

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Third Assembly (Second Session)

Tuesday, 26th September 2023

Assembly Building

The House Met At 3:30 PM

[The Speaker (Hon. Joel Karuri): In the Chair].

PRAYER

PETITION(S)

RESPONSE TO KIPLHEMEIYWO RESIDENTS

The Speaker (Hon. Joel Karuri): There are Petitions and there is a response to a Petition that will be responded by the Chairperson Committee on Lands, Housing and Physical Planning. The Report on the Committee on Lands, Housing and Physical Planning on the Petition by the residents of Kiplemeiywo Village, Kiptagich Ward, Kuresoi South Sub-County, seeking the County Assembly, through the relevant County Executive Department to undertake a fresh Plot Allotment Public Participation exercise of the Plots in Kiplemeiywo Village. Chairperson Lands Committee.

Hon. Peter Palang'a: Thank you Mr. Speaker sir. I want to believe that Members have this Report so that it can also save us time.

COMMITTEE MEMBERSHIP

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| 1. Hon. Peter Palang'a | - | Chairperson |
| 2. Hon. Eliud K. Chege | - | V/Chairperson |
| 3. Hon. Wesley Lang'at | - | V/Chairperson |
| 4. Hon. Alex Mbugua | | |
| 5. Hon. Ali Hassan | | |
| 6. Hon. Ann Wamaitha | | |
| 7. Hon. Bernard Gatuso | | |
| 8. Hon. Bethsheba Kerubo | | |
| 9. Hon. Catherine Mwangi | | |
| 10. Hon. David K. Muraya | | |
| 11. Hon. Degaulle Naburuki | | |
| 12. Hon. George Kanure | | |
| 13. Hon. Fadhili Msuri | | |
| 14. Hon. John Mwangi Macharia | | |
| 15. Hon. Joseph Nware | | |
| 16. Hon. Mary W. Njoroge | | |
| 17. Hon. Neto Sakwa | | |

18. Hon. Paul Lang'at
19. Hon. Peter Njoroge
20. Hon. Samuel Ngarama
21. Hon. Samuel Tonui

Acknowledgement

Mr. Speaker, I take this opportunity to thank Members of this Committee for their commitment and contributions during the Committee Report Writing. I also thank the Office of the Clerk and the Speaker for the facilitation during this visit.

On behalf of the Committee, it is my pleasure and duty to present the Report of the Committee on Lands, Housing & Physical Planning.

Introduction

Mr. Speaker, the residents of Kiplemeiywo Village in Olenguruone, Kuresoi-South Sub-County petitioned the County Assembly of Nakuru concerning plot allotments at Kiplemeiywo Trading Centre.

The main Petitioners representing the residents of Kiplemeiywo Village in this Petition are Samuel K. Mibei and Samuel K. Lang'at. However, there are 94 other Petitioners in this Petition.

The Petitioners in this Petition gave the grounds of their Petition as follows:

1. That, on September 2021, the County Executive Committee Member for Lands, Housing and Physical Planning set out in an exercise to allocate plots within the newly established market space in Kiplemeiywo Trading Centre.
2. That, the aforementioned exercise was undertaken in complete disregard of the relevant procedures and rendered the whole process a nullity.
3. That, the County Officers in the Department together with the Sub-County Administrator and in the presence of the area Chief, oversaw a seriously flawed exercise where there was no Public Participation as provided for under Section 3 (c), (f) and 4 (f), (j) and (h) of the County Public Participation Act, 2016.
4. That, the Sub-County Administrator failed to act in good faith by not conducting an all-inclusive Public Participation during the allocation of plots to the residents, leading to the locals failing to secure a reasonable number of allocated plots, whereas majority of the plots were allocated to non-residents.
5. That, the Sub-County Administrator selected a Committee to oversee the process of plot allotment without a reasonable notice of a meeting to the residents and therefore, they were not given a reasonable opportunity to participate in the nomination of the village representatives in the said Committee.
6. That, the Committee having been appointed, proceeded to oversee an illegitimate process whereby all of them were rewarded with more than one unit of the available plots as well as their spouses.
7. That, efforts have been made to have the matter addressed by the Sub-County Administrator and it failed to give a satisfactory response.
8. That, the issues in respect of which the Petition is made are not pending before any Court of law, or any Institution or Legal Body.

Mr. Speaker, the Petitioners' prayer to the Committee on Lands, Housing and Physical Planning is to set aside the plot allotment exercise conducted in the said date and order the County Executive Committee Member to undertake the exercise afresh taking into serious consideration the need for wide Public Participation and considering the relevant laws and policies.

LEGAL PROVISIONS ON PETITIONS

Standing Order 196(1) of the Nakuru County Assembly Standing Orders, A Petition means a written prayer to the Assembly by a Member of the public requesting the Assembly to consider any matter within its authority where any fundamental freedom provided for in the Constitution is allegedly denied, violated, infringed or threatened.

Mr. Speaker, on 28th March, 2022, the Committee members of Kiplemeiywo Trading Centre sent a Counter Petition to the Committee on Lands, Housing and Physical Planning refuting the grounds given by the Petitioners. This one, I want to emphasise because I want to reiterate it later that after the Petition that we had received with those background issues that I had raised on 28th March, the Committee has received another counter Petition to the Assembly giving the facts as they all briefed. It is good to note that ...

The Speaker (Hon. Joel Karuri): What is it Hon. Majority Deputy Whip?

Hon. Leah Serem: Thank you Mr. Speaker sir. I arise to ask this Honorable House if *Mheshimiwa* Muraya is in decorum.

The Speaker (Hon. Joel Karuri): *Mheshimiwa* Muraya, there is a question as to whether you are in decorum. Use your Microphone, kindly.

Hon. Mwangi Muraya: Thank you Mr. Speaker sir. I am in full decorum. Maybe, she can elaborate what kind of decorum she is referring to.

Hon. Leah Serem: Thank you Mr. Speaker sir. I doubt because I normally see our President wearing those clothes during functions.

The Speaker (Hon. Joel Karuri): What is it Hon. Hassan?

Hon. Ali Hassan: Thank you Mr. Speaker sir. I want to confirm before this House that *Mheshimiwa* Muraya is not in decorum. He is not appropriately dressed for this House. The clothes that he has put on are not suitable for this House. They are suitable for Church and a Mosque out there. Thank you.

The Speaker (Hon. Joel Karuri): Honorable Member for Maai Mahiu

Hon. Eliud Chege: Thank you Mr. Speaker sir. I think the decorum of this House you have repeated it not once or twice. It is simply a good shirt and a tie. When I see Honorable Mwangi Muraya, he is not in a tie and if we encourage it, we are going to lose the dignity of this House. The Honorable Member is completely out of dress code.

Hon. Njuguna Mwaura: Point of Order Mr. Speaker sir. Two Members cannot stand on the floor while other Members are deliberating on an issue.

Hon. William Mutai: Thank you Mr. Speaker sir. I think it is true that the decorum of this House is well described and when you fail to adhere to the same, that is a sign of laziness, disrespect and I want to ask the Chair that you give direction for Hon. Muraya to leave this House.

The Speaker (Hon. Joel Karuri): Honorable Member for Lakeview Ward, previously, you...

Hon. Alex Mbugua: Thank you Mr. Speaker sir. I know I speak for the devil. A Kaunda Suit is a suit. We must appreciate the diversity of this Nation. We cannot have the head of State putting on a Kaunda suit and we the lieutenant and the soldiers that he leads cannot put on the same. On Friday, we shall be having a Meeting in Nairobi, Bomas of Kenya and I think everyone should go there in a Kaunda suit. He is in decorum.

The Speaker (Hon. Joel Karuri): The Honorable Member for Kamara.

Hon. John Maritim: Thank you Mr. Speaker sir. What Honorable Muraya has won is what we need to wear in future. It is very beautiful. It is African and I believe that you cannot put a tie no a Kaunda suit. We can experiment it but the gentleman will look like a cartoon if he puts on a tie. The best thing we can do is, for now, we adopt that clothing so that even tomorrow, I can come with one and it will be okay. Thank you.

The Speaker (Hon. Joel Karuri): Hon. Member for Eburu Mbaruk Ward.

Hon. Michael Gathanwa: Thank you Mr. Speaker sir. As much as I am sharing in the sentiments that we are diverse and we have our African culture, I also think we cannot amend the Standing Orders just merely on the floor and as we are here today, the Standing Orders have described a different dressing code. Thank you.

The Speaker (Hon. Joel Karuri): Thank you. The last person and then the Honorable Member for Viwandani Ward will have an opportunity to talk.

The Speaker (Hon. Joel Karuri): The Honorable Member for Olkaria Ward.

Hon. Peter Palang'a: Thank you Mr. Speaker sir. I hope I will resume my presentation after this. Just on this, I think we have had some serious discussions about the issues of decorum in this House. If my memory serves me well, I remember even outside this Assembly when we were in Kisumu, we really deliberated seriously on what the decorum entails. It is my request that we should not at any given point have double standards until and unless this House adopts the way forward. We cannot apply double standards. Your memory which I know is very fresh, you gave a direction. My point, please, can you jog your mind and get to know the directions you gave and you give the same direction that you had given. Thank you.

The Speaker (Hon. Joel Karuri): Thank you. Honorable Member for Viwandani Ward, are you in decorum?

Hon. Mwangi Muraya: Mr. Speaker sir, I am in decorum because they are referring to what I am wearing as a Kaunda suit. If I get them well, you cannot wear a Kaunda suit with a tie and again, I want first of all to correct my brother, Honorable Eliud Chege that I am not in a shirt. This one is not a shirt; it is a coat. He cannot differentiate between a shirt and a coat. I do not expect that he really understands about the kind of decorum he is referring to.

Secondly, I think what Honorable Members have been wearing in the floor of this House is not what I am wearing today and I am not saying that I am special. I am now shifting or entering into the new reality of where we are headed to as a Country, being led by the Head of State. He cannot mislead this Country by what he is wearing. I think Honorable Members need to understand and to see where we are headed to because I would also wish to see Honorable Hezzy wearing a Kaunda suit tomorrow. I think I am in decorum and your ruling from your end will justify whether I am in decorum or not. Thank you.

The Speaker (Hon. Joel Karuri): Thank you. Honorable Muraya, you are attracting a lot of trouble. When you say that the Head of State cannot mislead us on matters of occasion and on matters of this House, we are not able to say that whatever Leaders would wear, then we are going to customise and domesticate it for this House.

Honorable Mwangi, today you are in a Kaunda suit. Members have agreed to that but to avoid this confusion, we are going to allow you for this Afternoon but it needs to be noted very strongly that we are going to stick to what we have agreed on as a House. We are not going to have grey areas. It is either white or black. You are inviting us to look at the grey areas. As a House, we are not going to go to that direction but because the Members have agreed that you are in a suit, then this needs to be the last time that such ambiguity is going to be presented to this House.

Hon. Peter Palang'a: Thank you Mr. Speaker sir. You remind me the days that I reminisce in my life under the Leadership of Honorable Kenneth Marende. I wish to move by saying that I had started saying the second Petition from the Members from the same area and this time round, the Members who benefited from the allotments.

Mr. Speaker, the Report I am giving was occasioned as the Report or the Petition from the people who purportedly lost within the balloting. We received the other Petition and it talked of so many issues; the balloting exercise was fair and was witnessed by the area MCA of Kiptagich Ward and in that Petition, just to single out number (7) of it, that is on page 5, it talks of those wrangles that arose from those who did not succeed in getting the plots during the balloting.

Mr. Speaker, it is important to note that the Committee received two Petitions from two different groups of people from the same area. The Committee on Lands, Housing and Physical Planning conducted primary Public Hearing and the Committee undertook a number of sittings. We have not attached the photos but we have very many photos because of the bulkiness of the photos. They are around 160. There were those photos that were taken during the Public Meetings.

Mr. Speaker, I wish to take note that those who were to ballot, we established that there was a Committee that was formed by the Members themselves. They elected some Members to oversee the process. Those Members who had been appointed were;

1. Wilson Rutto-Chairperson
2. Robert Rono-Secretary
3. Emily Cheruto-Treasurer
4. Daniel Bet-Member
5. Richard Cheruiyot-Member
6. Newton Kibet-Member
7. Joseph Kibet-Member
8. The area Chief Mr. Wickliffe Too was also in attendance

Mr. Speaker, this Committee, having been appointed was to oversee the balloting process. We were also to establish that they had to collect some Kshs. 1000 for every Member for him or her to qualify to ballot. I think in their own understanding, they had to set a criterion on how or who to ballot.

Mr. Speaker, let us just go back a little bit. The land under sub-division was 20 Acres. Some land was set aside to be riparian land because that location has a River that is passing there so there was land that was set aside, one and a half acres (1.5 acres). There was an Open-Air Market that was set aside of one acre, an Open Park, that is for vehicles parking, one acre, tree nursery with one and a quarter acre then within the allocation, there were some 3 Churches that had complied by paying Kshs. 1,000 as the criteria set by the Committee and so within the allocations, the three Churches; PEFA, SDA and Apostolic Church.

Mr. Speaker, out of all the submissions by the Members, in summary, this is what we established; that those people who had registered for balloting within the balloting process, there were 100 Plots. It was evident enough that everyone who had balloted could have gotten the plot or the space. In that regard, out of the 200, the 100 Plots that were available, 6 of them were set aside for the Churches. Every church that benefited was given two plots then there were 94 plots that were left for balloting.

Mr. Speaker, as we were going through this process, we invited different people, other than the Petitioners. We also invited the Planner, the Surveyor and contrary to the submission of the first Petitioners that this sub-division and planning was done by Private Owners, we were able to establish that this process was undertaken by the Lands and Physical Planning Department by having the Planner and the Surveyor undertaking that.

Mr. Speaker, with all due respect, let me make an observation without getting word by word in terms of what we got. We had to interrogate all the people, including the Surveyor, Planners, the Ward Administrator and the Sub-County Administrator. It is worth noting that, in our establishments, those meetings that were Public Participation which was coordinated by the Sub-County Administrator, we could also get it very clear from the ground that Honorable Rose from Kiptagich Ward was at the center of those conversations and discussions. It is important to note.

Mr. Speaker, this is what we noted;

1. That some residents of Kiplemeiywo were not allocated plots. We had to establish that indeed, some of the Members from that Ward did not get the plots and it was evident, considering the number of plots that were available against the number of people who

- had balloted. It was evident that some of them lost in getting it and that necessitated the Petitions because people felt aggrieved.
2. That Kiplemeiywo Trading Centre was originally situated where the current Kiplemeiywo Primary School is situated. There were some shifting and discussions where the market is and where the plots were allocated. They had shifted and that was agreed amongst themselves that they were to agree to move from wherever it was and it was pushed to a sloppy area, leaving a school on the other side where probably students can access education without any topographical problems.

Mr. Speaker, we also noticed that there was need to have a school constructed by the CDF, actually this is what necessitated all the changes because through the then area Member of Parliament, they had to put up a school and therefore there was need to relocate and do some rearrangements on what comes where. We were also able to establish that the Surveyors surveyed one and half acres of the riparian land and that of the Trading Centre.

Mr. Speaker, the Surveyors reserved one hundred and fifty Lock-Ups. What we were able to establish within the market that had been set is that other than the plots, there were those Lock-Ups, those small kiosks that were meant to be put up alongside the market so that people could still do their small businesses, and we were able to note that this had not been done by the time of our visit to the area. Therefore, we came up with recommendations on how we can mitigate that situation.

Mr. Speaker, various Public Participation meetings were conducted and it was evident, everyone was confirming that indeed those meetings were conducted by the Sub County Administrator. Members of the public were present and we have given photos to that effect. As I summarise, there were 94 Plots and I have said that in bullet number ten. Of course, 94 Plots against the six plots which I had already mentioned. Not all applicants, and this is where I want to draw your attention Members if you are moving with me. There was a typo error in number 12 and I want to make a correction that not all the applicants who balloted got the plots.

Mr. Speaker, if you read that statement, it says that applicants who balloted were not residents of Kiplemeiywo but residents in the larger Kiptagich Ward; that was the point but there was that point that was saying that the balloting publicly at the Trading Centre, so it is important to know that. Members and Honorable Speaker through your permission, I want to say that summarily those were the observations.

Mr. Speaker, allow me to make the recommendations as per what we saw as a Committee. I mentioned that there were Petitions from across, the two sides. We observed that the Surveyor and the Planner of the County Government are the people who undertook the exercise contrary to what the first Petitioners had alluded. The result was that people who balloted and mostly those who did not get felt aggrieved because they felt that they should have gotten the plots and that is why they had petitioned.

Mr. Speaker, that the members of Kiplemeiywo community should vet residents. We are now talking about the Lock-Ups; spaces that could be left. In our recommendation we feel that because there were some allegations that balloting process was not restricted to Members of Kiptagich alone. It was kind of open to Kiplemeiywo and it was left open to members of Kiptagich. We also established that the people who benefited were not strictly from Kiplemeiywo village but were

from Kiptagich so the members of Kiplemeiywo village were of the opinion that this ought not to have happened.

Mr. Speaker, the only thing we can do is to allow the process as it is because as we speak some people are already paying land rates to the County Government, so it was very cumbersome for us to undo the process. We uphold that the allocation of the plots to remain as they were only on the second phase of vetting for the purposes of Lock-Ups. People of Kiplemeiywo themselves should vet the members before they do the balloting for them to benefit from the remaining spaces.

Mr. Speaker, to avoid such a thing in future, the County Government Lands Department should really expedite the issuing of the Title Deeds so that again we do not open the Pandora's box and this does not only mean in Kiplemeiywo but even in other areas where people have done the process of planning, surveying and allocating. The County Government needs to expedite the issuance of the Title Deeds. Allow me to request Honorable Members and a good friend, I am well guided here that this is a Report being tabled and therefore it does not require to be seconded. It was a Petition so I beg to submit the Report.

The Speaker (Hon. Joel Karuri): Thank you the Hon. Chairperson. The Member for Kiptagich, the Hon. Rose, you were part of the process and you come from the ground. Are you satisfied with the findings and recommendations of the Committee?

Hon. Rose Chepkoech: Thank you Mr. Speaker sir. First, I would like to commend the Committee of Lands, Housing and Physical Planning for visiting Kiptagich and Kiplemeiywo to see what was happening there. I am very happy because the Committee visited and were able to sit with the community and listen to both sides, those for Kiplemeiywo and those against. They were able to listen keenly, move around and they saw what was happening. After looking at these observations from the Members, I really support it because the people who had pain are the ones who had given out the one Kshs 1000. Some of them did not give but during the voting, it was really very transparent, everybody sat down and one member could go and remove the ballot but afterwards those who did not get the plots are the ones who were in pain.

I think this is the right thing. As we speak right now we still have 150 Lock-Ups. So those who are in the list should go for that. Let me thank the Committee for the good job they have done. Thank you very much.

The Speaker (Hon. Joel Karuri): Thank you. I will allow some few Members to make their statements especially the ones from areas with perennial land and planning issues. The Honorable Member for Elburgon.

Hon. Njuguna Mwaura: Thank you Mr. Speaker. I have listened to the Report that emanated from the Petition and if you followed the flow of that Report you will notice that there many key areas that have been highlighted. I am neither pro those who got the plots nor am I for those who did not get the said plots but there are various areas that were assumed and in respect to the Member who is here, one, a directive ought to have emanated from the Cabinet authorising allotment of those plots.

Secondly Mr. Speaker, even before we go to the Cabinet, there ought to have been a change of user of that land because we are not told what the actual use of that land was before it was allotted to Private Developers.

Mr. Speaker, I understand that it was for trading; and this was public land but now we are being told that it is being turned to private use. There ought to be a Public Participation to allow for demarcation to go directly to that use. The grey areas are what are making some of the members feel dissatisfied. We ought to also have Minutes from the Cabinet showing that the Cabinet in Nakuru sat to approve this land to be demarcated.

Thirdly Mr. Speaker on the issue of the Sub County, there is one lady from the Department of Lands who said that she was not the person who was receiving Money. We need to get an explanation on what was the use of the money, where was this money going to, so that we can understand further as a House as to how we approach this matter because issues concerning money and land are very emotive.

Therefore Mr. Speaker, we need an explanation because anywhere the Government is assigning or allocating, I do not believe that money should be involved. It should be free and fair. It should be a process where by the Government is assisting the Members of the public to gain.

Mr. Speaker, another issue, because this is a House that is going to set the precedence, I have some piece of land which is in Elburgon that belongs to the Government and if we today decide as the people of Elburgon to allocate the land to ourselves there is a process; a lengthy one.

Mr. Speaker, I would like to request the Committee that in future, it should not confuse us or leave us more confused because in future, the precedence that you are taking will cause trouble. In a situation where we have two different communities like in the area where we come from, if one community will benefit and the other community will not benefit then at the end of the day there will be skirmishes. What I request is, let there be given procedures as to how we can allocate land in future to the beneficiaries or to the members of the public because for this we have not been given any procedures as to how these people were supposed to benefit.

Finally Mr. Speaker, on the issuance of Title Deeds anybody who can go to court today will put a caveat to that land because that land as it stands is a Trading Centre. There are many things that the Government can do with that land rather than changing the land to private ownership. Therefore, I pose the question to the Committee through the Chairperson to go further into that matter and explain to us now that there are these people who felt dissatisfied, how we are going to deal with them. There are many squatters in the Country and anybody in the Country deserves to be compensated or be allotted that plot. How are we going to go about that matter?

Thank you Mr. Speaker and I wish that the Chairperson owing to the knowledge that he has been in this House for like 20 years or so, he is going to give the correct stand on that matter.

The Speaker (Hon. Joel Karuri): What is it Hon. Mwangi? Resume your seat. The Member from the area.

Hon. Rose Chepkoech: Mr. Speaker Sir, I just want to tell the Member that there are four things that were mentioned; a primary school, a secondary school, a Dispensary and Trading Centre. Those were public utilities but people just went there and subdivided at first and that is where the County Government came in and showed them where the Trading Centre was supposed to be. Thank you.

The Speaker (Hon. Joel Karuri): The Member for Maai Mahiu who is also the Vice Chairperson of the Committee on Lands.

Hon. Eliud Kamau: Thank you Mr. Speaker for giving me this chance. On this issue of Kiptagich, it was a matter that was very hard before this Committee and we might paint this thing in many ways but the actual thing is, and if you look at the Petition they are not saying that the land was not supposed to be subdivided. What they were saying is they did not get the chance and that is the matter that was before the Committee. They were petitioning that they were not given a chance to be a part of it so we were not dealing with the issue of whether it was right to give out the piece of land.

Mr. Speaker, we are all in agreement that they needed that piece of land but that land could not satisfy the whole community; that each and every one could get a chance. This is a ruling that required a lot of thinking. It is like a situation where one of the Kings in the Bible called King Solomon. One of the prostitutes slept on her baby, the baby died and the following morning the other one was saying that let us divide the baby into two. What we are saying here is that the land was very small and could not satisfy everybody, but due process was followed and therefore I urge this House that because those people who had brought this Petition are supposed to be satisfied, let us just hope for a better tomorrow for them. They should allow those who got a chance to enjoy it because it could not satisfy everyone. Thank you.

The Speaker (Hon. Joel Karuri): The Hon. Mwangi.

Hon. Joseph Muraya: Thank you Mr. Speaker. I want to appreciate the Committee on Lands, Housing and Physical Planning and also to ask a question. The Honorable Chairperson told us that there were 150 Lock-ups which were set aside for trading. The recommendations here recommend that the County Government expedite the process of issuing and letting the people do the balloting. I am not getting it and when there is any change of user of any public utility it must be thorough Public Participation. I was going through the same in my area and change of user from the one side of the Land Stadium to another one and ...

The Speaker (Hon. Joel Karuri): What is the information the Hon Chair?

Hon. Peter Palanga: This will really assist us as a House because I think we are missing a point and it is not that we know but I would wish to let you know. Honorable Members there was no change of user in terms of the usage of the land. These people within this area had a Trading Centre allocated to a School, a Hospital and a Market as it was before. So they were only relocating from where this Market is. It was not a change of user in terms of the purpose of land under which it was being used for. It is important to note that there was no change of user; there was only relocation like we have been trading from here and therefore we want to trade from this end same Market, same community same people.

The Speaker (Hon Joel Karuri): Hon. Mwangi.

Hon. Joseph Muraya: Honorable Speaker, I do not understand what the Chairperson is telling me because if there was no change of user then the Market place could have remained where it was. It is like we have not relocated from the old Chambers to this new Chamber. We need clarity on what criteria they used and I heard him say that there was no need to call those people who had petitioned. They called other members of the public to come give their views so there is a problem and what we are going to set here...

Hon. Rose Chepkoech: Point of information Mr. Speaker.

The Speaker (Hon. Joel Karuri): The Member for Kiptagich, Honorable Rose.

Hon. Rose Chepkoech: Mr. Speaker Sir, the way I put it and the Members of Lands Committee saw. These are the four Public Utilities. *Wacha nizungumze Kiswahili kidogo ndio nieleweke. Kuna Primary, Secondary, Dispensary na Trading Centre lakini kwa sababu haikuwa imepimwa watu wengine walikuwa wameingia Primary, wengine wakaingia Secondary, wengine Dispensary na wengine walikuwa wamejifinyilia huko kwa Trading Centre. Wakati walipoambiwa waandike kirasmi ndio waende wakatiwe hiyo ya Trading Centre hapo ndipo wenye hawakupata wakahisi vibaya ndiyo wakaleta hii Petition.*

Jambo la pili umeuliza kuhusu Market na Lock-Ups. Ninafikiri kila Mheshimiwa anajua wakati hizo Lock-Ups zilitengenezwa hapo kwa Market, kuna Lock-Ups ambazo zinagawanywa na hizo hazijafanywa. So that is why there is 150 Lock-Ups zenye watu hawajapatiwa. That is why I was requesting the Honorable House to allow the ones who had paid Kshs 1000 to be part of the balloting because the plots could not accommodate everyone and you know that when someone does not get they always bring problems. That was the issue.

The Speaker (Hon. Joel Karuri): The Hon. Member for Viwandani kindly finish your submissions. Then Hon. Member for Keringet.

Hon. Joseph Muraya: Thank you Mr. Speaker. I do not want to dwell on that matter because we are all in the field of politics and satisfying our electorates. So Mr. Speaker, I might end up wasting a lot of time and the Honorable Member is satisfied that her people will be satisfied with the process but the precedence that we are going to set in this is what is going to take us to the next level so let me rest my case and let the Committee recommendations work.

The Speaker (Hon Joel Karuri): Thank you.

Hon. William Mutai: Thank you very much Mr. Speaker. I want to concur with what my colleague Honorable Muraya has said concerning the precedence that we are going to set. As we move forward, there are quite a number of replica situations that are going to occur if we do not handle this matter and Petitioners nicely.

Mr. Speaker first of all, let me congratulate the Committee for coming up with these Findings but I still have a lot of questions that I want to ask. From the look of things Mr. Speaker, it is like this Committee that is led by the Chair Wilson Rono had started collecting the money; they had some vested interests in the same because number (3) there, there is somebody called Emily Cheruto who has been mentioned in this Report collecting some Kshs 1000 from individuals.

My question is, where was this Money going to, who was the custodian of the money, and was it taken into the County Treasury? These are the kind of questions we need to ask. Secondly Mr. Speaker there is also this issue that the money was collected beyond the available plots, because if you know that the plots are 100 and you go ahead collecting more than 100 then it means that there is some bit of corruption that is taking place because what are you going to give these people whom you have collected money from.

Mr. Speaker, I tend to believe what Honorable Muraya has said that there were some political interests and he has asked the Honorable Member from Kiptagich to substantiate more because if she is satisfied that it was so and the people are okay with it, then she can go ahead Mr. Speaker. I want to believe that is the message but then this one is going to set a precedent that is very

dangerous because we are yet to settle quite a number of issues concerning this. I come from Keringet and this issue is actually emerging and it is very emotive; some people paid a lot of money, they are waiting for Lock-Ups and I am very sure more Petitions are coming very soon. So, let us address this matter very seriously so that we can get a better methodology to address the same. Thank you.

The Speaker (Hon. Joel Karuri): Thank you the Hon. Member for Keringet; the Hon. Member for Maiela. Hon Jane.

Hon. Jane Gituku: Thank you Mr. Speaker Sir for this opportunity and thank you for the team that conducted this business. It is very appropriate because our communities and us must liaise together especially over issues of land and there are many more that are coming up because our Institutions which are Sub County Offices have been the epitome of corruption and confusing our *wananchi* over issuance of plots and if they feel you do not deserve, they just get into the system and remove you in favour of their friends.

Now on the matters of this area of Kiptagich, Mr. Speaker when you look at the Petition – which is a complaint from *wananchi*, you realise that they had issues; no. 1,2,3,4, and therefore the team that went to the site visit, I want to commend them for a good job. But just for concern and record purposes that when you have a Petition, it is also good to recommend depending on the number of issues raised by the community and one that is very salient is one on number 6. There was a complaint that the plots have been allocated to spouses and friends of those people doing the allocation.

Mr. Speaker, did the Committee ascertain whether actually the plots were issued to spouses or it was a fair and clean deal? The other one is on Number 5, the Sub County Administration which has been accused because I know there are many cases that you bring here concerning the Sub County Administrators. They are actually an Authority unto themselves. I have seen one in Naivasha refereeing to the Commissioner in Nairobi and recommending for allocation of plots on leases, and you wonder where the Ministry of Lands is, in these matters. These people are untouchable and they believe we are just a passing cloud and then they will be back very soon when we are gone to this heinous act that they have committing.

Mr. Speaker, I am speaking this very seriously because we have our people crying outside there and when we see them coming with these Petitions, remember that they have been able to go through these systems and some have been very much affected. Mr. Speaker, we also have the issue of money collected and I do not know why the Committee did not address that issue seriously, because our Surveyors, the County Government and the Executive were using their resources to go and do this business for the *Mwananchi*, the Bottom-Up, and the hustlers down there. And even without considering that they did not know the many plots that they were going to allocate, they went ahead and collected money. This money should be accounted for. When you multiply 200 by Kshs 1000; I think that is what we were told.

Mr. Speaker, can we have a breakdown of what was used with this money because some of these activities should seriously reflect on the need to assist our people but not subject them to issues that will also affect their pockets. Why these people come with such Petitions; the underlying and what you can read is the close hearing and also the issue of money, so as much as we would like to discuss this issue and we appreciate the work that our Chairman has done and even as he prepares for much more that is coming along the way, I believe we need to up our game and let

people understand that they have a responsibility of being accountable for every coin they collect from *Wananchi*. Do not collect money to pay and then tomorrow you decide that *Mwananchi* has no voice in whatever you are trying to do. So, thank you Mr. Speaker Sir for this opportunity and I support the Report believing that there are some issues that our Chairman will look into. I beg to rest my case.

The Speaker (Hon. Joel Karuri): Thank you, before the Chair responds, we have two honorable Members; the Honorable Member for Lake View and the Honorable Member for Soin and then the Honorable Chair will be responding and of course explaining where the money is.

Hon. Alex Mbugua: Thank you Mr. Speaker; that remains to be an emotive issue within this Country and when I listen to the conversation here, I have also taken my mind aback and looked at the Chair Lands Committee. Mr. Speaker this gentleman, has gone ahead even held meetings at the community level and every now and then, he kept on briefing us with what was happening on the ground. Most of us in this Assembly might not have that privilege of knowing what was happening at the ground or even meeting these members of this community.

Mr. Speaker, I hear someone saying that there are Petitions coming. The people who have settled on this land all of them came together and they looked for a procedure on how this land would be subdivided. The MCA was there who is the representative; and this did not happen last year or this year but it happened during the former regime and when they settled, they invited the County Government for facilitation and also through the Surveyors. I remember at one point the Surveyor came up with very big maps and he showed us everything that transpired and I think at the Committee level, we were satisfied that there is nothing much that could have happened apart from what happened Mr. Speaker.

Mr. Speaker, when you engage in a process, when the rules have been set on the table, the citizens of this Country must always know how to respect the rules that have been set. It is not just today you will wake up and say I will bring a Petition, I will go to Court because even the Court System today advocates for Alternative Dispute Resolution whereby you can settle things out of the Court. Mr. Speaker, on the same note, I would not know or wish to know why the residents of Lakeview Ward in Naivasha will go to claim land in Viwandani Ward in Naivasha because it is not proper and that one will just bring disharmony within the community. Members of Keringet should settle in Keringet and those of Kiptagich settle where they are located. They can only integrate through marriage or buying of land Mr. Speaker.

(Laughter)

Other things should be settled that way, otherwise Mr. Speaker, I support this Report in totality. Thank you.

The Speaker (Hon. Joel Karuri): Thank you; the Hon. Member for Soin

Hon. Degaulle Naburuki Thank you Mr. Speaker sir, I want to congratulate the Chair and the Committee for the commendable job they have done in this issue of land. They even tried visiting the site Kaplemeywa Centre to see what was going on at the ground. For sure when we went there to hear what their complaint was, is that they had agreed after giving out the public utility, the remaining 94 Plots all the 200 Members agreed that they have to do balloting and before one qualifies to ballot, you have to give a fee of Kshs 1,000 and that is what it was agreed. But nobody knew who was going to be allocated the 94 plots.

Mr. Speaker, after balloting for the 94 plots, some residents did not get and that is when the complaints started. Otherwise we did not establish where the money was and maybe the Chairperson or the area MCA knows where the money is but it was something that was agreed on and to do balloting. After that Mr. Speaker those who did not qualify for the pieces of plots, started petitioning the process. I want to say the Committee did their best that they could do. Mr. Speaker, until there let me rest my case and I support this Report.

The Speaker (Hon. Joel Karuri): Thank you; the Chairperson.

Hon. Peter Palang'a: Mr. Speaker; thank you once again and I want to appreciate all the observations and the input from all the Members who have contributed after going through the Report. There are a number of issues that have been raised and I wish to run through them, address them, then I leave the House to make a decision. Remember a Committee is an extension of this House and therefore this Report will eventually be a product of this House

Mr. Speaker, there are a number of issues that have been raised and I want to start by saying that on the issues of the money, I and my Committee tried to interrogate to get where the money is but again when we were told that the Committee was established by the Members themselves and they chose their leadership, from Chairman to the Treasurer to oversee the process. When we tried to gather the information about that, we were told that it was a criterion agreed amongst them on who holds first ballot because again within them, they could not have allowed any Dick and Harry from anywhere to come and ballot. So, from what we got from them, they agreed on the amount of money as a Committee and that money was not received by County Officers from what we gathered.

Mr. Speaker, that was a set criterion and from our establishment it was not taken by the Ward Administrator or the Sub County Administrator nor the Surveyor. If there was any backdoor arrangements then the Committee could not establish whether that money was given.

Secondly Mr. Speaker, I can see Members kind of saying that we are setting a bad precedence. When you present the Petition, it is presented to the Committee to look at the merits. We cannot just go because somebody has raised a Petition. In my view and my Committee we were to look at the merits. For me we looked at this Petition having been raised by the members. Yes, it had some merits but again we asked the person and the people around, I posed a question on whether they would have petitioned if they had benefited, without answering, the answer was evidently no. This was coming up out of *“tumeshindwa na hatujapata na tungependa tupate shamba, na shamba ni tamu ukipata pia ni vizuri. Unanung'unika kwa sababu mtoto wako hakufanikiwa”*

So, in terms of the list of the members Mr. Speaker, why we got more numbers than the plots; I was just looking at an analogy probably the recruitment of the staff. You start by advertisement, you do the shortlisting, you do the interviews then there will be beneficiaries. Do you advertise the same number that you want to recruit? In my view, the answer is no.

So Mr. Speaker, the list being more than 100 was to have people to ballot so that out of that there would be those who would benefit and these who would lose. That is why they had to have more in the list than the 100 that had eligibility for the plots.

Mr. Speaker, in terms of the Lock-Ups, in our understanding and wisdom of the Members, we thought that these people who are feeling they have been aggrieved because they did not get; of

course why we feel the County Government should expedite this process of balloting and the vetting should be done such that we do not go back to the complains that people balloting are not residents of this area. That they call themselves for a parade and say these are our residents so they vet themselves then they will go on for balloting for us to resolve that.

Mr. Speaker, again, those aggrieved will be satisfied by getting a smaller place. The spaces available are 150 and we established that the spaces are smaller than that of a 50 by 100 feet plot. I want to say in terms of somebody saying, could we have established *bibi na bwana*, it was not possible, and it was cumbersome for us. We tried to ask people to provide us with marriage certificates, we could not establish the marital status of the beneficiaries because our hands were tied and because those were allegations, confirming whether one was married to the other, we needed to reach the Registrar of Persons which was difficult and therefore we could not establish whether one was married to somebody or a son to somebody. Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you; the Hon. Chair for Health.

Hon. Njuguna Mwaura: *[On a Point of Clarification]* Mr. Speaker I would wish to further request for clarification. We still operate under the African traditions and also there are many rulings and many cases that have been given by the Courts that if I engage in carnal knowledge I will be known to be associating with a certain lady, it will be presumed in the Court of public that is my wife. Therefore Mr. Speaker, that one is usually suffice and therefore that off the cart.

Mr. Speaker, I would wish to request that before you use your wisdom on this matter and before you make a ruling, let this matter be interrogated further because as one Honorable Jane Gituku said, that there are many emotive issues that have already been raised but have not been addressed.

Mr. Speaker, if you look at the petitioners question by question; they raised like nine issues for determination that the Committee ought to have determined. This matter ought to have been adjudicated by this Committee and the response given back. This is because the issue of giving birth does not start during labour. It starts very early from the conception to the day the baby will be born. This baby that we are calling Kaplemeywo Trading Centre, the conception was the land itself and its registry to the point of actually adjudication, to the point of allotment so that the members can be comfortable.

Mr. Speaker, I would wish you adjourn this matter. Some of us who could have some input that will not offend anybody, we can go to the Committee and perhaps even the House can look into this matter so that at the end of the day, we will give precedence that will not ruin the reputation of this House. One of the Members said there is Alternative Justice System which the members of public sought other than going to the Courts, let us go to the County Assembly; that is one way of good faith that this members of public have towards this House. Let us relook onto this matter, let us look at the nitty gritty of this matter and at the end of the day, the flag of this Assembly will fly high because I know everybody will be comfortable at the end of the day, otherwise Mr. Speaker as you make your ruling, I would wish to have certain grey areas relooked so that the issue of Chiefs, three of them being allocated plots, and it is not wrong for a Chief to get, but knowing that they were Administrators on that matter and they were also officiating those issues.

Mr. Speaker, if you look at that lady that I presume was a Sub-County recanting everything and saying she was not involved, at some point also raises issues. The issues of money also came up

and therefore I do not wish that this Trading Centre to look like Elburgon Market where to the very day and those who have visited, the Trade Committee visited that Market and people said they will not go to that Market even at gun point because of that such issues of allotment that came up and money exchanged hands and to this very day they are trading along the road.

Mr. Speaker, honorable Bernard can confirm he is a neighbor to my Ward today they are using the road as a Market because of such matters and that is why I am saying for the future and for bringing harmony to these people, let this matter be relooked into further and I know you can invoke your powers and let this matter be relooked in another perspective, be one of the case that will give this House the proper name that it deserves. That in the future, all the members of the public will run into this House for assistance rather than going to the Courts.

The Speaker (Hon. Joel Karuri): Chair.

Hon. Peter Palang'a: While I am seated there, I am standing here with your permission; I think there could be some levels of capabilities and I want to adhere here and admit on Hansard that as my Committee and in my own wisdom, that was the best of the Findings. And Mr. Speaker, with your permission, if you so feel that you can also redirect it to any other Committee under probably the Health or anything Mr. Speaker...

(Laughter)

I will not be offended because that is my Finding and the Committee Findings, and that is why I feel we have Committees formed, and they gather information and we have presented what we gathered and what we feel in our wisdom. We could be wrong but that is our position and that is what we found on the ground. But Mr. Speaker with your wisdom, you can also have honourable “Learned Friends” like him and any other person; they can also come up with a different opinion which can assist this County. Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you; the matter before the Committee was a Petition and to the best of the knowledge of this House would be that the Member for Kiptagich has sworn to take the best interests for the members of the Ward into consideration. So, to this extent, there has been no further Petition to that. However, should there be further Petitions, the House will still be open to consider any other new Petitions. But as of now, the matter rests until such a time should there be need or any other Petition.

PAPER(S)

SHABAAB DIGITAL CENTRE

The Speaker (Hon. Joel Karuri): There is a Paper to be laid by the Honorable Chairperson Committee on ICT and e-Government, the Hon. Hezzy Kariuki.

Hon. Hezzy Kariuki: Thank you Mr. Speaker sir I stand to lay the Report of the Committee on ICT and e-Government on Shabaab Digital Centre. I beg to lay.

The Speaker (Hon. Joel Karuri): Thank you, the Paper is properly laid before this Honorable House.

NOTICE(S) OF MOTION

SHABAAB DIGITAL CENTRE

The Speaker (Hon. Joel Karuri): There is a Notice of Motion that is going to be given by the Honorable Chair, Committee on ICT and e-Government; the Hon. Hezzy Kariuki.

Hon. Hezzy Kariuki: Thank you Mr. Speaker sir, I stand here to give a Notice of Motion that this House adopts the Report of the Committee of ICT and e-Government on Shabaab Visit. I beg to give a Notice.

The Speaker (Hon. Joel Karuri): On Shabaab visit? You visited a specific point.

Hon. Hezzy Kariuki: The Committee on ICT and e-Government visit to Shabaab Digital Centre. Thank you.

The Speaker (Hon. Joel Karuri): Thank you, the Notice is given.

ADJOURNMENT

The Speaker (Hon. Joel Karuri): Honorable Members this House is adjourned to tomorrow at 9.30am.

The House rose at 3.05pm