

COUNTY ASSEMBLY OF NAKURU**THE HANSARD****Wednesday 26th August, 2015***Assembly Building**The House met at 2.45pm**[The Temporary Speaker (Hon. Eunice Muriithi) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR**

MEMBERS THANKED FOR PARTICIPATING IN KICOSCA/CASA GAMES

The Temporary Speaker (Hon. Eunice Muriithi): I wish to thank all the honourable Members for their participation in the just concluded KICOSCA games in Eldoret. You performed really well and made our County Assembly and the County as a whole shine. I congratulate all of you even for the attendance; at least 80 percent of the Members were there including honourable Muriithi, thank you very much.

I also wish to say sorry to those who were caught up in the chaos after some misunderstanding with some Members from other Counties. That happens sometimes and we should not dwell on it so much.

MOTION

COUNTY GOVERNMENT TO BEGIN THE PROCESS OF RECLAIMING LAND

MEANT FOR PUBLIC AMENITIES

Hon. Peter Palang'a: Thank you Madam Temporary Speaker, I wish to move a Motion;-

THAT aware that Nakuru County is getting urbanized at a very fast rate; further aware that new estates are coming up in different parts of this County; concerned that some developers are bringing up residential estates without adhering to the laid down laws of planning hence leading to the absence of basic social amenities such as play grounds for schools, access roads, drainage systems among others; noting that subdivision of land ACT Cap 140, Section 5 (3) (c) requires provision of social amenities; this House resolves that the County government begins the process of reclaiming land meant for public amenities and to ensure the following;

- 1) The developers to set aside land for public amenities to cater for future development.
- 2) Where there is no allocation of land for public utilities, the County government to invoke the necessary provisions of the law and compel the concerned developers to give out such land.

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- 3) That before developing the land the developers be forced to submit their plans for approval as required by land ACT Section 5 (3) and further ensure there is space for planting at least three indigenous trees as a measure of environmental conservation.
- 4) The County government will liaise with relevant government institutions such as NEMA, Public Health officials among others, to ensure compliance.

Madam Temporary Speaker, as we are all aware, urbanization is here with us and especially with the devolved funds people can now have really rapid developments. I know some areas where the land meant for these kind of developments is no more. Madam Temporary Speaker, with this trend even with the devolved funds that we have we may not be able to undertake any meaningful projects as a County government, and the Act and the law for planning is very clear that in any sub division of any land there should be a 10 percent of land set aside for public use which will ensure that as we do development, we also cater for the development of our children.

Madam Temporary Speaker, we have so many developments that have been established where there is not even a single ECD class which is a devolved function and it is high time that this House resolved that land for public amenities is reserved. So this Motion if adopted by this honourable House will put some strict measures that will ensure that when one is subdividing land there is a provision that he or she has to set aside some land for public amenity and the necessary approvals sought. This Motion also seeks to adhere to the issues of environmental conservation.

Madam Temporary Speaker, I was privileged to have travelled to the USA where development is well planned to an extent that in each and every plot that is developed there is a portion that is left to cater for environmental conservation, this Motion seeks to have a portion where one will have to plant some two or three indigenous trees.

So Madam Temporary Speaker I urge Members to look at this Motion objectively with a view of planning and considering the population growth so that even after our tenure comes to an end, we will leave a mark behind and I am happy that the honourable Chair for Lands, Housing and Physical Planning is categorical and emphatic in this particular matter when he talks on issues of spatial planning which I think goes in the same direction with this Motion because before we even do the spatial planning, we need to put some measures on the ground and ensure that things are done according to the law.

Madam Temporary Speaker, I wish to end my Motion by asking Members to kindly look at it objectively. We cannot do away with issues of public amenities; we know of areas where they are lacking; you have the Kshs. 25 m but you cannot even develop a dispensary, a school or even put up an ECD centre because we do not have land. I wish to ask honourable Joel Karuri to second. Thank you Madam Temporary Speaker.

Hon. Joel Maina: Thank you Madam Temporary Speaker, I rise to second the Motion because this is the reality and that is where we are. We cannot afford to continue burying our heads in the sand pretending that things are going to be alright, so we have to look into this matter with all our minds and everything so that we can plan in advance because if we fail to plan, we are planning to fail.

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The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much honourable Karuri, the Motion is now open for debate. Honourable Ngugi.

Hon. Joseph Muigai: Thank you Madam Temporary Speaker, first let me begin by stating that the resolution that this Motion seeks is an uphill task because some of the public utilities have been given out by the very government that we are talking about today, and if we have to do that then we also have to look for land to compensate for the mess that we as the government created those years by allocating land that was meant for public utilities, so I suggest an amendment to that to read *that this House resolves to reclaim encroached public utility land by any private developer* because we can only reclaim what has been interfered with by outsiders and not insiders. Insiders in this case meaning the government. The defunct Local Authorities carelessly dished out land intended for public utilities. I know for example in Molo we have a place that was meant for such purposes and was given out by the defunct Molo Town Council. I want to ask this very question and I want everyone to answer it for him/herself; how then are we going to reclaim such land if we are the ones who gave it out and the “owners” have all the documents? We have areas that were supposed to be passages for sewage that have been allocated to private individuals by the same Local Authorities and as county government, we have inherited their assets and liabilities. In other areas where we have talked of limiting developers from developing areas without public amenities that would be okay, but then it will also depend on the acreage because we cannot tell a person who has say 5 acres to provide for a school, for an ECD among others because it is not practical.

Madam Temporary Speaker with that amendment, I support the Motion with that amendment that we start reclaiming land that was meant for public amenities without necessarily looking at who was involved in allocating the same, thank you.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you honourable Muigai, honourable Gitau.

Hon. Edward Kamau: Thank you Madam Temporary Speaker, when I look at this Motion, I want to look at the definition of a Motion, from my own understanding, we come with Motions to fill legal gaps that have not been taken care of by the Constitution or any other existing law.

Madam Temporary Speaker, with all due respect to the mover of this Motion, I personally feel that most of the issues raised here have been taken care by the Land Subdivision Act CAP 140 as he has correctly put. There are also other ambiguities like which type of land the mover of the Motion is targeting, is it free hold titles, private lands, public utilities, lease hold, which particular type of land is the mover targeting because there is provision before a title is issued in a free hold situation the social amenities must be there; the market, the hospital, the playing ground, all of them.

This Motion is seeking to achieve what is already being done, there is the National Land Commission which has now been devolved to the County and the Commissioners are already on the ground reclaiming public utilities, they have even come to my ward where there are issues, do we really need another Motion to emphasize this when there are people already on the ground executing the same mandate sought by this Motion?

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When you look at some things like planting trees and approval of building plans, the NEMA certificates, these are obvious requirements in a situation for a private developer; those are obvious documents and the sub Counties are currently handling all this, they are approving building plans.

Look at the issues of planting trees, this is more of a philanthropic gesture rather than a policy issue, how do you monitor and count trees in every homestead to ensure compliance? The method of implementing this look like it is tedious and it lacks the logical pattern of implementation. Where does this apply, does it apply to rural areas, the urban areas or to Karuturi and the other places, where does this exactly apply because there are areas like in the urban where people have 50 x 100 plots? You want a 50 x 100 plot to create a playing field, a market inside, what exactly are we talking about here? With all due respect I feel what is being sought in this Motion is being taken care of by existing laws and structures and the mover of this Motion should actually rethink and bring another Motion in future, thank you very much.

The Temporary Speaker (Hon. Eunice Muriithi): Let me give honorable Palang'a for a point of information and then honorable Malel.

Hon. Peter Palang'a: I know you are equally energized to give contribution to this Motion, I just want to inform the House in general that it is common knowledge that when we are talking of subdivision of land, this are chunk of land that were meant initially as agricultural land and free hold, so these are the land we are talking about and the honorable Member who was just on the floor seems to be informed only that he misses a point, of course he talks of all these connotations of free holds and lease holds and so forth but I am not referring or this Motion does not seek to refer to personal land. For instance, honorable Muigai talks of he has five acres of land, that is personal land and this Motion does not seek to consider such land.

This is a Motion that is seeking for free hold land, agricultural land and I wish that the honorable Member also acknowledges he could be lucky that those laws are adhered to in his area but I am very sure that among the Members here these things are not adhered to and we feel that we legislate them, in any case by us legislating here we are making a confirmation on the same and it emphasizes the effort that is being done elsewhere so that collectively we get what we want, thank you.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you honorable Palang'a, I am just wondering that your Motion does not have the word free hold in it, are you making an amendment to include it?

Hon. Peter Palang'a: When a Motion is tabled before the House, the way this has been, this House has a prerogative of making amendments and changes where possible as long as they all understand the objective and intentions so we are obliged to do it.

The Temporary Speaker (Hon. Eunice Muriithi): honorable Malel.

Hon. David Malel: Thank you Madam Temporary Speaker, I do not know how long I should be a nomad (*complaining lack of a microphone on his chair*), reading from this particular Motion that this House urges the County government to begin the process of reclaiming land meant for
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public utilities, to me Madam Temporary Speaker part one of the first sentence, I find it rather ambiguous where the developer set aside land again it is reclaiming what was initially planned for public utilities, remember during the defunct Local Authorities and County Councils in each Centre they used to plan some land for public use, be it a playground and other public amenities that were felt to be of necessity to that particular Centre. It is a noble idea that the land that was meant for public use let it be reclaimed and I support that where there is no allocation for land for public utilities that the county government should think of providing such land, I support this because at this stage if we do not enforce, if we keep quiet believing that the laws are there and we are the custodian of public utilities then we lose our mandate, we should be talking with the same voice defending the public utilities in our particular areas whether we are in town or even in rural areas, thank you.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much honorable Malel, honorable Kiarie.

Hon. Stephen Kiarie: Thank you Madam Temporary Speaker, much as I support this Motion I would like to suggest that the mover be a bit specific because when he says that some developers are putting up a residential estate without provision of basic amenities such as playing grounds and so forth, and also catching on what honorable Gitau has said, I would like the mover to give us specific developers that have started developing land and have not established this amenities because we should not give blanket statements which are ambiguous, so we would like specific situations where we have a developer who has developed land without public amenities otherwise as it is this Motion need many amendments, thank you.

The Temporary speaker (Hon. Eunice Muriithi): Thank you honorable Kiarie, you say this Motion need many amendments but you just gave one.

Hon. Stephen Kiarie: I meant that he needs to rewrite again and come up with specific issues.

The Temporary Speaker (Hon. Eunice Muriithi):Honorable Warothe.

Hon. Jonathan Warothe: Thank you Madam Temporary Speaker, I wish to share some information that will probably help us make some decision on this Motion, one is that the Physical Planning Act is very explicit that when you do a subdivision of land that is more than five acres you are supposed to set aside ten percent of that land to go for public utility, it is the discretion of the planners to know the user of those utility be it a dispensary or a cattle dip or whatever it is based on the priorities of the community around and their needs, I think that I would propose an amendment to this Motion.

I understand that the Member who brought this Motion has a lot of problems when it comes to public utilities within his area, where people subdivided a lot of land for commercial and residential purposes and nothing was set aside for public utilities and there is too much pressure, I am referring to Olkaria Ward, it is a ward I understand very well but what I would say is that we should urge the County government whenever approvals are sought that the Physical Planning Act and other Acts are complied with.

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The second one is that the County government should look into ways where there is too much pressure of public utilities and were not provided, whichever formula it will use to ensure that those utilities are provided for the interest of the general public and I think with that amendment it will take care of all that although it looks tedious to implement but I am not saying that the Nakuru County Land Management Board is not supposed to ensure that it reclaims all the land that was meant for public use that is in private hands where possible.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much honorable Warothe, yes honorable Gitau.

Hon. Edward Kamau: I am still at large because we want the mover to clarify this because a Motion should have issues that traverse through the County, are we dealing with Olkaria ward or are we dealing with Nakuru County because if he has specific issues we do not need a Motion, he needs to raise this issues through the Land Committee in this Assembly, there is the Land board and he can pin point this people and they can be forced to follow the law ,we do not need a Motion to tell the Land Board to execute its mandate ,he needs to walk to the Land Board and tell them that I have this problem, solve it for me, we do not need a Motion for this.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you honorable Gitau, honorable Palang'a for a clarification.

Hon. Peter Palang'a: Thank you Madam Temporary Speaker, unless he want to trivialize and reduce us into cocoons in terms of thinking...

Hon. Edward Kamau: I think the use of the word cocoons is not parliamentary and he should withdraw.

The Temporary Speaker (Hon. Eunice Muriithi): I think honorable Palang'a you should withdraw and apologize. We have honorable Members in this House and the reason we call for debate is give our different opinions until we come up with a proper conclusion.

Hon. Peter Palang'a: Thank you I think if that is what will make people think outside the box then I withdraw that term but what I want to mean...

The Temporary Speaker (Hon. Eunice Muriithi): I think you are adding salt to injury, so just go straight to withdraw.

Hon. Peter Palang'a: I withdraw as I go on.

The Temporary Speaker (Hon. Eunice Muriithi): now you can carry on with your contributions and clarification

Hon. Peter Palang'a: I want us to think outside the box as Members of this House, if we critically look at it, this is a planning issue, does it mean for instance that all the Wards within Nakuru County have public amenities, the answer could be yes the answer could be no. Madam Temporary Speaker I want us to think objectively. We are looking at the issues of planning and development and considering the population of this Country.

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If we will turn and think that this is a Karuturi issue the way my brother puts it, Karuturi is a flower farm and I think that it is also important that he understands that when he is referring to Karuturi.

Karuturi is a flower farm which does not require this kind of planning. My Motion intends to cater for even where we do not have these public amenities. We have seen even the National Government going in full throttle for compulsory acquisition where there is no land that is meant to foster the development for this Country on behalf of the community and behalf of the people of this Country.

This Motion seeks to where there is no alternative land, the County Government can resolve to go for compulsory acquisition which is provided by the law that to cater for a project for any given community. So let us look at this particular Motion very objectively and not to look at Hon. Palang'a who has brought it so that he can benefit from it.

This Motion is meant to benefit the entire County, if for instance there could be some Members here where there is not even an ECD. This land for ECD should be provided for and if someone did things wrong, we should just bury our heads down in the sand and assume that because he was part of the Government those mistakes should continue and we should not even stand shoulder high and say these are mistakes so be it if the Members resolve that and decide that this is the way to go, I will be on record to have really sought for this Motion that Members would have looked at objectively.

This is a House of rules, this is a House of debate so let us debate, I have put my case forth on the floor of the House. There are some areas where there is no development that can be done because there is no land. In spite of all those laws that are there, in spite of all those planning that are there and therefore as a County Government we have a prerogative, we have a duty, we have a responsibility to ensure that things are done right. So I end my case by requesting Members to look at this objectively, do not look at it that it has been brought by Palang'a. Look at it in terms of the content. You have a chance to make any changes you feel, you have a chance to make any alterations, and you can make any input to suit it to the best interests of the county. Thank you.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much Honorable Palang'a, I will give Honorable Peter Muchiri. He rose up earlier.

Hon. Peter Muchiri: Asante sana Spikawa Muda. Nikiungamkonohuumjadala, natakakusemaukiangaliakabisakabisamaelezoyaulemtuametoahuumjadala, Mheshimiwa Palang'a, uendesehemuyamwishoutaonayakwambakunamahaliameombaserikaliyaKauntiya Nakuru

kurudisha, nisababuilekituikoniyakwambakunayoyalemashambamakubwamakubwaambayowatu waliendanawakaachamahali pa kufanyia, yaani public utility ilikaziyaserikaliifanyikelakinikulenyumaukafwatawatuwenginewakajawakatoayalemashambana wakaifanyiakaziinginetofauti.

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The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much. Honorable Peter.

Hon. Peter Mwangi: Thank you Madam Temporary Speaker. I stand to support this Motion though with some reservations, for example the Chair lands has said that we have laws already in place that govern subdivisions and I will use Bahati as an example, we had land buying societies and they came to a point of subdividing the land to the members and they clearly set aside public land, for example in Bahati Ngwataniro we had land like dumpsites set aside, we had grave yards, we had social hall land set aside even playgrounds and schools and hospitals but unfortunately and this is where I support this Motion, the former local authorities went ahead and subdivided the set aside land for public utilities. That is where I support this Motion, part two where the mover is suggesting that the County Government should take measures according to the law and reclaim the land that was illegally subdivided by the local authorities.

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I want to correct the Motion also by using the Ngwataniro in Bahati example, the subdivisions were two acres only and people are now subdividing the two acres into plots, the Motion should have specified the amount of land that should be set aside for public utilities say like a hospital or a playground.

Right now, what they do for the two acres is when you subdivide you need to leave room for roads, 6 meter roads between the plots and that is what has been happening. Finally the word used in part one, *the developers sets aside land for public utilities*. Who is the developer, is it me who is subdividing the land or the person who is going to buy a plot and decide to develop it. Thank you.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much. Honorable Kilinga.

Hon. Simon Molock: Thank you Madam Temporary Speaker. My name is Simon Molock, Kilinga is a nickname.

The Temporary Speaker (Hon. Eunice Muriithi): You have just made me aware sorry. Honorable Molock.

Hon. Simon Molock: Nimesimamakuungamkonohuumjadalawaleonanikiungamkono, kwawadiyangunikampuniambayoinakatashambaekarimiatanonawamegawiwatukwa plots ya 50 x 100 wenginewanapewa acre mbilinanimefuatiliahawakubakishapahali pa matumiziummanasaahiinikiongeanimewekamilionimbilinaelfumianneyakujenga nursery, watuhadiwakatihuuwameamkawanatakakufanyamaandamanokwasababushambahiloekarimiatano hakunapahali pa matumiziyaumma.

Tunajuayakwambasherianasemayakwambazaidiya acre kumiama acre
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sokondogonahatawaowenyewewanaokatawanajuayakwambalazimawabakishhe.
Wanabakishaalafumwishowewanarudiwanauzatena. Kwa
hayonimesimamakuungamkonohuumjadalana pia ile previous council
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hivyoninaungamkono. Asante sana.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much Honorable Molock. Honorable Simon. I will give all of you a chance.

Hon. Simon Ngigi: Asante SpikawaMuda. Nimesimamakuungamkononanisememwenyekuletahuumjadalaataalikuaamechelewa.

NikisemahivyonasemanatakaniambiehiiNyumba,
mimimwenyewekatikawadiyangunimeadhirikasababu, wale ambaohawajatembea Naivasha,
ilesehemuimebaki Naivasha yakujengamanyumbanikwangumahalipanaitwaKayole. Yale
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mashambayalikuayamekatwa 20 acres
 kwawatuzaidiyahamsinikwahivyouawezaonaniekaringapiziko pale,
 nawakatihawawatuwalianzakugawanyatenanivibayanasababuwataalamwetu wale
 wamipango, upimaji, ramani, wahandisiwaliikaachininakukubalishaugawanjibilakuangalia public
 utility na wale watuwanakoseahii County ni wale watutumeajiri, wale
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 mwenzanguamesema, sheriainasemawazizaidiya 10 acres
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 naunapatayakwababaadayakukatakataunapatatumeadhirikavibayasanawatotohawanapahali pa
 kuchezea, siotuviwanjaata pia trading centers hawatengi,
 kaziyaotunimashambawawekepesakwamfukobilayakujali. Kwa
 hivyomiminapongezasanamwenyekuletahuumjadalananisemeata Naivasha town
 sisitumeadhirikasana.

Nkiongeahivyo Meya wazamaniwa Naivasha
 nakumbukayakwambakunauwanjaulitengwawakupakiamalorikatika Naivasha town
 nasasaNavasha town tunapoongeahakunapahalipametengwa pa kuengezalarisababu wale
 walikuwekowiunganana wale wachoranyi,
 wapigaramaninawahadisiuleuwanjawakaukatakatanasanimanyumbayamejengwamahali pale.
 Ndioninaungamkononikisemaatakurudishazilearthizilikwazimetengwazamatumiziyaummaninget
 akaifanyiweharakairudishwesababutunateseka, wachahiiarhiirudi vile
 ilikuwaimetengwa. NinaungamkononinanapongezaMheshimiwaPalang'a. Asante.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much, it was Honorable Ngware then Honorable Moses.

Hon Joseph Ng'ang'a: Thank you Madam Speaker, I rise to support the Motion, Madam Speaker, we are having problems in our different wards concerning planning, and it is only a mad person who will not appreciate planning where the social amenities in public places are there. I support the person who originated this Motion and just like hon Simon has said, this is a Motion that ought to have been brought earlier. In our villages, most of the land that was subdivided are lacking provision for public amenities and there is a provision somewhere I read, a county like this can go for forceful acquisition to get land that can be useful for public use. Before we go that way, since there is a lot of this... (*Madam Speaker there is a lot of noise from hon Waithaka.*) Because a lot of schemes and estates are emerging, there should be a law that once the schemes come up, we get this public utilities forcefully. It is not like we have to go their way but instead they have to be forced to provide allocation for social amenities. I believe many people are going to benefit from this. I congratulate the mover of the Motion

The Temporary Speaker (Hon Eunice Muriithi): I had said earlier we will start with hon Moses then hon Member from Mai Mahiu

Hon Moses Kamau: Thank you Madam Speaker, I rise to support this Motion whose mover has been has been very creative. First, there is land in my Ward which is over 400 acres that the Catholic Dioceses of Nakuru (CDN) settled some squatters there. I have been having a lot of

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problems with them because there is no single public utility that was left. They have been asking me as their leader to provide funds for the purchase land for a market and ECD. If this CDN had allocated public utility, we should not be having problem. There is a five acre plot in that property which I requested be for public utility but they have refused and therefore I support this so that the county government can intervene. I also want to make some amendment that the county government should not approve any plan before they have been assured there is a public utility land. The Motion says in part two that the County Government to compel developers to give out this land. Sometimes it might be difficult because some of those plans were approved by county government or the defunct local authorities. They might not have factored public utilities. I support that in future the County Government should not approve a plan without public utility.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much hon Moses.

Hon Ruth Cheptarus: Nikiungamkonohiimjadala, ningependakumpongezaMheshimiwa Palang'a kwakuletahiimjadala. Tukonamashambamenginaniwammojawawakurugenziwamakampuniyakununuamashamba, tulitengaardhiyamiradiyaummalakinikwawakatihuu, nyingizimenyakuliwanawatubinafsi. Sisitunasemayakwamba, kwamfanohuko Naka, kunashambailitengewashulenanafuikiriaimenyakuliwa pia. Mdhaminiwahuumjadalahakuiletakwasababuyawadiyakebinafsibaliitashughulikiakauntinzima. Sisikamawa mama, sikhiziwazeehawanywipombenahivyowatotowengiatazaliwailhalitunashangaawatachezeawapi ?

(Applause)

Hizomashambazirudishwenasisihatufungikuzaakwasababuserikali pia imetoahudumaza bure zakujifunguakatikavituovyaafyazaumma.

Hon Stephen Chege: Okay thank you Madam Speaker, I had thought of restraining because the decision is in the air, never the less I rise to support the Motion with full knowledge that matters of land have been institutionalized...

The Temporary Speaker (hon Eunice Muriithi): Sargent-at-arms there is too much noise outside

Hon Stephen Chege: We must mandate ourselves with those functions. Those that are within us, all hon Members know that we have issues in our respective wards in regard to public utilities. Madam Temporary Speaker, matters land is an old age story. I remember reading that some 2000 years back, the same debate was thrashed into public domain in Greece in a certain Athenian town, when they were discussing policies of that town, and the recommendation was that they opted for creation of more land for public utility. In US, recently and is in the public domain that they spent 1.1 billion dollars on drugs, whose cumulative effect was people's stress on the diminishing land and the recommendation was there was need to create more land for social amenities. I think it is high time that we support this Motion albeit we should bring with it the amendments that hon Members have put forward

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The Temporary Speaker (Hon Eunice Muriithi): Thank you Members; Let me go through proposed amendments that have been put forward by hon Muigai and hon Mwangi from Bahati.

1. We need to know what size of land to allocate for social amenities or for public utility
2. Hon Palang'a mentioned freehold land, and
3. There was another amendment by hon Warothe that the Planning Act be followed to ensure that there is a proper government procedure in enforcing compulsory acquisition of public utilities.
4. Hon Peter from Subukia also cited that the properties that are suitable for public utility, the county government should acquire them; this amendment I combine it with that of hon Ngware on compulsory acquisition of public utilities.

Do you think I have forgotten any other amendment; so that we can make this Motion accommodate all what we need because there is a lot of concerns for public utility? Before putting it to question, Yeshon Mureu

Hon Peter Macharia: My concern was that we should scrap off number 2 because it seems that part of the Motion needs to be scrutinized seriously before we pass it. Hon. Moses has said that some of the land been dealt with by defunct local authorities and Titles issued to owners, so if we pass this Motion, this issue is emotive more than we may think. I suggest that this Motion be suspended and the matter be delegated back to Lands Committee which I am a member for more scrutiny.

The Temporary Speaker (Hon Eunice Muriithi): Let's hear for hon Peter before I give hon Palang'a to sum it up.

Hon Peter Muchiri: Madam Speaker, if you look very clearly part two where my colleague is suggesting to be removed, it is giving more powers to the County government to ensure grabbed public land is repossessed. I do not see why it should be removed and this is an issue that hon Moses was saying would ensure we weed out the grabbers. I want to support the entire Motion the way it has been drafted.

Hon Peter Palang'a: Just a quick one, I wish to request that hon Peter Mureu reads Clause number 2 because if he has listened to other Member's contribution, this is the bottom-line as to why we feel this Motion should be adopted. Number 2 reads, that the county government to invoke all necessary provisions of the law and compel the concerned parties to give out such land for public utilities through compulsory acquisition. Therefore if we do away with it, I feel we will be going out of the context of the entire Motion.

The Temporary Speaker (Hon. Eunice Muriithi): Hon Muriithi what did you want to say

Hon Joshua Muriithi: I was adding my voice in supporting this Motion and it should be expedited so that all the grabbed public utilities should be repossessed as fast as possible

The Temporary Speaker (Hon Eunice Muriithi): Thank you hon Members, I will put it to question that all proposed amendments be considered in the Motion.

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(Question put and agreed to)

The Temporary Speaker (Hon. Eunice Muriithi): I will now put to question the Motion;- THAT this House resolves that County government begins the process of reclaiming land for public utility and to invoke all the necessary provisions of the law and compel the concerned parties to give out such land for public utilities...

(Question put and agreed to)

Thank you very much, the House stands adjourned until tomorrow at 2.30 pm.

The House rose at 3.55pm