

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 14th October, 2020

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

Temporary Speaker, (Hon. Paul Leshimpiro) in the Chair

PRAYER

PAPERS

Temporary Speaker, (Hon. Paul Leshimpiro): Hon. Members, the report of the Committee on Lands, Physical Planning, Housing and Urban Development on Shabaa petition pursuant to Standing Order No. 210 (2) be tabled.

Leader of Majority, (Hon. Christopher Lentukunye): Thank you Hon. Speaker. Mr. Speaker, I am standing before this House as a Member of the Lands Committee. And Mr. Speaker, indeed we are supposed to give the report of the petition on Shabaa land this afternoon but the Committee is yet to finalise the report. And Mr. Speaker we also have other issues from people living around Shabaa hills who also need to be heard as well. And Mr. Speaker as a Committee, it is our prayer that we give this report when we have heard both parties so that we give the report on the same having considered all the prayers of both parties. Therefore Mr. Speaker, we request that we give the report to this House after 14 days. Thank you Mr. Speaker.

MCA Maralal Ward, (Hon. Fred Kiragu): Thank you Mr. Speaker. Mr. Speaker, I am completely opposed to that prayer by the Leader of Majority and a Member of the Committee on Lands. And this can go into history and damage the history of this; it is a very sad day for this Assembly if the request is granted. Why? For one, this report should have been made when the petition was first brought after 60 days, which fell on 4th October. And up to now, it has not been presented. Last time we were here Mr. Speaker, they requested for some 14 days. And before the 14 days elapsed, the Chairman and some Committee Members informed us that we come the report is ready. And Mr. Speaker, it is already know that the report is ready because it has even leaked the way it is. And Mr. Speaker, the fear expressed here last week is that it is being delayed for doctoring. The other party that is being mentioned here that they are also interested has not brought the petition to this House. It is the petitioners here present, who brought the petition to this house. So the other ones is amorphous. It is not known by this house. The other party. And then Mr. Speaker, the Speaker ordered last week the report be presented today at 2:30pm. The Speaker himself was here. This report should have been availed today. Mr.

Speaker, the petitioners here are busy people. They cannot come to this assembly for about ten days without anything being presented to them when they leave their work they leave their homes. It is a shame for us when they leave their homes come here and they told to come back another day.

So Mr. Speaker, I really reject the granting of extra time. And it will go down as very bad history reflecting on this assembly. The weakness of the committee should not make the petitioners suffer mental physical and other expenses that they incur. Some have been traveling from Nairobi and Isiolo, even last time some had traveled from Nakuru. Today, as the Speaker had ordered the report to be tabled, it is not tabled, they will have to travel back to their places of work and then come after 14 days unless the committee is ready to meet their travel expenses. This is very shameful on us, Mr. Speaker and I oppose the request. Thank you.

Deputy Speaker, (Hon. Lemoosa Jonathan): Hon. Members, as raised by the Hon Kiragu, the MCA for Maralal Ward, this petition has taken longer than expected. It was tabled on 4th and the Speaker directed that this report be tabled after 60 days. That was supposed to have been on 4th October 2020. On the same date, the committee requested for two more weeks which was supposed to be today. One thing is that Hon Kiragu, if the committee which was granted this mandate are not yet ready with the report, even though we can oppose but we will not have the report at the end of the day.

So as it was directed to the committee of lands to take this petition to the last minute, it will still not be possible for the Speaker to direct the report to be tabled when it is not ready. The committee, this matter may be complicated but we will certainly not run away from it. At some point we must come up with the proper prayers granting or not granting. It will not take the longest time possible.

As the Speaker, I want to direct that this report be tabled on or before 28th October 2020. That will be on Wednesday at 2:30pm. It is our prayer as house that this report must be tabled on that day. For the honorable members of Shabaa Group we request that you bear with us because it is better if we take the longest time possible but come up with a win-win situation. We request you

to be patient as you previously been over the past 60 and 14 days respectively. I think 14 more days are still possible. That remains as directed so.

MCA Maralal Ward, (Hon Kiragu Fred): Before we go to the next order –

The Deputy Speaker, (Hon. Lemoosa Jonathan): Hon. Kiragu, that has been ruled.

MCA Maralal Ward, Hon Kiragu Fred: It has been ruled but Mr. Speaker, listen to us. I have the right of opinion. Listen to what I have to say because what I feel is the ruling you have made does not give a timeline because is it tomorrow. You said on or before so when do they come next time? The other time it was on or before and they came but they were told the report is not ready. The report was just around here and signed. I ask you to give the specific date; not on or before because it has neither specific date nor timeline.

Temporary Speaker, (Hon. Paul Leshimpiro): Thank you hon. Kiragu. You need to understand that that on or before can even be tomorrow. You are representing the people of Shabaa and the communication will be given to you and you will convey it to them. You need to be patient and you need to listen....

MCA Maralal Ward, (hon. Fred Kiragu): I am listening but you also need to listen to me.

Temporary Speaker, (Hon. Paul Leshimpiro): Take your seat and I will give you an opportunity to speak. The hon. Member and the Petitioners, we are directing that the Committee brings the report on or before and that can be tomorrow, two or three days and that will serve you better than to say 14 days which will be longer. It will be far much safer and better to say on or before. I give you the last time.

MCA Maralal Ward, (hon. Fred Kiragu): Mr. Speaker, please give us a specific date. On or before means the Petitioners can be short-changed and the report can be read when they are not here. That is the vagueness I want to avoid. It is not a very big matter for you just to say it will be on 28th at 2.30. That is easier and it is the rule under which this House has been functioning. With on or before, I fear an ambush might be laid to the Petitioners. How do the travel if it is tomorrow when some are going back to their work stations?

MCA Suguta Marmar Ward, (hon. Shadrack Lesoipa): Thank you Mr. Speaker, I feel the concerns of the hon. Member for Maralal Ward having waited for the outcome of the report for long. I think the Member is aware that he is in this House for 3 roles; representation, oversight and legislation. He is here representing the people of Maralal Ward and the day the report will be tabled, he will give the communication to the people of Shabaa.

Specially Elected MCA, (hon. Stephanie Lanyasunya): Thank you hon. Speaker. I stand as a Member of the Lands Committee and I want to begin by echoing the sentiments of hon. Kiragu. It is true that the Petitioners have been coming here and the Members of the Committee have been sitting... (*Interrupted by a call for a point of order by hon. Letura*) I just want it to go on record...

Temporary Speaker, (Hon. Paul Leshimpiro): Hon. Stephanie, take a seat. Hon. Letura.

MCA Ndoto Ward, (Hon. Raisy Letura): Speaker, I think this is a House of rules, regulations and procedures. I seek your direction on whether it is right for the members to continue ventilating on an issue that you have already ruled on. I don't know which kind of precedence we are setting.

Temporary Speaker, (Hon. Paul Leshimpiro): Hon. Members, I need to refer you back to our Standing Orders, part (b) on Order of Business and this is good for hon. Kiragu; *that the Order Paper shall be published, that is number 35 part 2, in the County Assembly's website and shall be made available to members at least 12 hours before the County Assembly meets.*

Hon. Members, that remains the ruling that the report will be tabled on or before 28th of October, 2020 at 2.30 pm. Next order.

MCA Maralal Ward, (hon. Fred Kiragu): Mr. Speaker, you are not being fair on this. This order paper has never appeared on the website. We better face facts. There is what is written and what happens. What you are reading us is what is written but has never happened. Just give us a date Mr. Speaker. It is as simple as that.

Temporary Speaker, (Hon. Paul Leshimpiro): Take a seat. Next order.

Hon. Members, the time being 5 minutes to 4 o'clock and there being no other business, this Assembly stands adjourned until Thursday 15th October, 2020 at 2.30 pm.