

**REPUBLIC OF KENYA**  
**KIAMBU COUNTY ASSEMBLY**  
**THE HANSARD**

**Tuesday, 17<sup>th</sup> July, 2018**

The County Assembly met at the Assembly  
Chamber at 2.30 P.M.

*(The County Assembly Deputy Speaker (Hon. Phillip Mubea) in the Chair)*

**PRAYER**

**COMMUNICATION FROM THE CHAIR**  
**NOTIFICATION OF THE UPCOMING COUNTY ASSEMBLIES SPORTS**

**Deputy Speaker,** (Hon. Mubea): Hon. Members, we have a Communication from the Chair regarding a notification of the upcoming County Assemblies Sports.

Honorable Members, my Office is in receipt of a correspondence Ref: CAF/SPEAKERS/086/018 dated July 12, 2018 from the Secretary General, County Assemblies Forum (CAF) concerning notification of the upcoming County Assemblies sports.

The letter reads and I quote:

*“Reference is made to the CAF Governing Council meeting held on 19<sup>th</sup> May, 2018 in Mombasa; the meeting resolved among other things that CAF coordinates all sport activities for County Assemblies. Further reference is made to the Legislative Summit, 2018 held on 22<sup>nd</sup> - 25<sup>th</sup> May, 2018 in Mombasa. The Summit resolved among other things; “that the County Assemblies Forum adopts the County Assemblies Sports Association (CASA) as a Chapter for organizing sporting activities for Speakers, Members of County Assemblies, Clerks and Staff of County Assemblies.”*

*Further, a consultative meeting between the County Assemblies Sports National Governing Council was held on Saturday, 7<sup>th</sup> and Sunday, 8<sup>th</sup> July, 2018 in Mombasa. The meeting resolved among other things “that henceforth no County Assembly Speakers, Honorable Members, Clerks or Staff to participate in Kenya Inter-Counties Sports and Culture Association (KICOSCA) activities in line with the 2018 CAF Legislative Summit resolution in the spirit of separation of powers and taking the legislative agenda to the grassroots through sports and culture.”*

*It is in this regard, that the Forum advises all County Assemblies NOT to participate in the upcoming KISOSCA games scheduled for 12 - 18<sup>th</sup> August, 2018 in Kisii County.*

*Following the above-mentioned, the Forum wishes to inform you that County Assemblies Sport shall take place on 26<sup>th</sup> August - 1<sup>st</sup> September, 2018. We therefore request that all Assemblies start planning accordingly. More information on the disciplines will be communicated in due course."*

The said letter was accompanied by a copy of Legislative Summit, 2018 communiqué and resolutions of the Sports National Governing Council meeting for your information.

Honorable Members, this is therefore to notify you of the aforementioned position. Be advised accordingly.

Thank you!

**PETITION**  
**PUBLIC PETITION TO KIAMBU COUNTY ASSEMBLY BY THE**  
**RESIDENTS OF MWANAMUKIA FARM NO. 2 LIMURU (MANJIRI**  
**VILLAGE) OF NGECHA TIGONI WARD**

**Ngecha Tigoni MCA**, (Hon. Munywa): Thank you Mr. Speaker Sir!

I rise to present a public Petition to Kiambu County Assembly by the residents of Mwanamukia Farm No. 2 Limuru (Manjiri Village) of Ngecha Tigoni Ward.

Mr. Speaker, we the undersigned citizens of Kenya, who are plot owners and residents of the Mwanamukia Farm No. 2 Limuru, otherwise known as Manjiri Village of the Limuru Sub-County. We are also members of a duly registered Welfare Association known as Mwanamukia Farm No. 2 Welfare Association.

We draw the attention of the County Assembly to the following;

- (i) That, the petitioners, acquired their respective plots from the Mwanamukia Co-operative Society Ltd in a scheme where a larger parcel of land known as L.R No. 5985/5 was subdivided on or about the year 1979 leading to creation of 992 residential plots, ten (10) public utility plots (open spaces) and one (1) Plot for use as a social centre. They settled on their respective plots on diverse dates and times since the year 1982 when the plots started being allocated to the entitled members of the said Co-operative Society;
- (ii) That, the petitioners lack title deeds as proof of ownership for their plots and have for many years only held and relied on plot allotment certificates issued by the said

Co-operative Society. As result of this, they have been unable to secure credit as well as approvals for development purposes due to lack of appropriate ownership documents acceptable as security or collateral;

- (iii) That, the petitioners have since settled on their respective plots and repeatedly requested the directors of the said Co-operative Society to issue them with individual title deeds as promised at the time of allocation but without success. Instead, the Directors have been demanding for various unsubstantiated “clearance fees” and facilitation charges at the lands office ranging from an initial Kshs. 6,500, to a current sum of Kshs. 20,000;
- (iv) That, the petitioners being members of the said Co-operative Society had already cleared all their genuine dues payable to the said Society as at the time of acquiring an Allotment Certificate. Indeed at the onset of the subdivision of the farm, some plots had been left un-allotted with the sole intention that the same would be sold and the proceeds thereof would be utilized and cater for settlement of Legal fees and stamp duty to process individual Title Deeds;
- (v) That, the Directors are illegally attempting to interfere with the approved subdivision scheme of the farm and have made several attempts to amend it un-procedurally, irregularly and illegally with the sole purpose to curve out and create extra plots particularly by subdividing plots which were meant for Public utility purposes;
- (vi) That, the Directors embarked on a fraudulent scheme to dispose of the 10 public utility plots to unsuspected purchasers that were set aside for surrender to the then defunct Local Authority namely County Council of Kiambu;
- (vii) That, the members made numerous efforts at securing a solution to the grievances and complaints and have particularly been before or sought the intervention of the following Institutions without success:
  - a) The Commission of Inquiry into the Land Law by System of Kenya (Njonjo Commission);
  - b) Sought audience with the Office of the President (Provincial Administration and Internal Security);
  - c) Made a complaint to the Criminal Investigation Directorate on the fraudulent acts of the Directors of the Co-operative Society;
  - d) Approached the Ministry of Lands and Settlement for intervention;
  - e) Sought intervention of the Ministry of Co-operative Development and Marketing;
  - f) Requested the County Government of Kiambu through the Limuru Sub-County Office to assist in especially reclaiming the Public utility plots;

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- g) Filed class action (Public Interest Cases) in the Co-operative Tribunal Case No. 80 of 2007 (concluded) and in the Nairobi ELC Case No. 1235 of 2013 seeking preservation of the open spaces /public utility plots.

- (viii) That, none of the issues directly in respect of which the Petition is made is now pending before any Court of Law, Judicial Body, Constitutional or Legal Body.

Therefore your humble petitioners pray that the County Assembly through the relevant Committee:

- (i) Intervene in the matter with a view to investigate the issue of Title Deeds for all the Plot owners of Manjiri Village;
- (ii) Utilize the Surveyors at the County Government's disposal to confirm the beacons of each and every Plot within the subdivision scheme now known as Manjiri Village;
- (iii) Act as a bridge between the plot owners, the Ministry of Lands and the National Land Commission and pursuant to this;
  - a) Request for transfer of the registration zone from Ardhi House, Nairobi to the Kiambu Lands Office;
  - b) Request the relevant Office to issue allotment Letters to each Plot owner to enable a Plot owner pursue a Title Deed directly from the Lands Department independently from the said Co-operative Society which has been fleecing innocent Plot owners;
  - c) Ascertain independently the genuine and duly approved Survey Plan which in our considered opinion is the very first and initial Survey Plan which ought to form the basis for the Plot allotment and eventual Title Deed processing.

And your Petitioners will ever pray. Thank you!

**Deputy Speaker, (Hon. Mubea):** Thank you!

Hon. Members, following the presentation of the public Petition by the Hon. Joel Ngigi Munywa, Member for Ngecha Tigoni on behalf of Mwanamukia Farm No. 2 Welfare Association concerning the subdivision of Mwanamukia farm, the Petition therefore stands committed to the Sectoral Committee on County Planning and Urbanization for consideration in accordance with the provisions of Standing Order 237.

The Committee is expected to observe the timelines provided in considering the petition. I am hoping the Committee on planning will fast track this Petition because I know there are many more Members who would like to be enjoined in the same. So in any case you would like to be enjoined, then you could also raise your Petitions in the said Committee.

Thank you!

Yes Hon. Member for Witeithie!

**Witeithie MCA**, (Hon. Taki): Thank you Mr. Speaker Sir!

My question is also to the same Committee. This is the fourth Petition talking about similar issues. There was one for Ndeiya, one for Witeithie, one for Ndenderu and now this one. In all this circus, nothing has been expedited on the same.

My. Question is...

*(Interruption)*

### **POINT OF ORDER**

*(By Member, County Planning and Urbanization Committee, Hon. Hezron)*

**Deputy Speaker**, (Hon. Mubea): Yes, what is your Point of Order?

**Member, County Planning and Urbanization Committee**, (Hon. Hezron): Hon. Speaker, it seems like the Member for Witeithie has no information about the said Petition because we gave response to the Ndenderu issue. We also answered the one for Ndeiya, and even the Member for Ndeiya responded to the same and said that it was a job well done. If at all the Member is in question of his Petition, he should talk of the Witeithie Petition, but not others.

Hon. Speaker, it is good to inform this House that we also dealt with the Petition for KIST, and all those we have solves as a Committee.

So, I think the Member is not in order.

**Deputy Speaker**, (Hon. Mubea): Yes Hon. Member for Witeithie!

**Witeithie MCA**, (Hon. Taki): Thank you for that clarification.

The one for Witeithie was the first one and up to now as we are talking, there is that back and forth of go to the *Waziri*, come back here. He is there and he can attest to that, that it has never been solved. It was the first Petition that I wrote in this House.

**Deputy Speaker**, (Hon. Mubea): Hon. Member, when you raised the petition, was it responded to? Did you get a Report on that?

**Witeithie MCA**, (Hon. Taki): Yes, and I reported back that it was shoddy.

### **POINT OF ORDER**

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*(By Kiuu MCA, Hon. Daniel)*

**Deputy Speaker**, (Hon. Mubea): Yes, Hon. Member for Kiuu!

**Kiuu MCA**, (Hon. Daniel): Mr. Speaker, I would like you to guide us because if the said Member is speaking about something that was responded to in this House and he never complained, he is misusing our time.

I think he is out of order, and if there was anything that was supposed to be said about the response from the Planning Committee, he was supposed to raise it on that day when it was responded to.

Mr. Speaker, giving him time to start speaking about something that was responded to two or three months ago is misusing our time.

Mr. Speaker, we have a lot of Business to transact this day, so I request you to rule him out of order.

**Deputy Speaker**, (Hon. Mubea): Hon. Member, let us have order!

So that we can have a way of doing things, if your Petition was raised and it was responded to, if there were some resolutions that were to be implemented, I wish that you would follow it up with the Committee on Implementation. That Committee is the one that is supposed to give you a response on when it is supposed to be implemented.

Hon. Member, I think we should rest our case there because if we continue like that, then we shall not have headway.

**Witeithie MCA**, (Hon. Taki): Thank you!

But I wanted to tell the Hon. Member for Kiuu...

*(Interruption)*

**Deputy Speaker**, (Hon. Mubea): You may not want to tell him directly, unless you...

*(Interruption)*

**Witeithie MCA**, (Hon. Taki): Thank you!

The Hon. Members here can remember that I said, and also the Committee in Planning agreed, that there was misrepresentation of that Report. The same issue...

*(Interruption)*

**POINT OF ORDER**

*(By Hon. Munywa)*

**Deputy Speaker**, (Hon. Mubea): Let this Member finish!

**Witeithie MCA**, (Hon. Taki): Please let me finish!

He can also attest because he himself agreed that there was a lot of information that was not given. Up to this point, it has never come back here. I said the work was shoddy, here in this House, and they agreed to go and repeat that work. Up to this point, has never been done. That is what I am saying.

**Deputy Speaker**, (Hon. Mubea): Hon. Member, so that we can have a good way of doing things in an orderly way, did you raise that complaint in a formal way?

Because you see, we cannot keep going back and forth.

**Witeithie MCA**, (Hon. Taki): Yes Hon. Speaker!

And also, when they called *Waziri*, *Waziri* himself said that they never went to the ground, which was one of the recommendations that I gave. They went to an office, did the same in an office and gave us the Report.

Mr. Speaker, the same Committee can attest to that. It was not well done and up to this point it has not been done.

**Deputy Speaker**, (Hon. Mubea): Before you go on, have you petitioned that resolution?

**Witeithie MCA**, (Hon. Taki): Yes Hon. Speaker!

**Deputy Speaker**, (Hon. Mubea): How did you do it?

**Witeithie MCA**, (Hon. Taki): I had a sitting with them, and he is here and he can also attest to that.

Hon. Speaker, what I hate is us being hypocrites when we have reality of the same. We sat...

*(Interruption)*

**Deputy Speaker**, (Hon. Mubea): Wait!

**Witeithie MCA**, (Hon. Taki): Let me finish.

*(Loud Consultations)*

**Deputy Speaker**, (Hon. Mubea): Let us have order!

We cannot continue like that.

## **POINT OF INFORMATION**

*(By Hon. (Ms.) Yvonne)*

**Deputy Speaker,** (Hon. Mubea): Yes, Hon. Yvonne!

**Specially Elected MCA,** (Hon. (Ms.) Yvonne): Mr. Speaker, I am a Member of the Planning Committee. I remember the issue that the Hon. Member for Witeithie is talking about.

Actually Mr. Speaker, it was not a Petition, it was a Statement that he had presented to this House, which we forwarded to the relevant department and the CEC, and the response was tabled to this House.

Let him not mislead this House that it was a Petition that was brought to the Committee. It was a Statement and he can attest to that fact.

**Deputy Speaker,** (Hon. Mubea): I think...

*(Interruption)*

**Witeithie MCA,** (Hon. Taki): The difference is the term, but the content is right.

**Deputy Speaker,** (Hon. Mubea): Hon. Member for Witeithie, I think it is important that we follow the rules of the House.

For us to move forward, why don't you revisit the whole issue? You can revisit that issue with the relevant Committee, in case you do not get satisfied with that, you can always visit the office of the Speaker and we shall assist you.

Please, let us not go beyond that because we might not solve anything if you do not have the exact facts of that issue. We can revisit the same and see what we can do. Let us do it that way.

## **POINT OF ORDER**

*(By Kiuu MCA, Hon. Daniel)*

**Deputy Speaker,** (Hon. Mubea): Who are you ordering?

**Kiuu MCA,** (Hon. Daniel): Mr. Speaker...

*(Interruption)*

**Deputy Speaker,** (Hon. Mubea): No Hon. Member. There is nobody on the floor...



*(Interruption)*

**Kiuu MCA**, (Hon. Daniel): I am seeking for your guidance...

*(Interruption)*

**Deputy Speaker**, (Hon. Mubea): Hon. Member, there is no Member who is on the floor; you cannot order the whole House and you cannot order the Speaker!

**Kiuu MCA**, (Hon. Daniel): Mr. Speaker, it was a Pointy of Information towards the Member, and I had raised my hand...

*(Interruption)*

**Deputy Speaker**, (Hon. Mubea): Who do you want to inform?

**Kiuu MCA**, (Hon. Daniel): The Hon. Member for Witeithie.

**Deputy Speaker**, (Hon. Mubea): Does he want to be informed?

**Kiuu MCA**, (Hon. Daniel): Yes Mr. Speaker he wants to be informed.

*(Laughter)*

I heard him saying that in this House there are only hypocrites. Mr. Speaker, I request you to request the member to withdraw and apologize for that because the people sitting in this House are Hon. Members.

*(Applause)*

Mr. Speaker, it is good to tell the member that we are watching his discipline with the words that he is using in this House currently.

Mr. Speaker, I request you to order the Member to withdraw and apologize. We are not hypocrites, we are Hon. Members.

*(Applause)*

**Deputy Speaker**, (Hon. Mubea): Hon. Member for Witeithie...

*(Interruption)*

**Witeithie MCA**, (Hon. Taki): Let me say categorically...

*(Interruption)*

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**Deputy Speaker,** (Hon. Mubea): Hon. Member for Witeithie can you have order!

You do not speak before you have been given permission to do so.

Now, you have said that Hon. Members are hypocrites here...

*(Interruption)*

**Witeithie MCA,** (Hon. Taki): I can repeat my statement; what I said is that I hate being hypocritical. That does not mean I said somebody is a hypocrite. If his English teacher never did anything...

*(Laughter)*

*(Interruption)*

**Deputy Speaker,** (Hon. Mubea): Hon. Member, I think we cannot continue like that. That attitude is not going to be allowed in the House because that is imputing improper motive on Members. If you look at the Standing Orders, you are not supposed to impute any improper motive on Members. You cannot refer to Members as hypocrites, or maybe purport that you are referring to them as that.

It is important for you to withdraw that Statement and apologize to the House.

**Witeithie MCA,** (Hon. Taki): For saying what?

*(Laughter)*

**Deputy Speaker,** (Hon. Mubea): For referring to Members as...

*(Interruption)*

**Witeithie MCA,** (Hon. Taki): Let me say categorically *Bwana* Speaker, there is a difference between the sentence I said and what he is saying. I know we have very people here who did English, so if someone did actuarial and does not understand English, that does not mean I said the same.

*(Laughter)*

**Deputy Speaker,** (Hon. Mubea): Hon. Member for Witeithie, I think you are raising a debate whose direction you might not want to go to, which is the wrong direction. You are going in the wrong direction because if you read the Standing Orders correctly, they will tell you that you should not impute. When we talk of imputing, you know what I mean because you say you have the English Language at your fingertips.

You are imputing an improper motive on these Members, and you should actually apologize to them. It is important for you to apologize to these Members and withdraw those terms.

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**Witeithie MCA**, (Hon. Taki): Hon. Speaker, I am not going to apologize. I am categorically saying that because the statement I said is, what I hate is being a hypocrite. That does not mean I said someone is a hypocrite.

### *(Consultations)*

**Deputy Speaker**, (Hon. Mubea): Hon. Members, I think it is important for us to always be cognizant of the rules that we have set. If you care to read Standing Order 130 (1) on disorderly conduct very carefully, it states, "A Member commits an act of disorderly conduct if the Member-

- a) Creates disorder;
- b) Knowingly raises a false point of order;
- c) Unnecessarily interrupts proceedings or consults in a disruptive manner;
- d) Fails to record abstention in a division;
- e) Makes allegations without, in the Speaker's opinion, adequate substantiation;
- f) Defies a ruling or direction of the Speaker or Chairperson of Committees;
- g) Declines to explain or retract use of unparliamentary words or declines to offer apologies, despite having been ordered to do so by the Speaker."

Hon. Member, we do not want to rule you out of order, and we do not want to declare that you have disorderly conduct. So I think it is important when you raise some issues and they seem to be unparliamentary, it is always important for you to actually either substantiate or you just withdraw. It is not very hard. But if you feel that that is what you want, then I do not know.

You just need to apologize to the House for calling them hypocrites.

**Witeithie MCA**, (Hon. Taki): I apologize!

### *(Applause)*

**Deputy Speaker**, (Hon. Mubea): Thank you!

Let us continue!

## **NOTICE OF MOTION ESTABLISH A KIAMBU COUNTY COMMUNITY HEALTH WORKERS POLICY**

**Lari Kirenga MCA**, (Hon. Karichu): Thank you Mr. Speaker!

Mr. Speaker, I beg to give Notice of the the following motion;

That aware that the Community Health Workers (CHW) serve as the first contact point to the health facilities for many people, especially those living in the rural areas, hence providing a critical link between the community and the primary health care systems.

Fully Recognizing, that these workers carry critical health knowledge, skills and tools into communities and are essential to saving lives and disease protection. They also live within the community thus know and understand the people and their culture.

Deeply disturbed that presently, community health workers are not formally integrated into the health systems and therefore lack clear supervisory structure, professional progression, recognition and remuneration. This has resulted to demoralization and non-committal to the community as they have to source for income to sustain themselves.

Noting with appreciation that Kenya is a signatory of the One Million Community Health Workers Campaign. The campaign aims at accelerating the attainment of universal health coverage in rural sub-Saharan Africa and scaling up the CHWs in each County in Kenya in an effort to meet the Sustainable Development Goals (3) on good health and well-being. Further affirming that, Kenya's Community Health Strategy (2006), expounds the country's plan to expand access to community health care and the Ministry of Health is currently revising the strategy, in order to align the responsibilities for health at both the national and county governments.

Bearing in mind that, section 24 of the Kiambu County Health Services Act, mandates the County Health department in collaboration with public or private sector agencies, with the roles of, developing and implementing cross-sector health promotion policies and programs. This Assembly therefore urges the County Government to establish a Kiambu County Community Health Workers Policy to legitimize CHW's work and offer sustainable career path.

Thank you Mr. Speaker!

## **STATEMENTS**

### **BUSINESS APPEARING BEFORE THE ASSEMBLY WEEK BEGINNING TUESDAY, 17<sup>TH</sup> JULY, 2018**

**Member, Assembly Business Committee, (Hon. (Ms.) Kariuki):** Thank you Mr. Speaker!

Hon. Speaker, pursuant to Standing Order 62, on behalf of the Assembly Business Committee, I rise to give the following Statement regarding the Business appearing before the Assembly the week beginning Tuesday, 17<sup>th</sup> July, 2018.

## **CAK/104/07/2018 (2) KIAMBU COUNTY ASSEMBLY DEBATES 2**

Hon. Speaker, the Assembly Business Committee met yesterday on Monday, 16<sup>th</sup> July, 2018 in the morning to prioritize the Business of the week.

Hon. Speaker, the following Business for the week was approved;

1. Today Tuesday, 17<sup>th</sup> July, 2018, the Assembly will transact preliminary Business;
2. On Wednesday, 18<sup>th</sup> July, 2018 morning sitting, the Assembly will debate a motion for establishment of the Kiambu County Community Health Workers (CHW's) policy to legitimize the Community Health Workers work and offer sustainable career path by Hon. Joseph Karichu, Member for Lari Kirenga Ward;
3. On Wednesday, 18<sup>th</sup> July, 2018 afternoon sitting, the Assembly will debate a Motion for approval of the Report of Public Investments and Accounts Committee (PIAC) on consideration of the Auditor General's Report for the financial statements of Kiambu Water and Sanitation Company for the year ended 30<sup>th</sup> June, 2016, and;
4. On Thursday, 19<sup>th</sup> July, 2018, the Assembly will debate a Motion for approval or the Report of Public Investments and Accounts Committee (PIAC) on consideration of the Auditor General's Report for the financial statements of the County Assembly of Kiambu for the year ended 30<sup>th</sup> June, 2016.

Hon. Speaker, I urge the Hon. Members to familiarize themselves with the aforementioned Business, particularly the Reports of PIAC for effective deliberations.

I now lay the Statement on the Table of this Assembly. Thank you!

### **ADJOURNMENT**

**Deputy Speaker,** (Hon. Mubea): Hon. Members, there being no other Business, this Assembly stands adjourned until Wednesday, 18<sup>th</sup> July, 2018 at 10.00 A.M.

Thank you!

The House rose at 3.05 P.M.