

# REPUBLIC OF KENYA

## MURANG'A COUNTY ASSEMBLY

### THE HANSARD

Tuesday, 6<sup>th</sup> March 2018

The House met at 2:35 p.m.

[The Speaker (Hon. Nduati Kariuki) in the Chair]

### PRAYERS

#### COMMUNICATION FROM THE CHAIR

**The Speaker:** Honourable members I have received two petitions which I shall present to you. The first one is a petition from the residents of Ichagaki ward in Maragua constituency.

Pursuant to Standing Order 212 (4) (b); I wish to report that on 21<sup>st</sup> December 2017, the County Assembly received a public petition submitted by Bernard Mburu on behalf of residents of Ichagaki ward in Maragua Constituency. The petition draws the attention of the Assembly to the matter of construction of proposed Ichagaki health centre.

I further wish to state that the petition is signed by 45 other persons and that the petitioners confirm that the issues raised are not pending before any court of law, constitutional or legal body. The petitioners' prayer is, that the County Assembly of Murang'a passes a resolution that the Ichagaki health centre be prioritized for construction to cater for the needs of many residents, churches and schools and shopping centre to be served by Ichagaki health centre in Maragua Constituency, Ichagaki Ward.

Pursuant to provision of the Standing Orders 216 (1), the petition is hereby committed to the Sectoral Committee on Health Services. Further Pursuant to Standing 216(2), the committee shall in not more than 60 calendar days respond to the petitioners by way of a report addressed to the petitioners and laid in the Table of Assembly.

Honourable members we have also received a petition from Kangema Tea and Horticultural farmers. Pursuant to Standing Orders 214 (2) (b), I wish to report on February, 2018 the County Assembly received a petition submitted by Kangema Tea and Horticultural famers limited residents of Kanyenya-ini, Kangema and its environs organized by Ngorongo tea factory. The petitioners draw the attention of the Assembly that a company operating from Meru, known as Njeru industries through its agent moved to Kanyenya-ini and started purchasing tea from farmers and in total contravention of Tea Act 34. I further wish to state that the petition is also signed by 198 petitioners and that the petitioners confirms that the issues raised have not in any way been prosecuted neither are they pending in court of law, constitutional or legal body. petitioners' prayer is, that:

- a) The Assembly do direct the Tea Directorate or its relevant committee on Agriculture as the regulator of industries to immediately investigate the allegations against Njeru industries.
- b) A declaration that Njeru industries is in gross violation of Tea Act.
- c) The Assembly do direct the tea directorate and the relevant committee on agriculture to immediately stop Njeru industry limited from carrying on the illegal business in Kanyenya-ini, Kangema or any other part of Murang'a.

Pursuant to the provision of standing Orders 216 (1), the petition is hereby committed to the sectoral committee on Agriculture Livestock and Fisheries. Further pursuant to Standing Orders 216 (2) that in not more than 60 calendar days from today respond to petition by a way of a report addressed to the petitioners and laid in the Table of the Assembly.

## PAPERS

### MURANG'A COUNTY FISCAL STRATEGY PAPER (CFSP)

**Hon. Francis Kibe:** Thank you Mr. Speaker, I beg to lay the following Paper on the Table of the House, the Murang'a County Debt Management Paper Strategy Paper 2018.

*(Hon. Francis Kibe laid the document on the Table)*

**Hon. Wambui Njoki:** Thank you Mr. Speaker, I beg to lay on the Table of the Assembly the Murang'a County Debt Management Strategy Paper 2018.

*(Hon. Wambui Njoki laid the document on the Table)*

REPORT OF ON LAND HOUSING, PHYSICAL PLANNING AND SETTLEMENT ON  
VETTING OF THE CHIEF OFFICER NOMINEE

**Hon. Gerald Wambugu:** Thank you Mr. Speaker, I beg to lay the following paper on the Table of the Assembly today Tuesday, 6<sup>th</sup> March, 2018; the report by the Land Housing and Physical Planning and Settlement Committee on vetting of the nominee for the appointment to the position as the chief officer, in the department of land and physical planning.  
Thank you.

*(Hon. Gerald Wambugu laid the document on the Table)*

**STATEMENTS**

TENTATIVE BUSINESS OF THE ASSEMBLY FROM THE WEEK  
COMMENCING TUESDAY MARCH 13 – THURSDAY MARCH 15, 2017

**Hon. Wambui Njoki:** Approved business from the week commencing Tuesday, March 13 to Thursday March 15, 2017. Mr. Speaker it is notified that the House Business Committee, at their last meeting, has approved the following tentative business that will come before the Assembly from the week commencing Tuesday, March 13 to Thursday, March 15, 2018, thank you.

Murang'a County Assembly program of County Assembly business for the period Tuesday, March 13 to Thursday, March 15, 2018. On Tuesday, March 13, there will be a morning sitting; the first business will be a paper will be laid on the extent of compliance with the national values and the principles of governance and of public service in Murang'a service for the period ended 31<sup>st</sup> December 2017. This will be laid by the chairperson Governance, Labor, Social Welfare and National Legal Affairs Committee.

The second paper will be the annual progress report by the Murang'a County Public Service Board on the execution of its mandate for the period ended 31<sup>st</sup> December 2017. This

will be moved by the chairperson Governance, Labor, Social Welfare and Justice Legal Affairs Committee.

There will be a third paper, report on sectoral committee on health services on the vetting of the nominee for the appointment of Chief Officer for the department of health services. This will be moved by the chairperson Health Services Committee.

Four, there will be a report for the sectoral Committee on Agriculture, Livestock And Fisheries on the vetting of the nominee for the appointment of Chief Officer for the department of Agriculture, Livestock And Fisheries. The chairperson will lay that report.

Number five, there will be a report on the sectoral Committee on Trade, Industrialization, Co-operative Management, Tourism and Wildlife on the vetting for appointment as the Chief Officer for the department of Co-operative Development. The chairperson will move.

Six, the sectoral committee on Water, Energy Forestry and Environment and Natural Resources on the vetting of Chief Officer in the department of Water and Irrigation.

Seven, there shall be report on the sectoral committee of Public Works, Roads and Transport on the vetting for the nominee for the appointment of Chief Officer for the department.

Eight, there shall be a report on the sectoral committee on Youth, Culture, Gender and Social Services on the vetting for the nominee for the appointment for the Chief Officer for the department of Youth and Technical Training.

Nine, there shall be a report on the sectoral committee on Finance and Economic Planning on the vetting of the nominee for the appointment of Chief Officer for the department of Finance, Economic Planning, Supply Chain and Project Management, moved by the chairperson.

Ten, there shall be a special motion, approval on appointment on Chief Officers for the department of Health services, agriculture livestock and fisheries and co-operative development.

On Tuesday afternoon sitting, there shall be a report on the supplementary budget that shall be moved by the chairperson budget and appropriations committee. Two, there shall be a report on the County Fiscal Strategy Paper 2018, moved by the chairperson budget and appropriations committee. Three, there shall be a notice of motion; adoption on the report on the Murang'a County Fiscal Strategy Paper 2018, moved by the chairperson budget.

Four, there shall be a motion; adoption on the report on Murang'a County Government and Murang'a County Assembly supplementary budget. Five, there shall be approval of chief officer for the department of water and irrigation. Chief Officer for the roads and public works. Chief Officer for the department of youth and technical training. Chief Officer for the department of finance and economic planning, supply chain and project management.

Mr. Speaker on Wednesday we shall have a morning sitting; there will be a motion on the adoption of Murang'a Fiscal Strategy Paper.

On Thursday we shall have a morning sitting; we shall have a motion on adoption of the Murang'a County Government and Murang'a County Assembly supplementary budget. Two, there shall be statements on tentative business of the Assembly for the week commencing Tuesday March 20<sup>th</sup> to Thursday March 22<sup>nd</sup> on the approved business discussed in the House Business committee sitting on Tuesday 13<sup>th</sup> March ,2018. Thank you Mr. Speaker.

### **SPECIAL MOTION**

#### **APPROVAL OF APPOINTMENT OF THE CHIEF OFFICER FOR THE DEPARTMENT OF LAND, HOUSING AND PHYSICAL PLANNING**

**Hon. Gerald Wambugu:** On behalf of the Department of Land ,Housing and Physical Planning and pursuant to the provisions of the Standing Order 47(4) it is my pleasure and duty to present the committee's report on the vetting process of Mr. George Ngugi Ndung'u for the position of Chief Officer for Land ,Housing And Physical Planning.

The committee Land, Housing and Physical Planning is constituted by the following members

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|---------------------------------|--------------------|
| 1. Hon. Gerald Wambugu Mwangi   | (Chairperson)      |
| 2. Hon. Alex Ndunda Makau       | (Vice Chairperson) |
| 3. Hon. Sospeter Nyoko Muriuki  | Member             |
| 4. Hon. David Irungu Wagathoni  | "                  |
| 5. Hon. Sammy Waweru Mwangi     | "                  |
| 6. Hon. Lilian Nyaguthii Kabaya | "                  |
| 7. Hon. Flasia Nduta Chege      | "                  |
| 8. Hon. Cathryn Wanjiku Mwangi  | "                  |
| 9. Hon. Francis Kibe Kamau      | "                  |

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| 10. Hon. Nahashon Gachuhi Mwirigi | " |
| 11. Hon. John Kairu Kimani        | " |
| 12. Hon. Eric Kamande Kimani      | " |
| 13. Hon. Peter Murigi Ngugi       | " |
| 14. Hon. Joel Murigi Muhuha       | " |
| 15. Hon. Lucy Nyambura Ngugi      | " |
| 16. Hon. Jeremiah Kongo Kihara    | " |

The committee's mandate; the Sectoral committee on Land, Housing and Physical Planning is established pursuant to standing order 204 (1). The committee is mandated to deal with all matters related with Land, Surveying and Mapping, Housing, Boundaries and Fencing. The committee derives specific functions on thus exercise on the Standing Order 204(5) (f) which states " to vet and report all appointments where the Constitution or any law requires the Assembly to approve except those under Standing Order 189 ,that is on the committee's appointment. Under the department of Land, Housing, Physical Planning and Settlement the committee oversees the following functions;

1. Land, Surveying and Mapping.
2. Boundaries and Fencing.
3. Housing and Urban Developments.
4. Lands and Physical planning development disputes
5. Conservation and protection of ecologically sensitive areas
6. Exploitation of land and its natural resources.

Acknowledgements; the committee wishes to sincerely thank the Office of the Speaker and the Office of the County Assembly for the necessary support extended to it in execution of its mandate.

The Chairman of this committee takes this opportunity to thank all the members of the committee for availing themselves, patience, sacrifice, endurance and commitment which enabled the committee to complete the task with the stipulated period. The committee wishes to record its appreciation for services rendered by the staff of the County Assembly, their effort and the input made the work of the committee and the production of this report.

It is now my duty on behalf of the sectoral committee of Land, Housing, Physical Planning and Settlement to present this report on the approval of Mr. George Ngugi Ndung'u for the appointment as the Chief Officer for the Department of Land, Housing and Physical Planning.

Mr. Speaker, an advert was placed in the print media on Wednesday, February 14, 2018, on both the Daily Nation and Standard inviting the shortlisted applicants to attend the vetting in the County Assembly on February 26, 2018 at 10 a.m. The committee invited interested members of the public to submit any representation by written statements on oath that is the affidavit, that may have the suitability or otherwise for the nominee of the appointment as the Chief Officer Land ,Housing And Physical Planning to be delivered on or before Wednesday ,February 21, 2018.

On February 26, 2018, the committee conducted the vetting exercise being guided by the Public Appointments (County Assembly Approval )Act 2017 and the County Assembly Standing Orders. The whole process was done by meeting with nominee, examining correspondences from various commissions and institutions and affidavits received from the public. The criteria for vetting or approval of nominee for appointment was followed with aid from the Public Appointments (County Assemblies Approval) Act no. 5 of 2017.

The following criteria was given priority: one, knowledge of area of profession. Two, experience in relevant field, suitability of the position, tax compliance, academic criteria, employment record, professional affiliations, potential conflict of interest and integrity

The nominee for the position of Chief officer- Land and Physical Planning Mr. George Ngugi Ndung'u appeared before the Committee on Land, Housing and Physical Planning on February 26, 2018 at eleven o'clock.

Requirements; pursuant to Chapter Six of the Constitution of Kenya, the nominee had fulfilled requirements of Chapter Six of the Constitution of Kenya 2010, which include a Kenya Revenue Authority (KRA) clearance certificate, police clearance certificate, Higher Education Loans Board (HELB) clearance certificate, Ethics and Anti-Corruption (EACC) clearance certificate and Credit Reference Bureau (CRB) clearance certificate

The Committee also looked at the work and educational requirement; the nominee is fluent in the following languages: Kikuyu, Kiswahili and English. He possesses a Master of

Science from Twente University in the Netherlands. He also possesses a Bachelor of Arts (Urban Planning) from Maseno University.

He worked as a Senior Assistant Director of Urban and Regional Planning Murang'a County. He worked as a Senior Physical Planning Officer in the Ministry of Lands and Urban Development. He was awarded a Scholarship,; the Netherlands Fellowship programme (NFP) by the Netherlands Government, University of Twente; Master of Science

He is professionally associated to the following organizations: National Environment management Authority (NEMA) lead expert registration number 80227. He is a registered Physical Planner under number PP0194 and also a member of the Architectural Association of Kenya (AAK).

Mr. Speaker, the committee attested the nominee's suitability through a series of questions; the committee attested the role of the Chief Officer in charge of lands and physical planning, the nominee stated as follows; the chief officer is the accounting officer in the department.

The department has three sections that is Housing, Survey and Urban/Town Planning. His main role will be to co-ordinate the three departments, making sure that the work plan is executed, making sure that the projects are accomplished in time and coming up with housing projects. The chief officer is in charge of management of workforce within the department. He is also in charge of representation of the department at various levels.

He also commented on the immediate issues to be addressed in the department; the nominee cited the following; he would prioritize staffing of surveyors, planners and housing. Registration of schemes like Ithanga scheme and issue title deeds. Development control of major towns like Kenol and Kangari.

Regarding the challenges facing the department, he informed the Committee of the following; uncontrolled rapid development; so many land disputes i.e. boundary disputes, public land disputes and thus the department spending a lot of time solving them.

Encroachments along the road reserves, lack of enough funding.

On the solution to the challenges; sourcing of funds from other sectors: deal with the issue of vested interests by stipulating the roles and responsibilities of every individual in the department.

He also talked about issuing of public parcels on temporary basis and making it clear that when the land is required by the government, it will be surrendered back.

On how he will solve the issues of land disputes, he said that he will be doing cautions on disputed lands to make sure no transaction takes place, allocating idle public land to individuals on temporarily basis example Kaharati cemetery.

On why he would give the private developers land, instead of the County developing the land, he stated the following by clearly indicating the land is being allocated for a period of time and this directly helps the locals since they earn a source of income rather than leaving the land in question idle.

Mr. Speaker, the following are the reasons why the House should pass this nominee; he has no potential conflicts of interest in the position for which he was nominated for. Number two, he is well knowledgeable and has a passion on matters related to land and physical planning.

Number three; he is well versed with the issues of land and physical planning in Murang'a County. Number four; he will no doubt add value to the Department given the fact that he has vast experience gained when he served as a Senior Physical Planner Officer in the Ministry of Lands and Urban Development. Number five, he meets the constitutional requirements and statutory requisites pertaining to the job he is nominated for.

The Committee recommendations: pursuant to Section 9 (2) of the Public Appointments (County Assemblies' Approval) Act 2017, the Committee found Mr. George Ngugi Ndung'u suitable and recommended him to be appointed as the Chief Officer for Lands and Physical Planning in Murang'a County. I urge the Hon. Members of this House to approve the said nominee and I now call upon Hon. Ndunda Makau to second the Motion. Thank you, Mr. Speaker.

**Hon. Alex Ndunda:** Thank you Mr. Speaker, I am the Vice- Chair for the Committee of Land, Housing and Physical Planning and I stand to second my Chair based on the following observations: the nominee, Mr. George Ngugi Ndung'u is compliant with Chapter Six of the Constitution of Kenya, 2010, by being cleared by the following; Kenya Revenue Authority (KRA), police clearance, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC) and Credit Reference Bureau (CRB).

On his education and experience, the nominee is qualified by being in position of Masters of Science from Twente University in the Netherlands. He also possesses a Bachelor of Arts (BA) in Urban Planning from Maseno University and has worked as a Senior Director of Urban and Regional Planning in Murang'a County.

**The Speaker (Hon. Nduati Kariuki):** Order! You seem to repeating exactly what the Mover said. If you have nothing to say, just say you second.

**Hon. Alex Ndunda:** Thank you Mr. Speaker, as I stand to second my Chair, there are these observations from which I see that the nominee is qualified for the position because of the academic and the clearance from the KRA.

He has also achieved a lot, which I think my Chair has not mentioned. He has concluded the survey and issuance of allotment letters in Mjini, Mutito and issuance of title deeds to so many individuals and institutions like schools. Through his initiative in the Department, he is in the process of preparing plans for Kenol Town, Maragua Town, Kangari Town and Murang'a Town, though not complete.

His normal days' activities include listening to disputes, attending to individual title deeds and representation of the Department. The nominee has also approved some buildings, sub-divisions and changes of users on day to day basis. With all these, I stand to second.

Thank you, Mr. Speaker.

*(Applause)*

**The Speaker (Hon. Nduati Kariuki):** Thank you, I will now read the Special Motion.

*(Question proposed)*

**Hon. Murigi Amos:** Thank you very much Mr. Speaker, I am the Member of County Assembly (MCA) for Kimorori/Wempa. First and foremost, I thank the Chairman and the Committee for the Report and a job well done. This is a very crucial docket in this County and from what I have heard, the nominee is experienced. He has vast knowledge having worked for

this County. I have noted some immediate issues which need to be addressed, of which, the Members of the Committee need to take up with him because we have serious issues.

If you look at Kimorori/Wempa, Mitumbiri block three, Ithanga Ward and some parts of Makuyu Ward, these people still operate under Thika which is in Kiambu. I do not know what can be done on the land registry because they go to Thika for all their issues and I, sometimes, feel we are losing a lot as a County. It is also very embarrassing that they are in Murang'a County but that there are land registry of all those parcels of land still remain operating from Thika and if you look at some counties like Kiambu they have two land registries, they have land registry in Thika and another registry in Kiambu.

And I would like to ask the Budget committee of this Assembly come next year we look at the possibility of having a land registry either at Makuyu because that road connects Ithanga and Murang'a so that those can be served from Makuyu because they prefer Thika because it is near but I know those from Ithanga and Mitumbiri, Kimorori and Makuyu if we have land registry from around that place it will go a long way in making sure they are operating from Murang'a County.

The other issue which needs to be taken into account and I found it missing is that the nominee never mentioned anything to do with expiry of leases which we are meant to understand some of the leases in Kakuzi are going to expire between now and the year 2021. We are also aware the leases in Del Monte which is also in this county, some of their leases are expiring between now and the year 2022. I task this committee to look into that particular issue because I think it has been a historical land injustice to our people and it is time we fix some of these historical injustices.

The other issue as we deal with this and I hope the nominee will take up this issue, we have a problem in my ward which is Kimorori/ Wempa where a sanitary land fill is proposed and this touches on that docket. The issue of that land fill; we hope that the department will take over this issue because I do feel if as an Assembly we allow this project to continue it will do more harm to our people than good. So I will urge the committee to seriously undertake this issue and the nominee to take up this issue.

And as I conclude I think housing is in this department, and considering it is one of the four pillars of His Excellency the President, and considering the proximity of Murang'a to

Nairobi and there is that boom of housing courtesy of the super highway, we need to consider the Finance Bill once it lands in this Assembly because of charges being charged those transporting sand and stones and they pass that extra cost to the consumers who are builders and this might end up discouraging and sabotaging the four pillars of His Excellency the President. I stop there and I support, thank you.

**Hon. Francis Kibe:** Thank you Mr. Speaker, my name is Francis Kibe Kamau MCA Ithiru ward. Considering the seriousness of land matters in our county and the fact that the department of the Land, Housing, Physical Planning and Settlement should be moving, I rise to support the motion. I thank you Mr. Speaker.

**The Speaker:** I ask the mover to respond.

**Hon. Gerald Wambugu:** I thank you Mr. Speaker, on behalf of Land, Housing, Physical Planning and Settlement Committee, I thank you all members for attending today's Assembly and I urge you all the members to support the nominee and the department of Land, Housing and Physical Planning to execute its mandate. I thank you Mr. Speaker.

**The Speaker:** Thank you, although you did not actually respond to the members' contribution.

*(Question put and agreed to)*

**The Speaker:** There been no other business, this Assembly is adjourned until Tuesday next week at 9:30 a.m. Thank you.

*The House rose at 3:17 p.m.*