

UASIN GISHU COUNTY ASSEMBLY

HANSARD

Tuesday, 17th May, 2016
The House Met at 3:50PM

[Temporary Speaker (Hon. Pius Kigen) in the chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

SUBMISSION OF NAMES OF WARD WATER PROJECTS

Temporary Speaker (Hon. Pius Kigen): Honourable Members, you are informed that all those members who have not indicated water projects for their Wards, please as matter of urgency, there is a form in the Speaker's secretary's office, kindly fill the names of the project. This is the sh1.6 million water projects, Honourable members.

NOTICE OF MOTION

MANAGEMENT AND CONTROL OF THE CONSTRUCTION AND BUILDING INDUSTRY IN THE COUNTY

(Hon. Amos Kiptanui – MCA, Racecourse Ward)

Temporary Speaker: Honourable Amos for Racecourse.

MCA Kiptanui: Thank you, Mr. Speaker Sir. I beg to give the notice of the following Motion:

Aware that many people in Kenya have lost their lives in the past through the collapse of unauthorized or poorly constructed structures and buildings; **Further aware** that recently on Friday 29th April 2016 the country did witness the latest similar tragedy where over 50 innocent people lost their lives and much valuable property damaged or lost, **Concerned that** despite the existence of the Building Code and the concerned government agencies mandated with the approval, supervision management and control of the construction sector, many incidents continue to be reported regularly by the print and electronic media, which indicates that the problem continues unabated, **Noting that** the construction and building industry is one of the pillars of our County's economy; **Cognizant that** developers continue to invest massive resources in the sector, it is in public interest that Government Officers and agencies must step up efforts to control such developments; This County Assembly urges the County Government in collaboration with the National Construction Authority (NCA) to:

1. Carry out an audit of all structures and buildings in the County urban and peri-urban areas with aim of identifying high risk ones and thereafter take appropriate action,
2. To revamp and reorganize the management of the construction and building Industry at the County level in partnership with National Construction Authority (NCA) so as to ensure safety and security.

Thank you, Mr Speaker.

Temporary Speaker: Thanks. Next order!

MOTION

Temporary Speaker: Honourable Members, you can now turn to your supplementary orders of the day.

MANAGEMENT AND CONTROL OF THE CONSTRUCTION AND BUILDING INDUSTRY IN THE
COUNTY

(Hon. Amos Kiptanui – MCA, Racecourse Ward)

Temporary Speaker: Honourable Amos, member for Racecourse.

MCA Kiptanui: Thanks once more Mr Speaker. I beg to move the following Motion:

Aware that many people in Kenya have lost their lives in the past through the collapse of unauthorized or poorly constructed structures and buildings; **Further aware** that recently on Friday 29th April 2016 the country did witness the latest similar tragedy where over 50 innocent people lost their lives and much valuable property damaged or lost, **Concerned that** despite the existence of the Building Code and the concerned government agencies mandated with the approval, supervision management and control of the construction sector, many incidents continue to be reported regularly by the print and electronic media, which indicates that the problem continues unabated, **Noting that** the construction and building industry is one of the pillars of our County's economy; **Cognizant that** developers continue to invest massive resources in the sector, it is in public interest that Government Officers and agencies must step up efforts to control such developments; This County Assembly urges the County Government in collaboration with the National Construction Authority (NCA) to:

1. Carry out an audit of all structures and buildings in the County urban and peri-urban areas with aim of identifying high risk ones and thereafter take appropriate action,
2. To revamp and reorganize the management of the construction and building industry at the County level in partnership with National Construction Authority (NCA) so as to ensure safety and security.

Mr. Speaker, I want to believe that this Motion will be of great of importance to the people of Uasin Gishu County and Kenyan people at large. Last month, almost three weeks ago, this Country witnessed a situation where a number of lives were lost as result of a building which was built in a manner that did not meet the threshold of the engineering standards.

I know this happened far away, hundreds of kilometres from the County but it is very important that we the government of the Uasin Gishu County also take the initiative of ensuring the safety of the residents or people who reside in a number of structures which have been constructed in our County. This is an investment and we need to give an assurance to the people who are investing in the building industry so that whatever they have invested is safe and secured for their future. So the major issue here is the standard of these structures. We know this is a growing County and this can be demonstrated by a number of structures that are coming up.

As much as our economy as a County is growing very well as a result of these structures, we know this one will translate to our economic development of our County. We should be wary of the safety of people who reside in these structures because the lives that we have are so precious and the people who reside in this areas also contribute to the economy of this country. We are aware there are some structures which are coming up in urban areas and peri-urban areas which don't meet the standards. Some of these structures have not been approved and those which have been approved have not followed the required regulations and procedures. You find out a house, because an investor has gone to secure a credit facility, the very investor would want to get quick returns out of the investment that he has invested

in. As a result of this they don't follow the right procedures and the time limit that is required especially for the storey buildings.

There is a recommended or a statutory time that the buildings are supposed to cure without any interference especially with storied buildings. But you find in some cases somebody constructs a storied building within the shortest time without following the laid down procedures and regulations of the building industry. For the purpose of safety and also to ensure that this investment realises its economic objectives, it is very important that the County Government of Uasin Gishu does as have I indicated. Number one that, they carry out an audit of all structures and buildings in the County urban and peri-urban areas with an aim of identifying high risk ones and thereafter taking appropriate action on the very structures. I know somebody may say that this is political suicide but let it be a political suicide but, at the same time, we have protected the hundreds of suicide of the people of Uasin Gishu who reside in these areas.

I want to request the members of this Honourable House to note that, one, to identify the high risk ones - and I have not said every structure. I want to be quoted very well because I know most of my colleagues here are investors and they have invested in the very industry, so I don't want to send any worry to them. We have some structures even as you just enter them you find cracks in the walls, roofs and even when a lorry passes, you just feel the house is trembling. That shows that the structure is not good for human habitation and therefore deserves to be condemned and thereafter it has to be demolished. We know this is an investment but what about the precious lives of people?

This structure is being invested by one individual, two or even a company compared to the number of lives that reside in the very building? I want to request this Honourable House that we carry out an audit. This is not a witch-hunt but it is for the purpose of the lives. What happened in Huruma Nairobi is very regretful, painful and very sorry and I want to believe that passing this Motion, we will enjoy an overwhelming support because we witnessed the situation with a lot of sympathy and if we care about this life---

(Point of order)

Temporary Speaker: What is out of order, Honourable member for Kipkenyo?

MCA Rono: Mr. Speaker, is the Honourable member, a full Chairman on committee of lands in order to allude that this House will support this Motion in totality and yet members have different opinions? I want to urge the Honourable member to give us what is the content of the Motion. Thank you.

Temporary Speaker: I think, as the mover, he has a right to make his prayer. He was making his prayers; the choice is yours Honourable Member. If you have a contrary view, that is your right. Honourable Amos, please proceed.

MCA Kiptanui: Thank you, Mr. Speaker. I really want to say that what happened in Huruma was unfortunate and lives were lost. In fact, I think it's in either today's or yesterday's newspapers that I saw a family in *Ukambani* who were burying three of their beloved ones. Can you imagine the whole family perishing in such an incident and that is something that can be avoided? I am just saying kindly let us consider this Motion with a lot of passion and sympathy because this is about saving somebody's life and God in Heaven at some point will reward you for this decision that you are making because we are saving the lives of our people.

Again, my second point is that the County government, the enforcement part of it, I know that I am the Chair, lands and physical planning, I understand the challenges that department has had especially when it comes to the enforcement. The capacity is becoming a challenge

and I want to be very clear that we are saying that they are not performing, but they are trying their best. Unlike before we have engaged new officers, they used to have only two enforcement officers and the technical person who supervise and do the vigilance over the construction of these structures. I know now we have the capacity, at least there is an improvement in terms of enforcement and we want them to now wake up and move forward to ensure that before any structure or any construction that is going on is supervised and make sure that appropriate conditions are made because this a building. I also want partnership of other state agencies to partner with the County Government of Uasin Gishu because we have the National Construction Authority (NCA) which is in charge with the responsibility---

(Point of order)

Temporary Speaker: Order, Honourable Member! Point of order Honourable Flora.

MCA Cheptum: Mr. Speaker Sir, is it in order for me to be rained on and yet I am inside the chambers? It is raining here.

Temporary Speaker: Honourable Member, that is the work of the Sergeant-at-Arms. Please Sergeant-at-Arms, please would you ensure that the whole building is well secured. We regret and I want to promise and assure you that that situation will be rectified. If it is okay with you, you can be assisted to move a little bit. Sergeant-at-Arms, you can assist her to move but we apologise for that. Sergeant-at-Arms is hereby instructed that he should ensure that all places that are leaking are to be checked on. Honourable Amos, please proceed.

MCA Kiptanui: What I was saying is that we have other state agencies like the National Construction Authority (NCA) which are responsible for the supervision and oversight of any upcoming structure and also it is their work to carry out audits, doing some inspections to the structures to see whether they conform to the required standards. I want to urge this County Assembly to consider this Motion so that we can request the Executive arm of the County government of Uasin Gishu to move with maximum speed and minimum delay to incorporate the National Construction Authority in the areas of supervision and oversight of the upcoming structures so that they meet the right standards and guarantee safety and also economic value to the investors. I request Honourable Caroline Birgen to second me on this Motion. Thank you, Mr. Speaker.

Temporary Speaker: Honourable Caroline Birgen.

MCA Birgen: Thank you, Mr. Speaker Sir. I second the Motion moved by Chair and actually say that prevention is better than cure. It is good for the County government to work with National Construction Authority to check on those houses. There are many houses that are built today and tomorrow they are ready. Wherever I walk especially in Kokwas Estate in West Indies -because that is where I live - I have seen most houses which are built today and tomorrow they are ready and the third day people start to occupy them. It is good that---

(Point of order)

Temporary Speaker: Point of order, Honourable Hillary!

MCA Rono: Mr. Speaker, the Honourable Member who is contributing is not in order with the dressing and she is the Whip. I don't think that such attires that go like this around your body are favourable for this House. Thank you, Mr. Speaker, and let the Whip withdraw from the Chamber and come in later.

Temporary Speaker: Order, Honourable members! They say beauty is in the eyes of the beholder. I don't know how you are seeing the Honourable Member. But I think I am seeing the other members are very comfortable the way she is and I think she is okay. Please continue.

MCA Birgen: Thank you, Mr Speaker Sir. Before I was interrupted, I said that prevention is better than cure and we have many houses around where I live in West Indies and the houses are being built today and tomorrow people are living inside. So, it's better for the National Construction Authority in collaboration with our County Government to start checking on those houses to avoid the issue of Nairobi, Huruma Estate, where we lost many lives. Actually when I went to driving school, I was told that when you are driving and you have many people and there is one life ahead of you and you move as if you likely to overturn the car and lose the lives of these people, you can just kill that one person to sacrifice the others.

Therefore, it is good that we can demolish those houses which have been built badly so that, even if the tenants complain, we save their lives of our people. The lives of our people are much important than that of one investor who is looking for the money. So let the County government collaborate with the National Construction Authority to see to it that these houses are built properly and the foundations are proper to avoid issues that houses collapse and lives of our people are lost. Otherwise, Mr Speaker Sir, thank you very much. I second the Motion.

Temporary Speaker: Honourable members, before I propose a question there is an amended version. When I see the way the Chair has put it, I think there is a problem and I wish that Honourable members, before I propose it is good that you all note and make necessary amendments. On prayer number one, where it is written 'demolish' has been amended to be 'thereafter take an appropriate action' which might include demolition and whatever it is. Therefore please amend where it is written 'demolition' because it is a prejudgment and there is a word that has been preferred which is 'take appropriate action'.

Therefore Honourable members, the Motion has been moved and seconded and I would wish to propose the question.

(Question proposed)

Temporary Speaker: Ensuing debate!

Honourable Ann!

MCA Ann. Thank you very much, Mr. Speaker. I stand in support of this Motion and, as I make my plea that we all support this Motion that has come at such time, I would like to send my condolence to the families of the members that got affected when the building in Nairobi collapsed and several innocent Kenyans who went looking for better life died. It so unfortunate that lives can be lost because of irregularities and negligence of few individuals.

As a country we should really desist from fire fighting and be pro-active and doing the right thing at the right time. In our offices, we have officers who have the mandate to regulate and oversee the construction of apartments especially for the upcoming buildings. It is unfortunate that those officers will go ahead to approve a structure which is not in good condition and that tells you money must have exchanged hands and corruption is really killing this country.

It is time that we passed this Motion so that an audit would be done because it is total waste because somebody has taken a loan, invested his/her money and got a wrong contractor. It is time we have National Construction Authority to audit the contractors because the introduction of devolution has led to contractors and everybody with a briefcase who will tell you, I can do a bridge and after sometime it is down. When one or two Lorries pass with maize the bridge comes down and it really shows that is total waste. I think it is time we blacklisted starting with the contractor of the **Huruma Building**. We blacklist such an architect and contractor and never again should he/she step in such a sector. It is the time the laws were reviewed so that we stop losing innocent lives.

As we take this audit, it is important we have officers who will really stand for the truth and I know it will be an outcry especially this period when we are heading towards election and some of us really want to come back. Honourable members, it is time we paid the price that we stand for the truth and what is genuine let's call it genuine, what is wrong let's call it wrong. Let us face it the way it is because we cannot continue as a country like this. Developed countries have continued to develop because they are honest to themselves and they call a spade a spade and not a big spoon. That is where we have a challenge in Kenya. Some buildings may not be touched because it belongs to who and who but, Honourable members, it is good that we speak in one voice that if this audit is done and it comes across to be your structure, let the law of land take its course and that is the Kenya we would want to build, a Kenya that would stand for all and not for the weak.

It is important as we pass this Motion, if we come across such officers who have really passed and authorized buildings that are not up to standard, it is time they were fired and put behind bars so that they don't work anywhere in this country because they are killing citizens indirectly. I strongly support this Motion and wish that all members support it and also the Executive implements it to the letter and let this law apply to all not to a few. Thank you, Mr. Speaker.

Temporary Speaker: Honourable David Sing'oei, Member for Ng'enyel.

MCA Sing'oei: Mr. Speaker, the Honourable Member who has just moved this Motion has always, in this House, opposed many Motions and I was always looking for an opportunity so that whenever he moved his Motion I can also take an advantage but today, I must support this one. As I support this Motion---

Temporary Speaker: Point of Order, Honourable Hillary. What is out of order?

MCA Rono: Mheshimiwa Spika, mimi naona Mheshimiwa mwenzangu hayuko sahihi kusema kwamba yeye alikuwa anangojea Mheshimiwa alete hoja katika bunge hili ndio asili unge. Hii ni kuonyesha Mheshimiwa mwenyewe kumbe yeye huwa anakataa kwa sababu ya mtu anayeleta hoja. Yeye hayuko sahihi na huwa tunamweshimu. Inabidi Mheshimiwa anayechangia hoja aombe msamaha ndio aendelee kutoa mchango wake kwa hoja ili. Asante sana, Mheshimiwa Spika.

Temporary Speaker: Honourable Whip, I think you are one of the persons with high esteem in this House and they respect you so much. So maybe they construe that statement that you are always waiting for an opportunity just to respond negatively. Honourable Members, please assure these members, because they trust you and you are their Whip so that they relax.

MCA Sing'oei: Mr. Speaker, it was just on a light note and at the same time, I just wanted to see how the Honourable Member will react before I support his Motion. That does not mean if I stand here I will not support the Motion that is of substance and the owner is able to articulate and convince me that it is a cause worth supporting. If in any case the Honourable Members are feeling that I do it for the sake, I need to assure them that I don't.

If I may continue and echo what Honourable Ann said that it is not only to punish the owners of these buildings, it is very important as we do the overall audit, we should also try to assess the whole situation. What brings about a building? There are so many players and I think I should come out strongly on this so that we cannot go to the same mess again. There is the owner of the land, there is a contractor, there are actually people who approve the structural drawing, the architecture, the housing and planning people also take some blame.

We are even shocked as we are talking, there is a building somewhere - I don't want to mention that it is like a two-storied building - where there is water underground meaning that

the building was built in a drainage place and when I talk and ask some fellows why they put this building here and there is a drainage that is carrying a lot of water, they told me that they have done ABCD and water will not be able to do anything to this building. With the kind of rain that we have experienced, that rain over the years will come down and it will kill so many people.

So as we support this Motion, let us also legislate on the penalties that the land registrar will also face. If you approve for example to give title for a land that is in a place that is not supposed to be like for example in a river, What will the other person who approves the structural drawing and the architecture and physical planning do so that we do not allow shortcuts? The essence that is bringing about this is because people want to save some money. It is better you build a two-storied building and not four and that building stays for many years than to build a four-storied building that is going to kill thousands of people. There is no amount of money that is said is worth a life and I heard somebody the other day in Nairobi say that we are destroying the economy that we need to look at this building and see how we can make them safe. How do you make a building safe and it is not safe? I didn't understand. Like you build what to a building that is going to collapse to be safe, especially those buildings that are built along the river banks?

It is so reckless and careless. I support this Motion and also ask our able Chairman of lands and physical planning to come up with legislation on how to stop these cartels and give punishment to everybody that is concerned, but not just the contractor and owner. In fact, if we guide the owners of these buildings they will not go at a loss because there is no need to tell somebody you can do this building for this amount of money and we can approve it.

Finally, if the County government comes and destroys or demolishes that building, he/she loses the money, the economy also goes down the drain because of somebody who was not firm enough to say, "you cannot do it like this you must do it like this". I think the greatest responsibility is to the government and so we must agree as we are approving this Motion that this is the direction we want to take so that we can save the lives of the people as we lay down the first stone to any building that is going to be built in this County. I stand to support the Motion and I congratulate the member and I affirm to you Honourable members that I do not oppose for the sake of it. Thank you, Mr Speaker Sir.

Temporary Speaker: Thanks for that assurance, Honourable Sing'oei. Honourable Hillary Rono, Member for Kipkenyo.

MCA Rono: Thank you very much, Mr. Speaker, for allowing me to contribute. I stand in support of the Motion. I am a very worried member of this County Assembly because of our chair here. If you are bringing a Motion here and somebody else thinks it was malicious then you are not showing the right direction. I want to urge our Honourable Chairman that you are very right, and we respect you and you have done a great job. Mr. Speaker, as an Assembly we are---

(Point of order)

Temporary Speaker: What is the point of order, leader of majority?

MCA Lowoi: Thank very much, Mr. Speaker Sir. Is the Honourable member contributing in order to address the mover of the Motion and lecture him? Secondly, is it in order for an Honourable Member contributing to say that he is worried?

Temporary Speaker: Order, Honourable Member! First of all in debating a Motion, questions and points of order should be addressed to the Chair. No one is allowed to address each other; everything is directed to the Chair, please be guided. Secondly, I think if I heard you properly, I thought you saying that you are a worried member of County Assembly in

this House, if the language became different--- But I thought that is what you said. Is that right, Honourable Member? Please progress.

MCA Rono: In fact, you are very much right, Mr. Speaker, and I abide by the rules. I was saying that as an Assembly we are supposed to care for our people and make laws that can defend our people and that is why I am congratulating the Chair of lands. There is one issue that I would like to give in this House, the issue of approvals.

In fact, I am aware of some approvals which are done but not in the right offices. Some approvals are done and they are backdated in this County and that is why we are saying we want to reaffirm the County department of lands so that this issue can be solved once and for all. I have a plea to the Chair that wherever the committee will be sitting, we will direct the CEC member of lands so that some buildings that we are aware of were approved un-procedurally be brought to this County Assembly committee so that we can perform our oversight role. I have some of them and the Chairman knows it; I have been telling him. Thank you very much, Mr. Speaker. Thank you very much and may God bless everyone.

Temporary Speaker: Okay. But members, I would want to inform you that you are all free to give your responses when the right time comes. Please if you know of the buildings which are dangerous please, during that committee, go and present yourself during such forum.

Honourable Pauline, Member for Kapseret!

MCA Tuwei: Thank you so much, Honourable Speaker Sir. I stand to support the Motion brought by Honourable Amos Kiptanui. First and foremost, I would also want to join my fellow Kenyans in condoling with the deaths that occurred in Huruma in Nairobi. Secondly, I would want to say that the Motion has come in at the right time having witnessed the recent occurrence in Nairobi and I want to say that Uasin Gishu County is one of the Counties that is growing in terms of economy and we have seen that so many investors are going to the business of construction of buildings. I want to say that I do believe in the saying which goes 'prevention is better than cure'. We should not wait for a calamity to arise so that we can rush as a Government towards rescuing it.

I want to say that it is actually high time for the County government to work together with national agencies for instance the National Construction Authority to ensure that the buildings that are coming up and those that are already in place are actually up to the expected standards. I have personally seen some of the buildings that are within this town and I have kept on praying to God because I am seeing the buildings not good to live in. You will realize that they look like they are about to fall. We are experiencing all these problems because our officers who are actually very corrupt. Since the buildings have been approved even after the officers in charge are aware that he/she was not supposed to approve it and it is high time that we put into books such kind of officers and even provide punitive measures for them.

I want to say that corruption has actually brought all these issues. These officers are corrupted to approve these plans and those buildings. I want to say that we also find that most of the riparian areas, especially as you go even along river Sosiani, you will realize that there are some buildings which are being constructed as we are speaking and I am wondering what our officers are actually doing because it is next to the County Government and I believe that they all know that it is against the laws of this nation.

I also want to say that we have got so many contractors that have been registered and most of them don't have offices and they don't actually qualify and they even don't have the experiences to conduct or perform this kind of work. Therefore, they should actually be looked in to so that we can avoid issues which may arise that can take away the lives of the

people. Besides all these, the codes and ethics of construction and building are not upheld accordingly. you will find that our economy or lives are taken away which also impacts on our economy and also it affects our social lives because we are certain that some of the Huruma victims who survived lost their loved ones, their husbands, their wives as well as their children and this brings a social problem that is really difficult to forget.

I have also observed that some of the contractors don't actually give the warning signs to the public. You find out that some put up some buildings and they don't even show the public there is this kind of building that is on progress and it may bring or cause some of the accidents and therefore it is high time the concerned department should wake up to do their expected work. Otherwise, I strongly support the Motion, Mr. Speaker Sir.

Temporary Speaker: Honourable Salome.

MCA Salome: Thank you, Mr. Speaker Sir, for giving me this opportunity. I strongly stand to support this Motion. I support this Motion because we have heard other Honourable members saying that prevention is better than cure and actually, because of what happened in Nairobi, we do not want this County to experience such act. So we need to urge our people to use standard materials when they are building and also we need to encourage our people to invest in this County because that is what we need in this County. But they need to follow the rules, regulations and the procedure of building. We know that we can buy a cow or a piece of land but we cannot buy the life of an individual. So we need to stand and tell those people that we do not want corruption. If they are investing let them invest in a right way so that we can have cordial relations and enjoy all the progress. Thank you, Mr Speaker.

Temporary Speaker: Honourable Joseph Koech, member for Kipsomba.

MCA Koech: Thank you very much, Mr Speaker. I stand to support this Motion and I would like to thank the mover of this Motion because he has brought it at the right time. I also take this time to pay tribute to those victims of Huruma, more so to the families who lost their lives during that tragedy in such a regrettable way. The Huruma tragedy should have been avoided if only the officers in charge had inspected these structures. I therefore support this Motion because we have lost our beloved fellow Kenyans. This Motion has touched us very much, and during this rainy season, structures which are actually old can collapse any minute. Therefore, it is high time for our County Government to inspect such buildings. There are those structures that were built by the colonialists and human beings are still living there. I therefore urge this Honourable House to support this Motion and request the County Government to inspect these buildings thoroughly to ovoid such tragedies. I stand to support this Motion. Thank you very much, Mr Speaker.

Temporary Speaker: Thank you so much. Leader of majority, Honourable Lowoi, Member for Karuna/Meibeki ward!

MCA Lowoi: Thank you very much, Mr Speaker sir. I do stand also to support this Motion and, while supporting this Motion, I want to congratulate the Member who is also the Chair Lands, Housing and Physical Planning for bringing such a Motion. As we all know, we are experiencing a lot of rains during these times. A lot of our roads, bridges and these buildings are collapsing day in day out because of poor workmanship. It is not the problem of the contractors who are on the site because they are looking for money; the big problem is in the department of housing and that of public works as well as those from NCA who are not really supervising and giving the correct pieces of advice to the contractors.

Most of our contractors especially from Uasin Gishu, and we all know that they are briefcase contractors. Somebody has a company but does not know any rule about construction, wins a tender and just goes on building. The people who should help are those people with

experience and work with the government and are paid money by the public to make sure that everything is in order.

It is so unfortunate that the people who are paying money are dying because those who are being paid are not doing their work correctly. I will not avoid the word demolish. If some buildings are found to be unfit, if some buildings are found not to be habitable and will soon bring problems. The people or the owner should be advised to demolish that building instead of us sending condolences messages to poor Kenyans every time because of compromise. As members have contributed, there is this notion that somebody who does illegal approvals---we as the County government should find a way to make sure that all buildings are approved by the correct department and every step of construction followed up to the end.

We cannot sit down and continue seeing our people die day in day out .We cannot sit and see our riparian zones being blocked by Kenyans, those who know how to go about it. We cannot continue sitting down and waste our money and yet bridges are being swept every year because of poor workmanship. The department should wake up and make sure that everything is in order. There is a department, a parastatal, there is a body called NCA, they are paid by Kenyans to make sure that they do their work.

At times you pass by a building, you find it marked with an X and written NCA and you believe that NCA is going to make sure that work does not continue and bring that house down or they do advise otherwise. But after another week you find that those markings have been painted and the house is completed and everything goes on well. We build a good house today but it is not going to exist for the next ten years.

Most of these Kenyans or most of us go for mortgages which extend for 20 or 50 years but we are building structures that will only last for 10 years. We are not really being economical or cautious on our investment. Some building fall down while we have just paid half or a quarter of your mortgage. They are giving us a lot of problem. Everybody that is concerned in this should wake up and make sure that they do the right thing and we will be in a safer Kenya. Thank you, Mr. Speaker Sir. I stand to support this Motion.

Temporary Speaker: Honourable Bartera.

MCA Cheptum: Thank you, Mr. Speaker Sir, for giving me this opportunity to also give some comments on this Motion and, before I continue, I want to thank the mover of this Motion for having brought it at the right time. I support this Motion in totality for it is so absurd that we have to lose our people in Huruma and we have even continued before Huruma to lose others and we have disasters in waiting because in our County we have such buildings that are standing that were built in an awkward situation.

I want to request that the department of environment, given that that the house that fell in Huruma was built along the river banks and there are several others that I saw in the news that there are houses that were built at the river bank and that is a disaster in waiting and in our County we have such cases and I don't know what the ministry of environment has been doing to allow people to build these houses along the river banks because this time of heavy rains, I am sure that the waters are weakening the pillars as well as the same shaking the same houses that were built along the river banks.

I know those that were allowed to build are big people with money in their pockets and sometimes they have bribed those that are concerned with oversight of the construction. I do support this Motion and I pray that this investigation should be carried out and proper investigation should be done so that an appropriate action is taken against those that have done this so that we avoid losing lives because lives are too precious to lose than the money

that this people earn from these shaky buildings. Thank you, Mr. Speaker Sir, I support this Motion.

Temporary Speaker: Honourable Rose Kisama.

MCA Kisama: Asante sana, Mheshimiwa Spika, kwa kunipa nafasi hii ili nami niweze kuchangia. Ni hivi majuzi tu jamii moja kutoka jiji hili walikuja kwangu na kuniambia wanajenga nyumba lakini wamekosa kupewa barabara. Nilitaka kujua ni kwa nini wamejenga duka hilo na hawapewi barabara. Wakati nilipoenda kuuliza, waziri akaniambia ya kwamba pale ambapo nyumba imejengwa hakuna barabara na akaniambia hiyo ni njia ya maji. Lakini swali langu nikajiuliza, hao watu kabla hawajaanza kujenga hizo nyumba lazima walikuwa wamepewa stakabadhi ili waweze kujenga? Stakabadhi zilitoka kwa ofisi zetu. Kwa hivyo, mimi nataka kuungana na wenzangu kusema ya kwamba ofisi inayohusika ni lazima tuwajibike vinavyostahili kwa sababu hawangetakikana wepewe hiyo barua.

Ninakumbuka mwaka jana, mwenyekiti wa mashamba akisema ya kwamba kuna jengo limejengwa lakini halina njia ya kupitisha maji taka. Niliuliza kwa sababu inaelekea kuisha na isiwe nayo, watu wataishi na haina hiyo njia. Itakuwaje hao watu wakiwa ndani ya hiyo nyumba? Kwa hivyo mimi naunga mkono huu mswada na ninasema hatua lazima ichukuliwe kwa hao watu wanaofanya hivyo, kwa sababu hakuna haja ya kumpa mtu stakabadhi ajenge nyumba wakati inaisha ndiyo mnaanza kufanya ubomoaji. Kwa hivyo naunga mkono hoja hii.

Temporary Speaker: Honourable Muya, Member for Langas!

MCA Muya: Asante sana, Mheshimiwa Spika. Mimi nami naomba nisimame ili nichangie kuhusiana na hoja hii ambayo imeletwa na mbunge mwakilishi wa wadi ya Racecourse ambaye ni mwenyekiti wa idara ya mashamba na mpangilio wa mji, mheshimiwa Amos Kiptanui. Hoja hii imeletwa kwa wakati lakini ninapoangalia ombi la mwenye kuleta hoja hii linaniweka kiwewe na uoga kwa sababu najua ya kwamba ukiangalia ombi la Mheshimiwa la kwanza linanitia wasiwasi. Kwa nini? Tunaishi katika mazingira ambayo tunapopeana nguvu kidogo inatumika kimakosa. Hoja ni nzuri tena sana, ni ya wakati wake lakini tukipitisha hoja jinsi ilivyo, shoka halitaangukia yule ambaye anatakiwa kuangukiwa ilhali litaangukia asiye kuwa na kosa. Watu wetu watadhulumiwa, watatozwa pesa na mambo kama yale.

Mfano mwema ni kuhusiana na vileo ama pombe. Nchi hii wakati mmoja kukapitishwa sheria kwamba utakapopata na wanaotunga sheria, umefugua mahali pa kuhusiana na kileo wakati usiostahili utatakiwa kulipa faini fulani. Tukifanya hivyo tutakuwa tumetengeza biashara kwa watu fulani, wanashika watu wetu na kuwafikisha korti bandia na watu wetu wameumia. Mfano mwingine, tukapitisha sheria katika manispaa ya Eldoret kwamba ukipatikana ukijenga pasipo kibali, ukienda kortini, pesa ambazo utatozwa ni sh80, 000. Jambo hili kuliko kusaidia manispaa---

(Point of order)

Temporary Speaker: Point of order, Honourable member.

QUORUM

MCA Koech: Mr Speaker, the House is not in quorum.

Temporary Speaker: Clerk, can you confirm the quorum?

(Members Present - 12)

Hon. Amos Kiptanui – MCA, Racecourse Ward, Hon. Rose Kisama – Nominated MCA, Hon. Caroline Birgen – Nominated MCA, Hon. Hillary Mutai – MCA, Tulwet/Chuiyat Ward, Hon. Samuel Ruto – MCA, Kimumu Ward, Hon. Joseph Koech – MCA, Kipsomba Ward, Hon. Ramadhan Ali – MCA, Kiplombe Ward, Hon. Francis Muya – MCA, Langas Ward, Hon. Peter Chomba – MCA, Huruma Ward, Hon. Flora Bartera – Nominated MCA, Hon. Senah Koskei – Nominated MCA, Hon. Lydia Maiz – Nominated MCA.

Temporary Speaker: Can we have the quorum bell rung and the Majority Whip, would you please whip your members. Honourable Caroline, could you please go and whip members?

(Quorum Bell rung)

Temporary Speaker: Clerk can you confirm the members?

(Members Present - 15)

Hon. Amos Kiptanui – MCA, Racecourse Ward, Hon. Rose Kisama – Nominated MCA, Hon. Caroline Birgen – Nominated MCA, Hon. Hillary Mutai – MCA, Tulwet/Chuiyat Ward, Hon. Samuel Ruto – MCA, Kimumu Ward, Hon. Joseph Koech – MCA, Kipsomba Ward, Hon. Ramadhan Ali – MCA, Kiplombe Ward, Hon. Francis Muya – MCA, Langas Ward, Hon. Peter Chomba – MCA, Huruma Ward, Hon. Flora Bartera – Nominated MCA, Hon. Senah Koskei – Nominated MCA, Hon. Lydia Maiz – Nominated MCA, Hon. Pauline Tuwei – MCA, Kapseret/Simat, Hon. David Sing'oei – MCA, Ng'enyilel Ward, Hon. Hillary Rono – MCA, Kipkenyo Ward, Hon. Isaac Kemboi – MCA, Kapsoya Ward.

Temporary Speaker: I think we have quorum. Honourable Muya, could you please continue!

MCA Muya: Asante sana, Mhweshima Spika. Ni vizuri mwenzangu akaona bunge hili halikuwa na idadi inayostahili na ni aibu tena kuona wale ambao wanatakiwa kuwa vielelezo hawamo. Ninapoendelea kuchangia hoja hii nilikuwa nimesema jambo hili kati yetu. Mara nyingi katika nchi yetu ya Kenya, wakati ambapo tumepitisha sheria zilizo za kusaidia mwananchi, imetumiwa vibaya kinyume na vile tungependelea.

Mara nyingi huwa nawezwa na mambo yanayofanyika lakini wacha niendele. Nilikuwa nikisema kwamba wakati ambapo sheria za barabara ziliweza kukazwa kamba, kuliko tusaidie wakenya tukasaidia watu na mahali pa kutoa pesa. Ni kero kwa waliotunga sheria hizi kwa sababu ilikuwa tusaidie Mkenya wa kawaida kutumia magari pasipo wasiwasi, kwamba magari hayo yanapoendeshwa kwa kasi hatari inawaelekea wananchi, lakini haifanyiki vilivyo. Unakuta kwamba askari tawala yeyote na wakubwa wote wanaohusiana na mambo ya magari, badala ya kutumia sheria kama hii kwa minajili ya usaidizi wa mwananchi, inakuwa ni ya kumuumiza mwananchi yule ambaye tunamsaidia ajaribu kujimudu maisha yake.

Nilikuwa - wakati Mheshimiwa alisimama kwa hoja ya nidhamu- napeana mfano wa Manispaa ya Eldoret. Tulipotengeneza korti yetu ya Manispaa tukaona kwamba ujenzi mwingi unaendelea katika manispaa pasipo na michoro ama ramani ambazo zimepitishwa na ikawa sheria moja ya kuzuia mambo hayo. Kukawa na Sheria kali ambayo ukishikwa bila ramani iliyopitishwa unatakiwa kulipa sh80, 000. Lakini badala yake watu waliendelea kupanuka kunona vichwa na mwili wote. Kisa na sababu ni nini? Unapopatikana, badala ya kupelekwa katika korti unaulizwa ulete Sh20, 000 ama upelekwe kortini ukalipe sh80, 000. Kama mwananchi wa kawaida inabidi ulipe 20, 000. Huyu mtu akifanya hivyo kwa watu watano anaenda nyumbani na 100, 000.

Ole wetu, hoja hii nimerudia kuisema imekuja kwa wakati na ni uchungu kuona wakenya wamepoteza uhai wao. Mambo mengi yamefanyika kwa sababu ya Majengo ambayo

yamejengwa vibaya pasipo uangalizi mwema na mwishowe inakuwa ni maafa kwa wakenya. Hili jambo latakikana kukataliwa kata kata na mambo kufanywa vile inatakikana. Nashukuru Mungu mimi natoka kaunti ya Uasin Gishu ambapo jambo hili haliko kwa uwingi kwa sababu ujenzi wa hapa huwezi kulinganisha na ujenzi wa Mji wa Nairobi, kwa sababu mtu hufanya kazi yake lakini hoja hii nimesema imeletwa kwa wakati kwa sababu ukiangalia ombi la pili hilo nakubaliana nalo mia kwa mia kwamba idara zinazousika zinatakiwa zihakikishwe zinafanya kazi. Hii ni kwa sababu, katika kaunti ya Uasin Gishu mahali ambapo majengo hayafanyiki vizuri ni katika mashamba yale ya wizi.

Mashamba yale ya kunyakuliwa ni kwa sababu kuna wale wanajenga nyumba na njia tu Kuweza kuchukua shamba hili ni kuakikisha mtu amejenga ili hata akipelekwa kortini ndiyo tukienda kuketi "*let the status quo remain*" (Wacha hali ilivyo iendelee), Mwenye nyumba anaendelea kupata pesa zake, ilhali hakupitishiwa ramani. Amejenga shamba la mwingine na hata hajajenga vizuri. Jambo hili linatokana kwa sababu hatujakuwa na idara ambayo imeangalia usimamizi wa kumiliki mashamba. Tumewachilia watu watano ama kumi ndani ya kaunti kusumbua kaunti nzima. Wameiba mashamba, wamenyanganya wengine mashamba. Hao tu ndio tunatakikana tuseme wawekwe katika sheria na wahakikishiwe kwamba wamejenga inavyostahili na kwa mashamba wanayomiliki inavyostahili.

Hoja hii ni nzuri na ni ya wakati, lakini tulipo ona mambo yalipofanyika Nairobi najua laweza fanyika hapa kwetu Uasin Gishu. Lakini nawaomba waheshimiwa wenzangu, iwapo mnaweza kutazama mahali ninatazama, mngeniruhusu nipitisha hoja, hoja hii ikaweze kurejelea katika kamati inayohusika ili ikaweze kuwekwa jinsi yenye haitaumiza mwananchi wa kawaida kwa vyovyote vile kwa sababu. Si eti hoja hii ni makosa mimi kukataa nalo kwa sababu ni nzuri, lakini mahali ambapo inataka kutumika. Kesho ya Mungu tutaanza kusikia ya kwamba watu wamejishika kama kamati ile inaangalia uangalizi wa pombe.

Leo hii, tulikuwa na watu tukizungumza tunasikia kwamba kuna mtu anasema usipokuwa na bahasha ya sh50, 000 hawawezi kupitisha nyumba yako. Hapo ndipo tunaelekea katika ujenzi wa nyumba. Kwa hivyo, ninawaomba waheshimiwa wenzangu, hoja hii ni ya wakati mzuri, ni ya kuangalia mwananchi wa kawaida lakini ikipita jinsi ilivyo ombi la kwanza litatumika vibaya.

Watu wetu watalia, kutakuwa na kilio kaunti nzima na kama viongozi tutakuwa tumeanguka. Kwa hivyo, naomba nipeane hoja kwamba hoja hii nzuri iweze kurejeshwa kwa kamati husika na, ikiwezekana, tuitwe mahali pale tuweke mawazo yetu pamoja ili tulilete kwa haraka kwa sababu inastahili ipite pasipo hata kupingana kwa sababu inastahili sana. Kwa hivyo ninaomba nipeane hoja kwamba hoja hii iweze kurejeshwe kwa kamati husika ya mashamba na mpangilio wa mji ambayo inaongozwa na aliyeleta hoja hii, Mheshimiwa Kiptanui na ninaomba Mheshimiwa wa wadi ya Huruma, Peter Chomba aweze kuniunga mkono hoja yangu kwamba hoja hii irejeshwe kwa kamati ya mashamba na mpangilio wa mji. Asante sana, Mheshimiwa Spika.

Temporary Speaker: Honourable Chomba, member for Huruma.

MCA Chomba: Thank you, Mr. Speaker Sir. I also second the member of Langas, Honourable Muya for this Motion to be taken back to the relevant committee in order for the mechanism that is required in all the stages put together. What the member has suggested I also echo the same. We are going to open a door for corruption once we pass this Motion the way it is. In this Motion, it is saying clearly that the area that we need to target is the urban area and the truth is that we should be targeting the whole County and not a particular area. We all know that the Executive has been unable to execute or implement issues that are very important in this County that concern the projects and these projects have not been done. If

they are done, they are not done on time. However, when we pass a Motion that affects some communities in this County the next day, they are quickly implemented.

(Point of order)

Temporary Speaker: Point of Order, Honourable Amos!

MCA Kiptanui: Is it in Order for the Member to say that this House approves Motion that targets certain communities? He is misleading.

Temporary Speaker: Maybe the member could substantiate that. Honourable Chomba!

MCA Chomba: I withdraw the word 'community' to be 'developers'. When it comes to developers in this County, we also need to be very careful when it comes to implementation. We have seen areas where people have been harassed on some issues when these Motions have been passed. For now as many members have echoed concerning this issue, it should be taken very carefully and, for that to be done, it needs to be taken back to the committee for our able Chairman for lands as well as the members of that committee to sit down and see the mechanism that can be made, road blocks that can be put for it not to be an issue whereby corruption erupts. At the end it is brought by our officers for passing them, a Motion that is going to help them, corruption being part of it. Thank you, Mr Speaker Sir.

Temporary Speaker: Honourable House, a Motion has been moved and seconded and I now propose the question that this Motion be referred back to the committee.

(Question proposed)

Temporary Speaker: Ensuing debate!

Temporary Speaker: Honourable Pauline, Member for Kapseret

MCA Tuwei: Mr. Speaker Sir, I stand to oppose the Motion that has been moved by Honourable member of Langas by saying that when you look at the content of this Motion it is purely talking on the buildings as a development. I want to say that Honourable Muya has brought in a good idea by saying that even approving the land including the planning has to go through the County Government. I want to say that this is a Motion that it is of urgency and it actually pertains construction and building. The moment we take it to the committee, I want to say that, we are seeing that some of the development is actually happening right now and if we will pass this Motion it means that in days' days time from today our officers will be on the ground doing the auditing and ensuring that those who are bringing in their approvals, some of their considerations are going to be taken care of.

So I would want to urge my colleague Muya to bring that one as a separate Motion as we approve this one because we want to assist these investors who are actually putting in a lot of money. You know that this kind of work entails a lot of resources, so we better assist that person who wanted an approval, who should have been given an approval and prevent illegal approvals by tomorrow and save this County and, at the same time, we will have saved those investors. Therefore, I totally disagree or disapprove the Motion and request my colleague that let this Motion go the way it is, as you know that next week we are likely to attend a County Assembly function in Mombasa, the whole of next, and this thing is a matter of urgency. I stand to oppose.

Temporary Speaker: Honourable Kirwa, member of Kapsoya.

MCA Kemboi: Asante sana, Mheshimiwa Spika. Kwanza ninasimama kuunga mkono hoja hii. Ninamshukuru Mheshimiwa kutoka Langas kwa kuleta mswada kwamba mswada huu urejeshwe katika kamati husika ili upate kupigwa msasa maana haijaletwa kwa njia inayofaa. Tukipitisha jinsi ilivyo tutakuwa na shida hasa mimi ninavyoongea nikiwakilisha eneo la

wadi ya Kapsoya, watu wangu wamekuwa na shida kulingana na mambo hayo. Kuna nyumba ambayo imebomolewa kwa kutofuata sheria, na mimi vile ninavyosema tuirejeshe katika kamati ili tutengeneze sheria ambayo itaweza kusaidia watu wetu bali si ya kuwaletea shida wakati wo wote.

Kila wakati tumekuwa na shida kwa sababu japo tunahitaji miundo msingi katika mji wetu wa Eldoret, lakini pia tufuate njia ambayo inafaa. Tunapokuwa katika shughuli ya ujenzi ninaomba tuweze kufuata sheria wakati wowote ila iwe kwa njia ambayo inafaa. Asante sana, Mheshimiwa Spika, ninaunga mkono mswada huu.

Temporary Speaker: Honourable Hillary Rono, Member for Kipkenyo!

MCA Rono: Asante, Mheshimiwa Spika. Nimesimama ili niungane na wenzangu ambao wanasema ya kwamba hii hoja inastahili ipitishwe sasa hivi ama kwa njia nyingine ni kupinga hoja ambayo iko mbeleni mwetu. Mimi ninakubaliana na Mheshimiwa wa Langas lakini kuna hoja ambayo naunga mkono mheshimiwa wa Kapseret kwamba mheshimiwa wa Langas alete hoja ya kupigana na mambo ambayo yanahusu ufisadi. Kwa sababu, kile ambacho yeye anaongelea ni mambo yanahusika na ufisadi na ufisadi sio kwa hayo mambo ya ujenzi peke yake; yako kwa kila idara na kwa sababu mimi ni mmoja wa wale watu ambao wanafahamu sana jumba hili, tafadhali waheshimiwa wote ambao ninawaheshimu sana ambao mnajijua, hii hoja tusipopitisha na kumaliza kazi yake leo, singependa kudanganya, tutakuwa tunarudi nyuma sana. Kwa hivyo, Mheshimiwa Spika, hayo mambo ya maendeleo yaende mbele pamoja---

Temporary Speaker: Point of information! Do you need point of information Honourable Hillary?

MCA Rono: Yes, Mr. Speaker!

Temporary Speaker: Honourable Muya, please give the information.

MCA Muya: Thank you very much, Mr Speaker Sir. I want to give information to the Honourable that is on the Floor that I know that he is the most affected. Kipkenyo ward is an area where we have been having land issues whereby buildings have been built without any plans. In fact, shoddy jobs have been done but luckily they are not storey buildings. I want to inform the member who is on the Floor of the House that, yes, I am not opposing this issue, but most buildings did not cost few shillings; most of us have not been able to build and this issue will be used selectively and I am sure that there will be an outcry within the whole County. Therefore, I give information to the member on the Floor that ---

(Point of Order)

Temporary Speaker: Point of Order! Honourable Pauline.

MCA Muya: On information.

Temporary Speaker: Yes! It is okay.

MCA Tuwei: Mr. Speaker Sir, I want to say that Honourable Muya is not in Order to say that most of us have not built. I want to say that we were given a car grant together with the mortgage and that all of us here in this House have built our houses. So he is out of Order.

Temporary Speaker: Order, Honourable member! I think that you have given the information. You are not going to debate. You have given the information. You have not finished?

MCA Muya: Yes.

Temporary Speaker: How? Honourable Rono, are you informed?

MCA Rono: Yes, I am informed

Temporary Speaker: Please continue.

MCA Rono: Mheshimiwa Spika, nataka nimalize kwa kusema hivi---

Temporary Speaker: Order, Honourable Muya!

MCA Rono: Mheshimiwa Spika, nataka nimalize kwa kusema ninataka niombe waheshimiwa tafadhali hii hoja sio hoja ya kuangaliwa hivi hivi. Tafadhali mheshimiwa wa Langas hata ni vizuri umesema kuhusu---

Temporary Speaker: Order, Honourable Hillary! Don't address anybody, Honourable member.

MCA Rono: Tafadhali, Mheshimiwa Spika---

(Point of order)

Temporary Speaker: Point of Order, Honourable Chemwaina!

MCA Koech: Thank you very much, Mr. Speaker. This is a very important Motion and it really deserves a matter of urgency and if I see---

Temporary Speaker: What is out of Order, Honourable member?

QUORUM

MCA Koech: The House is not in quorum, Mr Speaker.

Temporary Speaker: Honourable Clerk, a member has raised an important point. Can you confirm the quorum?

(Members Present – 13)

Hon. Hillary Rono – MCA, Kipkenyo Ward, Hon. Amos Kiptanui – MCA, Racecourse Ward, Hon. Isaac Kemboi – MCA, Kapsoya Ward, Hon. Caroline Birgen – Nominated MCA, Hon. Pauline Tuwei – MCA, Kapseret/Simat, Hon. David Sing'oei – MCA Ng'enyilel Ward, Hon. Hillary Mutai – MCA Tulwet/Chuiyat, Hon. Rose Kisama – Nominated MCA, Hon. Samuel Ruto – MCA, Kimumu Ward, Hon. Flora Bartera – Nominated MCA, Hon. Peter Chomba – MCA, Hruma Ward, Hon. Francis Muya – MCA, Langas Ward, Hon. Joseph Koech – MCA, Kipsomba Ward.

Temporary Speaker: Sergeant-at-Arms, can we have the quorum bell rung for five minutes. Meanwhile, Whip, can you please whip your members.

(Quorum Bell rung)

Temporary Speaker: Can we have the quorum! Order Honourable Member for Kipkenyo!

(Members Present – 13)

Hon. Hillary Rono – MCA, Kipkenyo Ward, Hon. Amos Kiptanui – MCA, Racecourse Ward, Hon. Isaac Kemboi – MCA, Kapsoya Ward, Hon. Caroline Birgen – Nominated MCA, Hon. Pauline Tuwei – MCA, Kapseret/Simat, Hon. David Sing'oei – MCA Ng'enyilel Ward, Hon. Hillary Mutai – MCA Tulwet/Chuiyat, Hon. Rose Kisama – Nominated MCA, Hon. Samuel Ruto – MCA, Kimumu Ward, Hon. Flora Bartera – Nominated MCA, Hon. Peter Chomba – MCA, Hruma Ward, Hon. Francis Muya – MCA, Langas Ward, Hon. Joseph Koech – MCA, Kipsomba Ward.

ADJOURNMENT

Temporary Speaker: Honourable Members, given that upon the quorum bell expiry period, this House still has no quorum. I will therefore wish to invoke the Standing Order No. 32 (2) (a) and therefore call that this House do adjourn until tomorrow at 9:30AM without putting a question.

The House rose at 5.25PM