

SAMBURU COUNTY ASSEMBLY



THE HANSARD

Tuesday, 17th march, 2015

The County Assembly met at the County Assembly chambers at 2:30 p.m.

(Deputy Speaker Hon Adamson Lanyasunya in the chair)

PRAYER

The Deputy Speaker (Hon. Adamson Lanaysunya): Hon. Leshoomo

MCA Lodokejek (Hon. Jerias Leshoomo): Thank you hon. Speaker, pursuant to Standing Order 41/2/C, I hereby request for a statement from the Chairperson of the Sectorial committee on cooperative development, trade and tourism regarding the development of Maralal Safari Lodge lease agreement, Mr. Speaker a lease is an agreement whereby the leaser conveys to the lessee, in return for the rent, the right to use the asset for an agreed period of time, further classified as the either financial lease agreement that transfers subsidiary all the risks and the reward incidental to ownership of an asset and it involves payment by the leaser to the leasee of the full cost of asset together with return on finance provided, the lease never obtains legal title but subsidiary risks and reward associated with asset, operating lease involves payment of lease rental for the hire of an asset for a period of time which is subsidiary less than the asset useful life the leaser retains most of the risks and ownership, the question under the 2010 constitution regarding the land ownership by foreigners address both existing land rates and future associations, it also sets the basis for a legislative framework that Govern the provisions regarding the land ownership by foreigners, address both the existing land rates and future associations it also sets the basis of a legislative framework to govern the acquisition of land for investment and other purposes by foreigners within the stipulated parameters. The constitutional provisions are not clear on the restrictions on a leasehold and freehold, In view of the above; the chairperson should enquire into and report on the floor of this house Mr. Speaker, on:

1. Whether the lease was signed and whether the investor has express permission for further development of the property
2. The process followed to identify the developer and who authorized the investor to cut down trees that grew naturally
3. Bearing in mind that the investor is a non-citizen I want to know whether the investor has a work permit
4. Why the person in question is using pepper spray an illegal substance
5. Whether the process leading to the signing of the lease agreement has followed the right procedure approved by the County Assembly

Mr. Speaker we all know that the County Government has land everywhere in this County, we all know also that the Samburu National plan the land is for the Samburu Government and we know that Samburu National Reserve has several investors in the Samburu reserve, whereby the investor leases and pays the rent to the County Government. Maralal Safari Lodge is also a County Government land and it leases whether procedural or un procedural to an individual, we want to know if it is right or is it procedural that the investor is doing in Safari Lodge because what he is now doing is not in the way it is supposed to be done. We all know that Samburu

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Lodge, the investors also does some businesses in the Samburu Lodge and pays the rent to the County Government. Thank you Mr. Speaker

MCA Angata Nanyukie (Hon. John Lemulugo): Thank you very much Mr. Speaker, I stand to thank the hon. Member for Lodokejek for coming up with this very statement concerning the Maralal Safari Lodge. Maralal Safari Lodge is the property of the County Government as it has just been said by the hon. Member for Lodokejek, and we all know the procedure of leasing any property in this County has to be approved by the County Assembly. We didn't see any proposal coming to this house to be approved or otherwise from that Safari Lodge and because what we are seeing from Safari Lodge is terrible. The investor who has been mentioned by the hon. Member, we don't know exactly which kind of agreement he has but I did ask myself in my own capacity and he has already a signed lease agreement. It happened that I was just there last weekend, when the incident was just about to take place, what happened there was truly terrible and I don't think that the investor has bought anything in this County that he can claim that it is his property, cutting down trees in this Safari Lodge spraying the face of the human beings a lot of fights against the rangers who are employed by the county government. There is no kind of response in this safari Lodge that even the staffing system is hell, so for me I really support the hon. Member for Lodokejek, coming with this very crucial statement. It is a very serious concern and it has to be taken action Mr. Speaker and I even request if it is possible that an ad hoc committee to be formed in this Hon. House to investigate the whole matter of this lease agreements. Not only in safari Lodge but in several other places like Sarima and other places Mr. Speaker. Because what is going on we really do not know and as the representatives of the people we should know all these kinds of leases in our land, thank you Mr. Speaker.

Nominated MCA (Hon. Modesta Lalaikipiani): Thank you Mr. Speaker the chair is not in but I am a member of the Tourism committee so I can answer. It is very true and I support the statement by hon. Leshoomo, because the Rangers who are staying in Safari Lodge are our people, they are our people and we should protect them in any way. Rangers are being frustrated and intimidated to an extent that they are taken into police custody to jail and sprayed with pepper spray, just because of the investor who we don't even know if he has a lease if he has a work permit. We do not know anything as the County Assembly and Mr. Speaker yesterday night the so called investor ordered the rangers from Safari Lodge telling them that Safari Lodge is his property. The big question is if the investor has a lease of running the lodge, does he also has lease to destroy forest or safari lodge? One of the rangers' duties is to protect both forest and wildlife. Maybe we can have one week and then we will give full report

The Deputy Speaker (Hon. Adamson Lanyasunya): Okay then you are expected to respond to the statement as requested by the hon. Leshoomo, next week Thursday afternoon which will be on 26th. Thank you, hon. Leshoomo.

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MCA Lodokejek (Hon. Jerias Leshoomo): Thank you hon. Speaker, we understand and we know that we have raised several statements from this department and no statement has been answered since then Mr. Speaker. I just want your assurance that this statement is answered as one of the urgent statements so that it does not go to the shelves as the other statements in this house, because Mr. Speaker we know some departments do not answer statements and this is an urgent matter. We have heard from some of the members that there is confusion in the lodge, as what the hon. Modesta has said, we have got our rangers to protect our wildlife and the natural resource in our lodges. Whether the investor has been given an agreement, whether an investor has invested in the area, but there are issues like the natural resource and wildlife that we should conserve as a county Government. I want just your guidance on this statement so that we can have a response as soon as possible, Thank you Mr. Speaker.

Minority Leader (Hon. Romano Leakono): Thank you hon. Speaker Sir, actually I stand also to emphasize on what the hon. Leshoomo has just said that actually statements from this department have never been answered. Secondly; I think there is a matter of urgency in this statement because one thing the rangers are being moved as from today, that is the information that I came across and if that is so it means that this place will operate without rangers who will protect the environment and the tourists and the property of this county and I think that whoever has decided to remove the rangers from this Safari Lodge need to do more consultation because the whole saga is actually building in a different point

The Deputy Speaker (Hon. Adamson Lanyasunya): Order hon. Leakono we had already ruled on the statement it would be responded to next week, 26th.

Minority Leader (Hon. Romano Leakono): Thank you Speaker Sir, I hope it would be done with all the seriousness it deserve because I think this is our turning point for this house. It has reached a point whereby the citizens of this County are being molested and treated in an inhuman way by the so called investors whom we have not honohred in this house, whom we have not granted any lease of running that lodge. I think hon. Speaker Sir with all the due respect, I am not undermining your seriousness, I sincerely request that it is to be answered on Thursday with all the necessary seriousness it deserves because this is test to this hon. House. Thank you hon. Speaker.

MCA Angata Nanyukie (Hon. John Lemulugo): Thank you very much Mr. Speaker, I am just following the hon. Members who have just spoke and even if you already ruled, that the statement be answered on Thursday next week, but what we are saying in this i still want to continue contributing to this that it is kind of (*inaudible*), because we are seeing that even this investor, so called investor is catching some small Antelopes and keeping in his own residential house, I am not even sure if he has a permit to do that.

The Deputy Speaker (Hon. Adamson Lanaysunya): Order hon. Lemulugo, you had the same contribution to the statement and I look around whether there are more responses which are not there and I gave the statement for the ruling to be answered so it is not proper that members re think again and come back to the same statement which has been ruled, you may have your seat hon. Lemulugo. Hon. Members there was a statement which was supposed to be responded to today, statement number **011/2015** from the chairperson of environment and Natural resources concerning lack of public dumpsite in Kisima town as asked by Hon. Jerias Leshoomo, so that statement is supposed to be answered Hon. Leshoomo.

MCA Lodojek (Hon. Jerias Leshoomo): Hon. Speaker that statement was answered and we are dealing with response Mr. Speaker.

The Deputy Speaker (Hon. Adamson Lanaysunya): Okay then it was an oversight because it has been put in the order paper today. Next Order, Hon. Letitik

MCA Porro (Hon. Lazaro Letitik): Thank you hon. Speaker pursuant to standing order number 122, clause (1), I beg to move that the Samburu County Agricultural Machinery service bill 2014 be now read the second time.

(The Samburu County Agricultural Machinery services bill was read a second time)

The Deputy Speaker (Hon. Adamson Lanaysunya): Hon. Modesta Lalaikipiani

Nominated MCA (Hon. Modesta Lalaikipiani): Thank you Mr. Speaker Sir, pursuant to standing order 122 clause (1), I beg to move that the Samburu County flag and other symbols bills 2014 be read the second time. Thank you Mr. Speaker

(The Samburu County flags and other symbols bill was read a second time)

The Deputy Speaker (Hon. Adamson Lanaysunya): Thank you Hon. Members with no other business the house stands adjourned until tomorrow morning session