set up somewhere around sports club the residents came up in arms saying that they fear animal attacks. The other day it was in the news that an uncle to a doctor in our hospital was bitten by a violent monkey. And the residents there need to be taken into consideration. You know public participation is a constitutional dispensation and we are saying that, when and if this program is to go on. Let there be appropriate public participation. Not only budget, let us consult the people because this is a densely populated town so that we may avert the risk of having those animals here.

Honourable speaker, right now we are doing the southern corridor. It was open in Nairobi the other day. That corridor has passed through Ngong forest and Animal orphanage in Nairobi. Late last year we saw lions straying from the park to Multimedia University along Ngong road; these are the animal-human conflicts that we really need to address before we go into such a program. Honourable member from Maragua representing the county Beth said

she is one of the lucky people to be residing on the suburbs of Maragua and she said she has never seen a coffee roaster there. It is good if you wish to visit, just make a proposal to our committee. I don't know if we have budget, we can take you where it is and any other member who may wish to visit. I think honourable Kago urged this house not to throw away the baby together with the water. We cannot say that if these things have not been done on the ground, we throw away the report. Personally I have very strict instructions from my committee members are I should not withdraw this motion. Kindly request you to support it. Let us not just say that some projects are not going on well, we do away with the report. This is just the status review. Honourable members I request humbly as the chair of the committee to adopt the motion on status review of my committee. And I know even the honourable member for Gitugi will support the motion. Thank you.

[Question put and agreed to]

The house rose at 3.15 pm