

UASIN GISHU COUNTY ASSEMBLY

HANSARD

Wednesday, 18th May, 2016

The House Met at 2:40 PM

[Mr. Speaker (Isaac Terer) in the Chair]

COMMUNICATION FROM THE CHAIR

MEETING WITH OFFICERS OF KENYA DAIRY BOARD AND SENATE COMMITTEE ON
BOUNDARIES

Mr. Speaker: Honourable Members, I have an invitation from the Kenya Dairy Board. They were seeking to have a meeting with the Speaker but in view of the time or rather the event of County Assembly slated for tomorrow, it might not be possible for me to meet officer of KDB at Eldoret Club tomorrow at 10:00 AM. I therefore designate the Chair, Agriculture Committee as well as the Chair, Trade Committee to either attend by themselves or designate members of those respective Committees to meet officers and the Director of KDB accordingly tomorrow, 19th May, 2016 at 10:00 AM at Eldoret Club here in Eldoret. Otherwise, members, there has been a slight change over the meeting intended to happen between the Senate Committee on boundaries and members of this County Assembly.

The Senate Committee will have a courtesy call on the Office of the Governor and thereafter come to the County Assembly. They will also have a courtesy call in my Office before we can then meet in an informal session between that Senate Committee and the honourable Members here in the plenary and we will do it in form of Committee of the whole House since they are legislators, and we are also legislators and, in view of the fact that we have a problem with space, honourable Members, that business will be canvassed right here at the plenary tomorrow at around 10:30 AM.

Honourable Members, I have also requested information from the County Executive pertaining their response to a petition that was wired by the County Assembly of Elgeyo Marakwet County. I have received a letter of response that was done by the County Secretary, Uasin Gishu to County, to the Office of the Clerk, the Senate on the 13th May, 2016. I have photocopied that document and each of you who is in the Floor of the House has been given a copy thereof. I ask that you find time to read through the document so that, as soon as we finish the business of the day, we then canvass this particular document, acquaint ourselves with the response of the County Government on that petition by the Assembly of Elgeyo Marakwet. I want to ask the members to consider this matter and give it the weight it deserves for reasons that it revolves around the ownership of Chebororwa FTC and, Honourable Members, for all **intents and purposes** the land in which the FTC is placed has always been - and I want to believe that it will always be - in Uasin Gishu County and any declaration or claim by any County, person or any other quarters other than the people of Uasin Gishu County is a matter that has to be considered with all the seriousness it deserves.

It therefore, fellow members, immediately after this plenary I would ask that we recede into an informal sitting headed by myself, we acquit and read through that document and be ready tomorrow to face or rather have a discourse with the Senate Committee on boundaries. With these very many remarks are now proceed with the other businesses of the day.

NOTICE OF MOTION

BUDGET FOR SUBSIDIZED SANITARY TOWELS FOR VULNERABLE GIRLS

Mr. Speaker: Honourable Kisama, Nominated MCA

MCA Kisama: Thank you, Mr. Speaker Sir. I beg to give a Notice of the following Motion:

Aware that every female child must ordinarily undergo natural physiological and biological changes during puberty; Further Aware that the experience, especially menstrual cycle, at times is more pronounced in some teenage girls, therefore calling for sufficient, efficient and hygienic management and preferably with certified sanitary towels or pads; Noting that some of the teenage girls going through puberty come from very humble backgrounds and are not able to readily access or afford to buy such towels or pads; Further noting that some of the teenage girls have had to miss out on their school programme during some crucial stages of these cycles trying to manage the same thereby inconveniencing them and or unduly interrupting their school programmes; Concerned that missing or skipping class programmes stifles such girls' constitutional rights of free and compulsory education equality, human dignity, privacy, association and other related economic and social rights as guaranteed in Articles 53,27,28,31,36 and 43 of the Constitution of Kenya; Further Concerned that such occurrences have led to poor or low performance by vulnerable teenage girls often leading to despair or choice of other undesirable choices like dropping out of school or early marriage among others; Cognizant that this whole scenario negates the spirit and principle of affirmative action as enshrined in the Constitution of Kenya; This County Assembly urges the County Government to formulate a policy and come up with workable programme to avail free or subsidized sanitary towels and pads to vulnerable and needy teenage girls in the County to be distributed through Public Schools and also set aside funds in the 2016/2017 Financial Year's budget to support the programme.

Thank you, Mr. Speaker Sir.

Mr. Speaker: Thank you. the motion may be moved at the earliest of course owing to its nature.

Next order!

MOTION

AUDIT OF BUILDINGS/REVAMP OF CONSTRUCTION INDUSTRY (Resumption of Motion interrupted on 17.5.2016)

Mr. Speaker: Honourable Members, for those who were in the morning sitting this business was interrupted for lack of quorum under Standing Order 31(2); it is now resumption, members, and I wish to remind the House that before this same same business was interrupted in yesterday's sitting, a motion had been moved by Hon. Muya and seconded by Hon. Chomba that the motion be reverted back to the lands. That was the debate that was going on, so it follows that we will continue with that debate on whether or not this should be reverted back to the Committee of lands. If you know you had contributed to that particular motion, you have no right to contribute again. Those who had not contributed may now proceed and contribute. Yes Hon. Amos.

MCA Kiptanui: Thank you, Mr. Speaker Sir. I rise to oppose the motion that I moved, Mr. Speaker, to be reverted back to the Committee that I do Chair, and the reason as to why I am opposing is that the substance in this motion is very clear. I was shocked to hear from the mover of the very motion of reference to the Committee because he is alive to the fact that this Country has lost a lot of life due to poor structures, unapproved sub-standard and in my prayer, Mr. Speaker, it is very clear that the relevant departments to do an audit all over the County, not even the urban but also the peri-urban so that they will be in a position to evaluate and determine the state of these structures, Mr. Speaker.

The prayer number one was that appropriate action be taken, Mr. Speaker. The definition of the word 'appropriate action' is an ambiguous word and I want to believe that the mover misinterpreted that statement that appropriate action be taken. It could be advising the owners of the structures maybe to do some structural part of it, Mr. Speaker, because we are not professionals in this field. I want to believe that those who are going to carry out the audit will be in a position to make their informed decision and if it comes to demolition, Mr. Speaker, I believe that it is better to save a life rather than to have this thirst for money, which is not good.

So I want to say, Mr. Speaker, I was very clear that let the relevant Committee do their consideration and inform even the owners voluntarily, maybe to support. I am aware of the structure which is on Chepkoilel Road; it was built on a road reserve and the owner was not ordered to demolish; in fact he was given an advice to trim part of the balcony and we did it very well. So let it be on record that we are not advocating for demolition and destruction of peoples' property.

We are saying, we want to save lives and for us to save lives let an audit be done so that these people can be advised. So, Mr. Speaker, I wonder we went with him (the Member) yesterday morning to a very good development in my Ward there. It is called Kings Square and he was very happy of the workmanship and he was saying this is the direction we are going as a County, it is good.

In fact he was looking for one of the rooms to acquire, Mr. Speaker, and I want to believe that he has concluded that deal and that is why he was late to attend this afternoon session. Therefore, Mr. Speaker, he was really satisfied because of the workmanship. Suppose I had taken him to some other structures there he could not have even developed the desire to acquire the premise. I strongly oppose. Thank you.

Mr. Speaker: Thank you. The Honourable Whip David Singoei.

MCA Singoei: Mr. Speaker, thank you for according me this opportunity. I had earlier on supported the substantive motion and I will still do so by opposing this motion to be reverted back to the Committee. I think the prayer of the motion is very clear. It is not something that we should be saying that is going to be used to target certain group of investors. What we are interested in is safety of peoples' lives and the earlier we do it the better. This is because even though the Honourable members who are saying that we should revert this motion back did not even convince us of what action the Committee is going to take. They were not able to tell us, apart from just having those fears, that this is going to be used against some people. I remember, Mr. Speaker, that there was a Law in this Country that if you are found smoking in the street, you will pay sh50, 000 and I remember a lot of people even in the press were showing a police officer saying, 'did I hear that right?' because any moment he catches you it is either you give him sh5,000/= or you go to court and sh50,000/= and I think that what was being referred to yesterday, as part of the regulation that we passed to allow some corruption to take place.

Laws are laws and they are passed in this Country not necessarily to create wealth for others but to safeguard the interest of people and we should not fear that maybe certain individuals will use this to harass others. We do still have our oversight role as a House and if there is going to be any harassment, I think the people know what to do. They can bring a petition; we can handle it here and I am advising the members who are advocating for this motion to be relegated back to the Committee to be vigilant. It was also beginning to show or to tell me that there are fears that some members know that there are people who have actually built on either road reserve or riparian areas or the standards are not met and were trying to buy time and sometimes if we buy time, Mr. Speaker, we lose lives and somebody will come and question what we have been doing. So I strongly oppose it and ask the Honourable Members who were supporting that to re-consider their decision to withdraw that and let this motion pass so that action can be taken as soon as possible. Mr. Speaker, I oppose. Thank you.

Mr. Speaker: Thank you very much.

Honourable Deputy Whip.

MCA Birgen: Thank you, Mr. Speaker Sir. I rise to oppose the motion moved by honourable Muya and I support by saying that considering the urgency of the matter - and we are realising heavy rainfall blessings of God across Kenya, according to scientist. So we need to pass this motion since if it is taken back to the Committee it will take more time. Therefore, we need to pass it like yesterday because if we take more time we can face the tragedy like the one at Huruma in Nairobi. So we need to prevent and prevention is better than cure. So we were to pass this motion immediately and I call upon members that we really support this motion and pass it. Thank you.

Mr. Speaker: Honourable Member for Kimumu.

MCA Rutto, S: Thank you very much, Honourable Speaker. I would like first to send my condolences ---

Mr. Speaker: Of course, Honourable Muya, I saw your hand on a point of order when the member had finished submitting, so proceed Honourable Member.

MCA Rutto, S: Thank you, Honourable Speaker. I want to send my condolences to the families of Huruma in Nairobi for what happened recently. I want to support my able Chair, Honourable Amos Kiptanui who has actually brought this motion at the right time. I want to support because we have seen a lot of things recently since the rains started and we have realised a lot of problems. And according to me the mover of the motion, I think I am supporting him 100% since I am vice chairman and I am supporting that it should not be reverted to the Committee. Thank you very much, Mr. Speaker.

(Point of order)

MCA Cheptum: Point of order, Mr. Speaker.

Mr. Speaker: What is out order, Honourable member?

MCA Cheptum: Mr. Speaker Sir, is it in order for the Honourable member giving his contribution --- **I withdraw.**

Mr. Speaker: Proceed, proceed, Honourable member

MCA Cheptum: Is it in order for the Honourable Samuel Rutto to be contributing on the substantive motion and we are on motion that we are supposed to revert the substantive motion to the Committee?

Mr. Speaker: I think I heard Honourable Rutto saying that he is supporting. Just like the whip said he supports the substantive motion and opposes this other motion to move it back to the Committee. I think it is in order.
Yes, Honourable David Butuk.

MCA Tarus, D: Thank you, Mr. Speaker, for giving me this opportunity so that I can voice my concern in this motion. Mr. Speaker, I rise to oppose the motion and in the same breath, Mr. Speaker, congratulate the mover of the substantive motion that this County, Mr. Speaker, has been hit hard because ---

(Point of order)

Mr. Speaker: Yes, Honourable Muya, what is out of order?

MCA Muya: Mr. Speaker Sir, I am standing on a point of order. According to the Standing Order number 48 when I was introducing this motion that it should be referred back, Mr. Speaker, I was not convinced because the motion was reading 'the demolition to take place' but I have been convinced beyond reasonable doubt that there will be no demolition and it will be done with due diligence and it will be done according to the order. Therefore, Mr. Speaker, I wish to withdraw my motion because of the other business that we have in the Floor of the House. Therefore, I wish to withdraw my earlier motion. Thank you.

Mr. Speaker: Honourable Members, that motion, having been withdrawn it follows we proceed now to the substantive motion as it were. We now contribute we will now contribute and those supporting the motion as it is.
Honourable Butuk.

MCA Tarus, D: Thank you, Mr. Speaker. I rise to support the motion as moved by Honourable Kiptanui. Mr. Speaker, this Country has been hit hard of late by the collapse of the poorly constructed structures in several towns in this Country. Many people, Mr. Speaker, have lost lives, property and I really want to congratulate the mover of the motion because of the prayers of the honourable member are expressly clear that there should be an audit to be carried out so that appropriate action might be taken on these poorly constructed structures. If need be, if these buildings and structures will be assessed and there will be need to be demolished, then that should be done. Mr. Speaker, these structures were built and were authorised by some people and these people should take responsibility and that is why I really want to support this motion that the management of the construction and building of industry of this Country, and in partnership with the National Construction Authority (NCA) --- This one should be revamped so that in future such a building should not be authorised. By so doing I want to support the motion. Thank you, Sir.

Mr. Speaker: Thank you, Honourable member.
Honourable Ramadhan, Leader of Minority.

MCA Werambo: Thank you, Mr. Speaker Sir. I also stand in support of this motion. Mr. Speaker, I see and believe that to prevent is better than curing. As Uasin Gishu if this motion is passed we shall be at that position of curing. Mr. Speaker, let us not be a County that waits for her people to die then we start to run and take precaution. Mr. Speaker, I totally agree. I have an example of several places where I have visited friends and you get a house that has cracks. Actually if this motion is passed and an audit is done by the experts, I believe we can save many lives before something happens. Our County is not exceptional; we are also part and parcel. We have got private developers who want to do their developments through the back door, for example, those who build on the swampy areas, road reserves and the others. If this audit is done they can have at least an advice from the expert to be told to do the right thing.

Mr. Speaker, the people who live in these houses are the innocent people and most them are just , you know, the incident occurs when they are in those houses and indeed they are living innocently, thinking that they are living in the best houses and, at the end of the day, it ends up losing life.

Mr. Speaker Sir, although the way it has been put, maybe I can request the mover to include all the areas or constructions in the County as a whole because if we can just go to urban areas, the urban areas might be the Central Business District (CBD) of the former Eldoret Municipality, but if it can be amended on this officially because I thought today

notice will come with amendments but it is still reading County Urban Areas. You go to areas that development is still going on, areas like Sigowet, Baharani, Turbo and even up to Kipkaren people are putting up skyscrapers and people are developing to new standards. Thus if audit should be done in all the areas where development has been done, it can be good.

So, Mr. Speaker, maybe I can --- the mover of the motion, if he can allow this to be moved with amendments so that such areas can be captured or maybe I can propose an amendment for the number one to read 'the County Urban Areas and peri-urban areas with the aim of identifying'. It is just an amendment to add on what is there but the motion is timely and we are in rainy season and this is the time to go round doing this audit.

Mr. Speaker, I totally believe a 100% that this motion is going to assist the residents of this County. Let us not wait for a disaster to take place but we can do it now and it should be done with the maximum speed and minimum delays. Mr. Speaker, I can request that after we have passed this motion, the resolution to be taken with the **delivery** book and should be added something on top to confirm that it is an urgent matter so that it can be done with a lot speed. Otherwise we are on time and actually in the correct decision making and this one justify that we are here to take care of our residents. I do support the motion 100%. Thank you.

Mr. Speaker: Thank you, Honourable Ramadhan. I think Honourable Ramadhan for the amendment; Of course I will not need to remind you how we go about the amendments. You needed to have written officially the proposed amendment and now that it was not done, then we will proceed with the motion as it is.

Yes, Honourable Chemwaina. Koech.

MCA Koech: Thank you, Mr. Speaker Sir. I stand to support this motion. It has really come up at the right time and we don't want this menace that happened in Huruma in Nairobi to happen in Uasin Gishu. Mr. Speaker Sir, there are these structures which were built during Colonial era and our people are still occupying them. It is a matter of urgency, Mr. Speaker, for the County to do thorough inspection in order to save lives during this rain season. With those many remarks, Mr. Speaker, I stand to support the motion. Thank you very much.

Mr. Speaker: The mover. I see no other contributor so you have the right to tell us the last response.

MCA Kiptanui: Thank you, Mr. Speaker Sir. First and foremost, I wish to appreciate the support of the Members. Mr. Speaker, this is a clear demonstration that this Honourable House really values human lives. Mr. Speaker Sir, I wish to propose the following amendments. It was a typographical error Mr. Speaker and indeed I shared with our able Clerk but it could not be done, Mr. Speaker.

Mr. Speaker: The Honourable Member, I have said there is nothing you can do unless you bring it in terms of the standing orders. Unless you want to withdraw the motion, go and amend it, or you want --- You can't bring the motion to revert to the Committee unless after the expiry of six months, but it was a typographical error I think the typographical error can also be connected at my instance.

(Applause)

MCA Kiptanui: Thank you, Mr. Speaker, for that direction and now, Mr. Speaker, I want to appreciate everyone for the support that they have given to this motion and I want to say we really value human life. The destruction that normally accompanies such misfortunes like that of Huruma, Mr. Speaker, is really regrettable. So we do not want to

wait until such times so that we take the corrective measures. Otherwise, I want to say thank you very much for the support you have given to this motion. Thank you.

Mr. Speaker: Honourable Members, I want to believe that the corrections that were intended were in the prayer number one. The Chair, the correction was in a prayer number one?

(Silence)

Urban and peri-urban was an error? Honourable members, that error of omission will be connected accordingly. In view of the fact that the motion has been supported and canvassed, I will then put the question as follows.

(Question put and agreed to)

Mr. Speaker: Honourable Members, the motion has been taken. Resolutions of the House will be forwarded to the County Executive for appropriate action. I wish to remind members that we said that after the end of the today's business we remain, we revert ourselves into a Speaker's Kamakunji for purposes of discussing a matter of Chebororwa FTC. It is a very important matter. I still repeat and I do urge all the members preferably to remain within the plenary premise.

ADJOURNMENT

Mr. Speaker: That was the last order in our order paper. It follows that the House stands adjourned until tomorrow at 2:30 PM.

The House rose at 3:17 PM