

**REPUBLIC OF KENYA**  
**MURANG'A COUNTY ASSEMBLY**  
**THE HANSARD**

Wednesday, 9<sup>th</sup> October 2024

The Assembly met at 10:15 a.m.

*[Temporary Speaker (Hon. Hanna Wairimu) in the Chair]*

**PRAYER**

**PAPER**

REPORT OF LAND, HOUSING AND PHYSICAL PLANNING COMMITTEE ON REVIEW  
OF THE MURANG'A COUNTY HOUSING POLICY

**Hon. Chefman Njoroge:** Thank you very much, Madam Speaker. On behalf of my Chair who is out on other responsibilities for the County, and as the vice of the Land, Housing and Physical Planning, Madam Speaker, I beg to lay the following Paper, that, pursuant to Standing Order 134 (4), the Report of the sectoral Committee on Land, Housing, Physical Planning and Settlement on review of the Murang'a County Housing Policy, be laid on the Table of the Assembly.

Thank you, Madam Speaker.

**Temporary Speaker (Hon. Hannah Wairimu):** Next order.

**NOTICE OF MOTION**

ADOPTION OF REPORT OF LAND, HOUSING AND PHYSICAL PLANNING  
COMMITTEE ON REVIEW OF THE MURANG'A COUNTY HOUSING POLICY

**Hon. Chefman Njoroge:** Thank you very much, Madam Speaker. I beg to give a notice of the following Motion; -

That, this Assembly adopts a Report of the sectoral Committee on Land, Housing, Physical Planning and Settlement on review of the Murang'a County Housing Policy, laid on the Table of the Assembly on October 9, 2024.

Thank you, Madam Speaker.

## SCHEDULE OF STATEMENTS

### APPROVED BUSINESS OF THE ASSEMBLY FROM THE WEEK COMMENCING TUESDAY OCTOBER 15, 2024 TO WEDNESDAY OCTOBER 16, 2024

**Hon. Antony Marubu:** Thank you, Madam Speaker. I beg to issue the following Statement; that, pursuant to Standing Order 46 (2) (a), it is notified that the House Business and Rules Committee, at its last meeting, approved Business that will come before the Assembly from the week commencing Tuesday, October 15, 2024 to Wednesday October 16, 2024 as per the attached program.

Madam Speaker, on Tuesday 15, 2024, morning sitting, there will be Paper laying, on a Report on committees second half year progress for financial year 2023/2024; that is January to June 2024 and work plans for financial year 2024/2025 and local travel for financial year 2024/2025 by the chairperson Liaison Committee.

There will also be a Paper on Report on the status of co-operatives societies in Murang'a County as at July 2024 by the chairperson Trade, Industrialisation, Cooperatives management, Tourism and Wildlife Committee.

There will be a notice of Motion by the chairperson Trade, Industrialisation, Co-operatives management, Tourism and Wildlife Committee about the adoption of Report on the status of co-operatives societies in Murang'a County as at July 2024.

There will be a notice of Motion, by the chairperson Liaison Committee, about adoption of a Report on Committees second half year progress for financial year 2023/2024, (January to June 2024) and work plans for financial year 2024/2025 and local travel for financial year 2024/2025.

There will be a Motion, about adoption of a Report of public participation on the land use development plan undertaken in Murang'a South by the chairperson Lands, Housing, Physical Planning, Settlement Committee.

There will also be a Motion about adoption of a Report on revival and upgrade of tourism attractions sites and cultural centres in Murang'a County moved by the chairperson Trade, Industrialisation, Cooperatives management, Tourism and Wildlife Committee.

Madam Speaker, on Tuesday October 15, 2024 afternoon sitting, there will be a Paper laying about Report of status of a National Agricultural Value Chain Development Project

(NAVCDP) in Murang'a County as at 30<sup>th</sup> June 2024 by Chapman Agriculture, Livestock and Fisheries Committee.

There will be a notice of Motion about the report on status of the National Agricultural Value Chain Development Project (NAVCDP) in Murang'a County as at 30<sup>th</sup> June 2024 by the chairperson Agriculture, Livestock and Fisheries Committee. There will be a Motion moved by the chairperson Land, Housing and Physical planning and Settlement Committee, about the adoption of a report on review of the Murang'a County Housing Policy.

There will be another Motion moved by the chairperson Information Communication and Technology (ICT) and E-government Committee about the adoption of Report on e-waste management in the County.

Madam Speaker on Wednesday October 16, 2024 in the morning sitting, there will be a Statement, let me read; it is notified that pursuant to Standing Order 46 (2) (a), the Hon. Speaker has approved the following Statement to be issued today Wednesday October 16, 2024. It is about approved Business of the Assembly from the week commencing Tuesday October 12, 2024 to Wednesday October 13, 2024 and this is from the one of the members of the House Business and Rules Committee. There will be will be another Business, request for Statement on implementation status of recommendations of a report of public petitions by residents of Kahumbu ward regarding limited access to water.

There will be a Motion about the Report on status of the National Agricultural Value Chain Development Project (NAVCDP) in Murang'a County as at 30<sup>th</sup> June 2024 and the Motion will be moved by the chairperson Agriculture Livestock and Fisheries. There is no other Statement.

Thank you, Madam Speaker.

## MOTION

### ADOPTION OF REPORT OF HEALTH SERVICES COMMITTEE ON COMPLAINTS BY RESIDENTS OF IRURI SUB-LOCATION IN MATHIOYA SUB- COUNTY ON THE UPGRADE OF IRURI DISPENSARY

**Hon. Morris Ngunu:** Thank you, Madam Speaker. On behalf of my Chair Health committee. I beg to issue the following Motion; -

That, this Assembly adopts the Report of the sectoral Committee on Health Services regarding complaints by residents of Iruri sub-location in Mathioya sub-county on the upgrade of Iruri dispensary, laid on the Table of the Assembly on October 8, 2024.

Members have the report in the files, I wish to highlight the following issues. on July 31st 2024, the County Assembly through the office of the clerk received a copy of a complaint letter addressed to the Governor from residents of Iruri village in Mathioya Sub-County. The letter was referenced as a follow-up on request to upgrade Iruri dispensary to a Health Centre.

The residents sought the intervention of the Assembly on the following concerns;

1. That in November 2022, they wrote to the office of the Member of County Assembly, Kamacharia Ward and gave copies to the County Assembly requesting the upgrading of Iruri dispensary to a level three hospital.
2. That Iruri dispensary is believed to be the oldest in Mathioya sub-county having been established in 1964.
3. That the dispensary had being elevated to a health centre and a maternity introduced to where several mothers had delivered. However, it was later down-graded to a dispensary.
4. That the facility has not benefitted from the popular Murang'a County development funds.
5. That the community was not involved in the selection of the recently gazetted member of the facility board of management.
6. That recently, the delivery bed and some subordinate staff were transferred from the facility.
7. That another maternity ward has been built through ward development fund just 4 kilometres away from Iruri dispensary
8. The residents feel that the facility and the Iruri sub-location has been left behind in terms of development.

Madam Speaker, I beg to give the Committee recommendations. One, the Committee made the following recommendations, notwithstanding Madam Speaker the Committee clearly says there is another maternity ward that has been built through the ward development fund just four kilometres away from Iruri.

Madam Speaker, in as far as we are giving the Committee recommendations, I think that is a very important point to note. That in as far as a County we would want to have many health facilities, four kilometres radius is a very good distance that can be shared among many residents including the Iruri residents.

Number two, having said that the community have not benefitted from the popular Murang'a County ward development fund, with all the due respect of an able elected Member of the County Assembly of Kamacharia, I feel this is not fair to the said member having done many other projects along the area. I use the route but allow me to read the recommendation Madam Speaker. That the residents of Iruri sub-location do take the note that Iruri dispensary is registered as level two facility and has never been elevated to health centre.

That within 60 days after the adoption of this Report the CECM member for Health and Sanitation undertakes the following; provide a budgetary provision for reviving the maternity ward in the facility thus giving the facility a benefit of an upgrade to its next level.

Madam Speaker I want to give an input to that, I am not very sure whether the Committee gave a budget towards the recommendations that have been provided, and also ensure that the medical staff are employed in the facility.

That the adopted Report by the County Assembly be forwarded to residents of Iruri location for guidance and information.

Madam Speaker, I am not sure whether I can find a member who belongs to Health Committee to second the Motion. I stand to be guided Madam Speaker.

**The Temporary Speaker (Hon. Hanna Wairimu):** Okay, when a Motion has not been moved and if necessary, seconded, the Speaker shall propose the Question therefore in the same terms as the Motion and debate may then take place upon that Question. And with my guidelines I may request the member defer the putting of the Question to the following day in which the day the Speaker shall there upon nominate a time in which the Question shall be put.

Next order.

## MOTION

### ADOPTION OF A REPORT ON PUBLIC PARTICIPATION ON LAND USE DEVELOPMENT PLAN UNDERTAKEN IN MURANG'A NORTH.

**Hon. Chefman Njoroge:** Thank you very much Madam Speaker, I beg move the following Motion;-

That this Assembly adopts the Report of sectoral Committee on Land, Housing, Urban and Physical Planning on the report of public participation undertaken by the department of physical planning on local physical and land use development plan undertaken in Murang'a North on August 21, 2024 at ACK mothers union hall and laid on the Table of the Assembly on October 8, 2024.

Madam Speaker, it is my privilege to present to this Hon. House the Land, Housing, Physical and Urban Planning Report on the deliberations during the public participation exercise held on 21, 2024 at ACK mothers union hall in Murang'a town regarding the Local Physical and Land Use Development Plan for LR number 12157/8 located in Makenji that is Maragua sub-County. A Local Physical and Land Use Development Plan (LPLUDP) serves as a blueprint for the orderly growth and sustainable development of a specific area. The plan provides a framework for the efficient and effective use of land while considering socio-economic environmental and cultural factors. The LPLUDP provides a clear vision and framework for how the Cedar Del Monte land will develop. It ensures the infrastructure housing industry and other facilities are well planned and do not lead to a hazard or unregulated growth. The key areas that were highlighted in the plan are as follows and will be discussed in depth in the Report: -

- a) Orderly development; it ensures that the land use is well co-ordinated and planned preventing hazard and inefficient development.
- b) Efficient use of resources; by planning land use resources such as infrastructure and public services can be used more efficiently reducing costs and improving service delivery.
- c) Environmental protection; these plans help to safeguard the environment by designated areas of conservation and ensuring that the development is sustainable.
- d) Community needs; they address the local needs and opportunity related to housing and the economy community facilities and infrastructure.
- e) Public participation; the planning process often involves public participation ensuring that the community needs, and preferences are considered.

- f) Legal framework; provides a legal framework for land use decisions helping to resolve dispute and guide future developments. Public participation is one of the national values and principle of governance under the Constitution of Kenya. This is in the keeping with the national aspirations expressed in the preamble of the Constitution in which Kenya commits itself to. Establishing a government based on the essential values of human rights, equality, freedom, democracy, social justice, and the rule of the law. Such a government would not be possible without public participation. Under the Constitution, relationship between the people and the state has been redefined. The Constitution, clearly, states that all sovereign power belongs to the people and can be exercised by them directly or through their democratically elected representatives.

The Constitution further states that the power exercised by state agencies is delegated and can only be exercised by its provisions. Public participation is now considered a critical pillar of what has been variously described as participatory democracy deliberate or discursive democracy and even radical democracy. There is increasing recognition that democracy requires much more citizenship participation in governance than in ordinary possible through representation by elected officials.

Citizens' participation in government decision-making is fundamental to the functioning of a democratic system of governance as stated in Chapter One of the Constitution of Kenya, 2010. Public participation in the legislative activities of the government, whether Executive, Judiciary or Legislature is a fundamental Constitution principle as provided for in Articles 110, 35, 118, 119, 124, 201, 221, and 232 of the Constitution of Kenya. Public participation has many benefits some of which are one, citizen empowerment. Two, the generation of a new diverse and innovative ideas and actions. Three, enhancement of citizenship government relations. Four, legitimization of government programs, appropriate position of projects, and improved delivery of public service and government responses.

The importance of public participation is captured in Article 118 of the Constitution which mandates government whether National or County to facilitate public participation and enrolment in the legislative process. Citizen involvement in policy making and implementation strengthens and depends good governance, international and regional agreements, which Kenya is a signatory to in public participation are surpassing government to take the steps to improve transparency participation and accountability.

The process of preparing ULPLUP is summarized in page 15 of the Report. Madam I think the members can check their files, there is a whole summary about the Report. That is the issue of stage, purpose and output. If I can name two or three of them, on the side of the stage we have preparatory which involves, preparation for the planning process, resource mobilization, planning needs assessment.

Under output is work plan budget and securing consultancy the other stage is on situational analysis the purpose is mapping, socio-economic surveys Visioning and objective setting, data collection analysis and interpretation the output would be base map, situation analysis report, preliminary vision, state of the urban area report, thematic maps. There is also the issue of preliminary formation whereby that is the stage and the purpose is formulating proposals, policy states and action plans. On the output we will get the draft land use plan report. Those are some of the finalized in the members Report, they can just check so that we can understand better on that.

Currently, the plan is at the third stage after the successful public participation and the Committee is awaiting the final land use plan to be developed by the CECM as per Article 183 (2) of the Constitution.

Madam Speaker, as Committee members we had these observations on public participation, the public participation in land use planning is about getting input from residents in the County on how land should be used—whether it's for housing, parks, businesses, or other needs. The aim of having the public participation process for the local physical and land use development plan for LR NO 12157/8 was to collect feedback from a wide array of stakeholders to ensure that the land use plan is comprehensive and equitable. By engaging County residents, business owners, and marginalized groups, the County government planners easily identified and addressed diverse needs and perspectives, leading to a more balanced and effective plan. This approach also helped in building community support and reducing potential conflicts by making sure all voices were heard and considered.

The scope of the participation can be divided into three main categories; one category is stakeholder engagement: this is reaching out to a wide range of stakeholders, including residents, business owners, community organizations, and special interest groups. This helps ensure that different viewpoints and interests are represented which was impressively done.

Information dissemination Madam Speaker, this Includes sharing information about the land use plan, its objectives, and proposed changes. Quite unfortunately many residents had not



seen the plan before attending the public participation. On feedback collection, gathering opinions from residents on their concerns. This helps in understanding community needs and preferences. The Committee hopes that once Tabled the plan shall encompass the views of the public.

However, the Committee noted several challenges; number one, many of the residents in the County struggled to understand the land use planning process because it was too complicated. The presenters used too much technical language and jargon, making it hard for people to follow along or know how it affected them. This made it difficult for them to participate effectively or share their opinions. The Committee observed that intellectual groups, like business owners and developers, took over the discussions. Their voices were much louder and stronger, making it hard for regular community members to be heard or have their opinions considered. This created an imbalance in the conversation, with the interests of the general public being overshadowed.

The County Government officials were more focused on short-term goals, like issuing parcels of land to investors to build factories to boost their revenue collection and income-generating opportunities for residents around the area. However, they didn't pay enough attention to the long-term effects these decisions could have on the community and the environment. This focus on immediate gains overlooked potential issues that could impact residents' quality of life or harm surrounding natural resources in the future.

The meeting was held on a day when most residents were at work, making it hard for them to attend. A Saturday or Sunday would have been better for many. If the weekend didn't work for the planners, scheduling the meeting during lunch hour or after 5pm would have made it easier for more people to participate.

Some residents from the County mentioned they were uncomfortable attending the meeting because it was held in a church hall. Their discomfort was due to religious or personal beliefs, and they felt that holding the meeting in a neutral, non-religious venue would have been more inclusive and welcoming for everyone

County residents had different opinions on how the land should be used. Some wanted more open natural spaces for the community, while others pushed for agri-business opportunities. Some people wanted to preserve cultural or heritage sites, especially those important to the local Agikuyu community or groups with deep connections to the land. These conflicting ideas made it hard to reach a consensus on the best use of the land.

County residents had the notion that it was a mere formality to undertake the participation they noted previously that during such participation their voices were ignored in the past, so they don't trust that their input will matter this time.

After the Committee noted about those challenges, the Committee came up with recommendations;

1. The Committee recommends that the County Executive Committee Member (CECM) for Land should undertake the following steps to ensure that future public participation exercises in land use physical plans are more inclusive and effective for everyone involved;
  - a) County government officials should avoid using complicated words and technical terms. Instead, they should explain the land use plan in simple, easy-to-understand terms. They should also provide clear materials, like brochures or maps that will aid in helping them understand how the plan will impact the community. This will help everyone understand the plan better and see how it affects them
  - b) The meeting planners should ensure that all groups in the community are given an equal chance to share their opinions, regular residents, marginalized groups, business owners and developers should all be included in the deliberations
  - c) The County Executive Committee Member (CECM) has to make a challenging decision or balance to strike between immediate economic benefits to the county government against the potential long-term impacts on environmental sustainability and community well-being. One approach is to conduct thorough impact assessments and engage in transparent dialogue with all stakeholders. This way, they can make informed decisions that aim to optimize both current needs and future sustainability
  - d) Scheduling of public participation should be done at more accessible times which may help in ensuring broader community involvement. Providing multiple opportunities for participation can also make it easier for people with different schedules to contribute their input.
  - e) Neutral venues are important for making everyone feel welcome and ensuring that the venue doesn't unintentionally exclude or alienate participants. Community centers, public libraries, or other civic spaces can often serve as good options as compared to church compounds. It's all about creating an environment where all voices can be heard without any added barriers.

- f) Regular updates and clear communication from the department are key to building trust and keeping the residents in the County engaged. Using a mix of channels like local newspapers, radio announcements, and community boards can help ensure that information reaches a wide audience. It also shows that their feedback is valued and taken into account, which can encourage more active participation ensures that the collected feedback is analyzed and considered in the development and refinement of the land use plan. Once the public participation report is submitted to the Assembly for adoption, the Committee will review the report thoroughly, focusing on the following key areas

What was the aim of having the public participation process and whether it was accomplished, I will urge you then to support this Motion factoring and considering all the public participation which was done and it will help us to move forward and make sure that the land utilization and the land use as per the people's public participation is well taken care of and taken care.

So, I'll just require the Members and request them humbly, that the Committee did its work and I thank also the Members of the Committee on behalf of the Chair that this was observed, this is what we saw is best for the County from the observation and the recommendations and the way forward for our land use and utilization in Murang'a County. As we make it green and better so therefore is my privilege to call upon uh honorable Hon. Hillary Muigai from Ichagaki ward to second the Motion. Thank you.

**Hon. Hilary Muigai:** Thank you Honorable Speaker. I stand to second the Motion. Thank you.

*(Question proposed)*

**Temporary Speaker (Hon. Hanna Wairimu):** Hon. Wairagu

**Hon. Edwin Wairagu:** Thank you Hon. Madam Speaker. Following what the Mover of the Motion has just led us through I will support with what I have just heard, I will support the Motion but my concern is, some of these Motions are of high integrity they very require a lot of insight, a lot of information. And the Mover of the Motion, he referred to that we check on our files, we are going the Motion there, there is nothing on my file. I have tried to look within what is there, that is something he needs to be collected, he may not know that we do not have those

documents in our files because such kind of a document or information it should be really properly addressed and for us to internalize to know what is happening.

Having said that, I would, as I support because we were taken like in a lecture hall because we were not able to follow what was happening along the way we got lost. But even what I'm going to contribute upon is a maybe lost or being found but I will say that particularly he mentioned, which of course I support about the public participation. All of us we know that some of these public participations as much as we are saying, that they are following the threshold of law some of these areas are questionable but I am happy to hear that they took the public participation in a hall but the people, the members were not comfortable. So in future Madam Speaker although we would apply what we say in some other terms *mutatis mutandis*, that means sometimes you may accept what is there without farther explanation or may be due diligence but it's always good, it is important for us to know some of these things when they are taking place, particularly it has been mentioned, the issue of public participation was done in Murang'a North, that is where I come from. I need to know of course I will visit their office or their Committee, if I had the document I would have known the thresholds which were covered, what are these level which were covered.

So, in future, is that, when you are talk about public participation because this is what is eating our nation about public participation that some things are being done hurriedly to pass something like that. So, I would request that public participation, if they are to be done, let the Members know that a certain public participation particularly the Members that come from that within that area to know exactly what is happening. Because even our views as elected Members are very vital to anything to be done in our area. Thank you, Madam Speaker.

**Hon. Gladys Waikau:** Thank you Madam Speaker. I echo the sentiments of my colleague, Hon. Wairagu and also say that, land is a very contentious issue that should be dealt with utmost seriousness. And not having the document with us, we want to say that the vice- chair of the Committee has just mentioned the challenges that they encountered when making the Report. Public participation, the hard words and the whatever. I think he is also making it hard for us the same way they encountered the hard way. So, I think this report like they are saying they have met challenges and we are also meeting challenges. I think we should have the documents with us, read, and also, I feel we should be brought the documents so that we read and understand what we are adopting. Otherwise, I support.

**Temporary Speaker (Hon. Hanna Wairimu):** I call the mover to respond.

**Hon. Chefman Njoroge:** Thank you very much Madam Speaker, As I respond to my learned fellow *mheshimiwa* (honourable) Wairagu from Gitugi regarding the concern of missing the file, I was notified about the breakdown of the photocopy machine and we were looking for a way of getting copies outside the Assembly but I was well guided the government materials cannot be photocopied outside in a private machinery. I think through the guidance of the chair that is the communication I got. I think the management or the person concerned about the photocopy is about we buy a second one or two of them so that if one fails the other one acts. It was a technical hitch and we had no control of it but it well to be noted that we normally try to get copies in time and the files. So, it was communicated Madam Chair and it is my apology that members can still follow up and that is why I tried to read everything with the copy I got and which was availed to the Committee. My apologies for that and I think next time it will not happen.

However, the issue of announcement, my learned fellow through the chair, I think it is good people also to be reading the newspapers, radio adverts and all that stuff and also the communication from the public, it was done. We have a tendency Madam Speaker, whereby when you announce the participation, majority of our people and I think it is high time we start giving civic education to our people that when there is announcement of the public participation, they should avail themselves. But it has become a tendency where when the public participation is announced the people have that character of thinking in our language, will they be given something? That is something small. If they hear that there is nothing that they will be given in that public participation, they will not attend but they will be the first to complain that the public participation was not done the right way.

I know the Murang'a County has been doing a lot of public participation and even information through the TVs and radios, in our all-social media but I think *mheshimiwa* (honourable) from Gitugi will assist me in future, when he hears this announcement to pass them also to his residents so that they can be able to know. It was done according to how it was supposed to be done. It is only that we have tendency of ignorance of it. It is only when people they hear that or they are told that something will be given is when they come in large numbers. Thousands of them but when you call for a baraza and all that stuff they will not attend. So, I think that one we shall share and do the civic education.

Madam Speaker, also the same response applies to Hon. Gladys also known as Mama Mazingira regarding the land documentation. I explained myself about that and about the issue of the photocopy machine having a mechanical problem. I will forward the complaint personally to the relevant authority to make sure that we have at least, a second one in case of failure. So, I will just request the members to support the Motion as it is and also, we have heard what the concerns are, and we continue improving as we go by. So, members I request you support the motion and we make sure that we make Murang'a County once more again great and a rich County and also having proper planning.

Thank you, Madam Speaker.

*(Question put and agreed to)*

**Temporary Speaker (Hon. Hanna Wairimu):** Next order

#### **ADJOURNMENT**

**Temporary Speaker (Hon. Hanna Wairimu):** Honourable Members, there being no other Business, the House now stands adjourned until Tuesday, October 15,2024 at 9:30 a.m.

*The House rose at 11:05 a.m.*