

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 9th February, 2022

The Assembly met at the County Assembly chambers at 9:30 a.m

The Deputy Speaker, County Assembly of Samburu (Hon. Jonathan Lemoosa) in the Chair

PRAYER

MOTION

Approval of Members to Serve in the House Business Committee

Specially Elected MCA, (Hon. Kalapata Elizabeth): Thank you Hon. Speaker. **THAT** Pursuant to Standing Orders No. 150 (1) the Assembly approves the following Members nominated to serve in the House Business Committee in addition to the Speaker of the Assembly who Pursuant to Standing Orders No. 157 (1),(a),(b),(c) and (d) shall be the Chairperson of the Committee, the Deputy Speaker shall be the vice Chairperson, the Majority and the Minority Leader. The Members are the following:

1. Hon. Mohammed Asha.
2. Hon. Lesoipa Shadrack.
3. Hon. Lekwale Lucas
4. Hon. Lesilampa Josphine.

Thank you Hon. Speaker, I call upon Hon. Silapia to second the Motion.

(Hon. Lenamatiyio Silapia bows to second the Motion)

The Deputy Speaker, (Hon. Lemoosa Jonathan): Hon. Members, I now Propose the Question **THAT**, Pursuant to Standing Orders No. 150 (1) the Assembly approves the following Members nominated to serve in the House Business Committee in addition to the Speaker of the Assembly who Pursuant to Standing Orders No. 157 (1),(a),(b),(c) and (d) shall be the Chairperson of the Committee, the Deputy who Speaker shall be the vice Chairperson, The Majority and The Minority Leader and;

1. Hon. Mohammed Asha.
2. Hon. Lesoipa Shadrack.
3. Hon. Lekwale Lucas
4. Hon. Lesilampa Josphine.

MCA Wamba West, (Hon. Leitore Benjamin): Mr. Speaker, I just want to confirm on this membership from the Deputy Leader of Majority whether this was the first proposed Committee. Mr. Speaker, we have a diversity of political parties in this House and when I take into consideration on the representation of the minority, out of eight Members only two do represent the minority parties in this particular Committee.

Mr. Speaker, I take this as an under representation because as you know our Standing Orders explains well the representation in this noble Committee, I see a lot of dominance by the majority Committee.

MCA Elbarta Ward, (Hon. Lempei Peter): Mr. Speaker, I ask for your indulgence. Hon. Speaker, you just read the Motion and you were in the process of reading through including the names. I think it is preemptive for the Hon. Member to start pre-emptying a Motion that you have even not put the Question. I think that is an issue that comes only after you have put the Question.

(Applause)

The Deputy Speaker, (Hon. Lemoosa Jonathan): I think you are right Hon. Lempei. Nevertheless, I wish to guide the House on the matter that of course the Speaker, the Deputy Speaker, the Leader of Majority, the Leader of Minority are expressed guidance in our Standing Orders No. 57 (1) so in that matter, Hon. Leitore you are out of order because the representation is against four, for two against two that brings sanity as guided by our Standing Orders No. 57. Thank you Hon. Lempei for giving us that guidance.

(Point of order by Hon. Lempei)

MCA Elbarta Ward, (Hon. Lempei Peter): Hon. Speaker, I think this is a substantive Motion that has not really been debated as it had been proposed that need to be ventilated before Question is put.

The Deputy Speaker, (Hon. Lemoosa Jonathan): Thank you but I thought the House has agreed because the mood of the House... *(Interjection by Hon. Lempei)*

MCA Elbarta Ward, (Hon. Lempei Peter): Mr. Speaker, we have reservations, we were waiting for you to put the Question so that we go ahead execute the mission.

The Deputy Speaker, (Hon. Lemoosa Jonathan): The House is at liberty as at now to ventilate on the Motion because I did propose the Question so that I put the Question

MCA Elbarta Ward, (Hon. Lempei Peter): Much guided Hon. Speaker.

MCA Wamba West Ward, (Hon. Leitore Benjamin): Thank you Hon. Speaker, Mr. Speaker before I was interrupted by the able Member for Elbarta Ward, I got you clearly that you were to put the Question but Mr. Speaker apart from the automatic membership spelt out by Our Standing Orders these other four members of the Committee, only one member represents the minority.

Hon. Speaker there is always diversity of political parties, so I plead with this House that we get representation of minority parties to two members and not one.

MCA Suguta Marmar Ward, (Hon. Lesoipa Shadrack): Thank you Hon. Speaker. I stand to join the Hon. Member who moved the Motion that the representation of the Committee be adopted as it is. I think the Hon. Member for Wamba West is obsessed with issues of parties and as we stand today he is not a member of Democratic Party (DC), he is my colleague in United Democratic Association (UDA) and the Hon. Member is talking about parties and I think I am representing his interests in this Committee.

So hon. Member do not worry I will take care of your issues together with *Sinka le nkai* with others

(Laughter)

So be comfortable I am competent enough to take care of your issues, be guided and support the Committee.

(Applause)

The Deputy Speaker, (Hon. Lemoosa Jonathan): Thank you Hon. Lesoipa. Hon. Leitore your interest is taken care of by the able Member for Suguta Marmar Ward.

Specially Elected MCA, (Hon. Lobura Antonella): Thank you Hon. Speaker for giving me this opportunity. I oppose this Motion because before, this composition used to be okay. We used to have Minority Leader and one member but currently we see that these members are...*(Interjection on a point of order by Hon. Lempei)*

MCA Elbarta Ward, (Hon. Lempei Peter): Hon. Speaker, in advent of COVID-19 and am not sure if Hon. Antonella is immunized is it in order for her to use my microphone?

(Laughter)

Specially Elected MCA, (Hon. Lobura Antonella): Hon. Speaker my microphone is not working.

The Deputy Speaker, (Hon. Lemoosa Jonathan): Please Hon. Antonella seek permission from your neighbor don't infringe his right.

(Laughter)

Specially Elected MCA, (Hon. Lobura Antonella): Thank you Hon. Speaker, it is true COVID - 19 is still with us. Hon. Speaker, I do oppose this Motion because of the composition of the committee. At the moment, they are on one side hence they will not be supporting our Motions especially those of the other side.

MCA Wamba East Ward, (Hon. Lekwale Lucas): Hon. Speaker I just want the Member to explain what she means by "side". I know the composition of the Members who are in the House Business Committee belong to various parties.

For example I am the Minority whip and I actually serve her interest, so can the Member explain what she means by "side".

Specially Elected MCA, (Hon. Lobura Antonella): Hon. Speaker, in documentation in the House; yes, everything is minority but he is taking sides and he is almost leaving us.

The Deputy Speaker, (Hon. Lemoosa Jonathan): Please Hon. Antonella you cannot substantiate that, so let us not speculate and anticipate but debate in the House as guided by the Standing Orders, please take your seat.

Specially Elected MCA, (Hon. Dube Osman): Ahsante sana Mheshimiwa Spika, naona kamati hii iko sawa kwa sababu ikona ajenda ya wamama na chama cha wachache na cha wengi bungeni lakini hakuna mwakilishi wa walemavu.

(Laughter)

Mheshimiwa Spika lazima haki ifanyike pia sisi walemavu tupate haki yetu, Ahasante mheshimiwa Spika.

Specially Elected MCA, (Hon. Lanyasunya Stephanie): Thank you Hon. Speaker and happy new year to all Members and the members of public at the gallery. Hon. Speaker, I stand to oppose the composition of the Committee.

(Applause)

As Hon. Leitore said the Committee has not considered all parties especially the minority parties. I maybe the only one standing in Democratic Party (DC) and I should have been considered.

(Applause)

Mr. Speaker, I wonder if these are the same members that were there during the last session. Why I am saying so is because I think this membership was dormant. I think you all know that at the end of last session the House barely had any business to conduct, so Hon. Speaker I oppose the Motion.

MCA Elbarta Ward, (Hon. Lempei Peter): Thank you Hon. Speaker. From the onset I want to oppose this Motion.

(Applause)

Hon. Speaker, I intend to oppose this Motion aware that it is a substantive Motion before you and in the event it fails I am aware that there are risks involved that you would have pre-empted

as we would have taken ourselves *sine die* before time and that is a fact because in the event we oppose this Motion and it fails then there would be no House Business Committee that will set agenda of the House.

(Applause)

We have seen this predicament in the National Assembly previously when we refused to the House Business Committee because there is no Committee to set agendas.

Mr. Speaker, but we have an opening in our Standing Orders that allows you not to put the Question on matters that are contentious like this until such time that it is resolved. My reasons for opposing this Motion are the following:

Much as Hon. Lesoipa said that Hon. Leitore belongs to his political wing, we do not have a way of knowing because he has not resigned from his Democratic Party much as he has political inclination; so from a legal point Hon. Leitore is a bonafide member of Democratic Party so is Hon. Stephanie and all other Members of the opposition benches that include and not limited to Hon. Leshimpiro, Hon. Kiragu, and Hon. Antonella.

Hon. Speaker to have a Committee that is not properly composed like this then it is actually a de-service to the Members who should be putting us on toes as far as correctional measures are concerned being Members of opposition benches. It will be de-service for us to just pass this for the sake of passing and speculating that the interests of other political parties will be taken care of when indeed there is no agreement that is binding to that effect.

Mr. Speaker, I will vehemently oppose this Motion and really beg the Chair that you would not put the Question so that correctional measures can be done to the effect that all our political parties are involved. In the unlikely event that this is not heard and it fails we would have sent ourselves to the end of the calendar *sine die*.

MCA Wamba East Ward, (Hon. Lekwale Lucas): Thank you Hon. Speaker. Mr. Speaker seeing the mood of the House I am rising on Standing Orders No. 52 (3) starting from 52. (1)

When a Motion has been moved and seconded, the Speaker shall propose the Question there on in the same terms as the Motion, and the debate may then take place upon that Question.

Mr. Speaker, at the conclusion of the debate, the Speaker Shall Put the Question. Which I want Members to note on, “*despite paragraph 2, the Speaker may on request of a Member defer the putting of the Question to the following day in which case the Speaker shall upon nominate a time at which the Question shall be put*”.

So Mr. Speaker, I am raising on that point of order so that we can put the Question on another date. Thank you Mr. Speaker.

MCA Suguta Marmar Ward, (Hon. Shadrack Lesoipa): Hon. Speaker, I think this is an issue that need to be settled for once and for all. For the issue of giving the Speaker the liberty either to put the Question or not, I think Hon. Members it should come out. For example, the issue of Hon. Antonella, my colleague Hon. Lempei and Hon. Stephania, if you are opposed the composition of the Committee, then it will be good if we are guided and propose the membership that you want so that we can be able debate and put the Question. Then we can settle the matter for once and for all so that we can be able to move to another business.

MCA Angata Nanyokie Ward, (Hon. Paul Leshimpiro): Thank you Hon. Speaker. Hon. Speaker, I stand to oppose the composition of this Committee. First, as Hon. Antonella as put it very clearly; this composition, especially of the four Members other than the Speaker, the Majority Leader and the Minority Leader, all these other Members are inclined politically to one side as at moment. Although they still bona fide members of their previous political parties but at the moment they can decide on very gravies decisions that will affect the House.

However, Hon. Speaker, we have seen this scenario at the National Assembly and the good part with the National Assembly is that they have a clause or a Standing Order and certain clause that allowed them to negotiate thereafter to reconstitute the list again. Now, according to our Standing Orders, I doubt. I have not come across any Standing Order that allows us to have that reconsideration after putting the Question and it fails. There isn't. So if then there isn't, we will have to bring this Motion 6 month thereafter and that means after or during the time of election. We don't want to take ourselves home earlier. We just need to take our as stipulated by the regulations. So we propose that we don't put the Question but while not putting the Question, the

Standing Orders also requires that independent candidates need to be considered. Yes. I don't want to hope that a member of the KANU or a member of DC will take care of the independent candidate. Since I am the only member from Samburu County who is independent, I think I suit completely to be a Member of this Committee. Not necessarily as the Chair.

So thank you Hon. Speaker, I oppose. I request like Hon. Lempei has requested that we differ putting the Question so that we reconstitute afresh.

The Deputy Speaker, (Hon. Jonathan Lemoosa): I think Hon. Members, definitely I have read the mood of the House. The insights from the Members and following the request of the Hon. Lucas Lekwale and our Standing Order 53, "Despite Paragraph 2 (2) the Speaker may on the request of a member differ putting the Question to the following day ... in case the Speaker there upon nominate a time at which the question shall be put"

In this respect, Hon. Members, I now nominate that today at 2:30 PM we shall ventilate, deliberate, reconcile the list and put the question. Thank you.

MCA Elbarta Ward, (Peter Lempei): We are much guided Hon. Speaker. Thank you Hon. Speaker.

MOTION

Chairperson, Lands Committee, (Hon. Lucas Lekwale): Thank you Hon. Speaker. Hon. Speaker as you are aware this Motion is just a continuation. So Mr. Speaker, Pursuant to the provisions of the Constitution of Kenya 2010 Article 185 (4) (b) Maralal Part Physical Development Plan was submitted on 11th of May, 2021 and subsequently committed to the Sectoral committee on Lands, Physical Planning, Housing and Urban Development on the 30th of May 2021. That through a letter dated 11th day of May 2021, the CEC member in charge of Lands, Housing and Urban Development urged the County Assembly to Mr. Speaker;

1. Approve the following 8 Maralal Part Development Plans (PDPs);
 - a) Maralal CBD PDP
 - b) Loikas PDP
 - c) Nkutoto PDP
 - d) Shabaa PDP

- e) AIC Hill PDP
- f) Lporos PDP
- g) Lmutaro PDP
- h) Milimani PDP

In the aforesaid letter, the CEC Member did highlight the following fundamental issues among others;

- 1) That the approval does not have financial implication as the national government already nodded to facilitate issuing of title deeds to planned plots in Maralal.

Mr. Speaker, the Committee on Lands, Physical Planning, Housing and Urban Development deliberated on the document with a view of advising the Honourable House on its approval. Further Mr. Speaker, the Committee also received the members of the public and did public participation.

Mr. Speaker, amongst its objectives, the Committee sought to establish the following issues as it considers the above mentioned Maralal PDPs:-

1. Whether the submitted PDPs are in line with the existing laws for approval by the County Assembly, and the public was engaged in its planning.

The Committee held a total of 8 sittings where it deliberated on the matter and received submissions from the public and the CECM for Lands, Physical Planning, and Housing and Urban Development. Mr. Speaker, submissions received regarding Maralal PDPs; the CECM in charge of Lands, Physical Planning, Housing and Urban Development and selected members of the public appeared before the Committee and informed the Committee that there is a need for urgent consideration of these PDPs in line with Physical Planning Act in order to let the members of public, who have plots in Maralal to own certificates of titles to their land. This will go a long way to increase the value of land within Maralal municipality and hence spur economic development.

Mr. Speaker, I will also like to note here that when His Excellency the President came here, he actually assured us that we need to expedite the process of getting the PDPs. So in that it informed this all business Mr. Speaker.

Mr. Speaker, I now move to Committee Findings and Recommendation;

1. Having looked at the relevant legal framework and other enabling legislations the committee is satisfied that plans have satisfied the requisite legal requirement.
2. The Maralal Showground be moved from its current location to an alternative agricultural land in Lpartuk.
3. That the department of Lands amends Milimani Part Development plan with a view to regularize the allocation of Showground land to the people and other users previously allocated by the defunct Samburu County Council and Samburu County Government.
4. That the department of Lands amends Milimani Part Development plan by relocating Maralal laughter House to Nomotio farm, or where it deems fit, with the necessary regularizations as in (3) above.
5. That the department of Lands starts off the process of negotiating with the National Housing Corporation (NHC) with a view to protect the people who were allocated part of the NHC Land.

Therefore Mr. Speaker, the Committee resolutions and I want Members to be very keen on. The Committee urges the house to resolve as hereunder:

1. That the Honorable House approves the all the 8 plans without amendments.

These are;

- a) Maralal CBD PDP
- b) Loikas PDP
- c) Nkutoto PDP
- d) Shabaa PDP
- e) AIC Hill PDP
- f) Lporos PDP

- g) Lmutaro and
- h) Milimani PDP

2. That the department, after requisite approval by the National ministry of Lands, Milimani PDP be regularized as resolved in Recommendations 2, 3, and 4 here above.

Thank you Mr. Speaker.

MCA Lodokejek Ward, (Hon. Jerias Leshomo): Thank you Mr. Speaker. Mr. Speaker, following the Report of the Committee on Lands, Physical Planning, Housing and Urban Development, after perusing the statement from the Committee the House deliberately makes some amendments that I want to read; that pursuant to the Standing Order No. 53, I beg to move an amendment to this Motion that in page 11 on the Committee's Recommendations that the following points be inserted;

Hon. Speaker, this was after consultations with the Hon. Members following the report of the Committee;

- THAT further to the inhabitant of the Maralal Show Ground who have legal documents be allowed to continue holding on freehold and the remaining part that has been subdivided on the Show Ground be allocated to the members of the public and proper titles be done.
- THAT the members of the public who were allocated land which was part of the Maralal Cemetery, and holding legal documents be allowed to continue holding it on freehold and the same be titled in their names as it find alternatives lands for the same use.
- THAT due to the public demand and as our result of public participation, the Department of Lands does physical planning of the whole of Maralal Municipality including but not limited to regularizations of the Maralal Sanctuary which was already allocated to the members of the public e.g the areas of Lare Oibor and the surroundings.

Thank your Hon. Speaker.

The Deputy Speaker, (Hon. Jonathan Lemoosa): Very well the Hon. Chair and Hon. Leshoomo. Hon. Members, you remember in our afternoon sitting the Question actually was differed. It is continuation whereby Members can ventilate into the matter before we put the Question. Please you are at liberty. (*Silence as the Chair consults*). Hon. Members before we ventilate into the matter, something new has cropped up or actually has been amended to include in the Report. Before we ventilate into it, we propose and put the Question such that Members can bring their inputs thereafter.

Hon. Members, I now propose THAT Pursuant to the Standing Order No. 53, begging to be moved as an amendment to the Motion in page 11 on the Committee's Recommendations that the following be inserted;

- THAT further to the inhabitant of the Maralal Show Ground who have legal documents be allowed to continue holding on freehold and the remaining part that has been subdivided on the Show Ground be allocated to the members of the public and proper titles be done.
- THAT the members of the public allocated land which was part of the Maralal Cemetery, and holding legal documents be allowed to continue holding it on freehold and the same be titled their names as it finds alternatives lands for the same use.
- THAT due to the public demand as result of our public participation, the Department of Lands does physical planning of the whole of the Maralal Municipality including but not limited to regularize of the Maralal Sanctuary which was already allocated to the members of the public e.g the areas of Lare Oibor and the surroundings.
- (*Question was put and agreed to*)

Now Members can ventilate into the Report.

MCA Maralala Ward, (Hon. Fred Kiragu): Thank you very much Mr. Speaker Sir. I stand to support the Motion as amended. We met and discussed with the Chair of the Committee on Lands, we were not per se opposed to the Motion but we wanted to insert in there the amendments specific into it. Like when we talk of Lmutaro as it was yesterday, it is a very extensive area which does not include the land on cemetery. And then places like Lare Oibor

were not mentioned and the Sanctuary is very important for the purpose of the PDP later. There are some areas around the Sanctuary where people have settled.

So our intentions were that at some stage or at some point we will be able to amend the boundary of the Sanctuary to accommodate those homesteads that are already there. And because we agreed on this Mr. Speaker, for us now we are satisfied that everything has been taken into account.

It is also good that the Committee's Chair came up with the proposal that we again sit down with Harambee Cooperative and with National Housing Corporation because the land they claim to be theirs they took it free from the community. They were given free by the defunct Local Authority. And then we should negotiate. They didn't pay for it. So if at any stage they are going to demand some of that land, they should as a fact compensate those that are residents in those areas as at it is now. In fact, in some places it affects developments that have been done like Loika's mosque. It has costed a lot of money to put that one up. A lot of public resources. So when they claim that is their land which was not bought, which they were given free, they should be ready to surrender it back free. Or compensate millions to the people who have already developed those areas. Where were they when that development was done? Wasn't it their land?

And this is the only time Mr. Speaker, that we who are residents of this county have known the value of land. So when they were giving it, nobody knew about the value of the land. They came and took it freely. But for the purposes of the cemetery, I agree the parcels of Sanctuary and areas of Lare Oibor we agree, we have agreed and we know that these title deeds are going to benefit the land owners. We know that the value of land is going to go up. We know that the people will be able to get collateral and take loans from SACCOs and from banks to develop their lands. We know this has been in a very big impediment in the building of proper and modern houses in this County. It is not only Maralal residents who have plots here we have people from other regions.

The Speaker was a little rough on me yesterday and he also owns land here and it is going to be valued, what I meant is let us accommodate the poor majority because they are the ones who are highly affected.

Mr. Speaker the population of this town is growing and as it does we need to create land for them. Mr. Speaker how do we have a land for harambee cooperative while they do not have residence here, with those few remarks Mr. Speaker I beg to support.

Specially Elected MCA, (Hon. Lesilampa Josphine): Ahsante mheshimiwa Spika kwa fursa hii. Spika jana tulikuwa na joto hapa lakini naona leo imeteremka. Hili ni bunge la sheria na la wawakilishi wa watu wa Samburu na wako na matumaini makuu kwa bunge hili. Nashukuru Kamati ya Ardhi kwa kazi nzuri waliyoifanya bila ubaguzi, ahsante Spika.

MCA Angata Nanyekie Ward, (Hon. Leshimpiro Paul): Thank you Hon. Speaker, I was presiding the House yesterday and that is why there was *joto*.

(Laughter)

Hon. Speaker, I wish to convey to the Members that as much as we are trying to defend our people let us not legalize grabbing of land especially the cemeteries because at the end of the day... *(Interjection on a point of Order by Hon. Lempei)*

MCA Elbarta Ward, (Hon. Lempei Peter): Mr. Speaker, the Hon. Member should declare if he is either supporting or opposing the Motion. If he is supporting the Motion then he should be talking positively in entirety and if he is opposing it then he should demerit it so that we meet on the floor.

(Hon. Kiragu stands on a point of Order)

MCA Maralal Ward, (Hon. Kiragu Fred): Hon. Speaker, it is not right for the Hon. Member to talk about land grabbing around the cemetery. People were legally given that land by the defunct authority.

The Deputy Speaker, (Hon. Lemoosa Jonathan): Very well, Hon. Leshimpiro please withdraw and apologize.

MCA Angata Nanyekie Ward, (Hon. Leshimpiro Paul): Hon. Speaker I withdraw. Hon. Speaker I support the Motion but I of course have some reservations.

Hon. Speaker let us not say that the public land that has been allocated whether cemetery or any other public utility can one time be taken by anybody and we stand in this House trying to defend the legality or resources used by that person.

Hon. Speaker, we should know that the history of this County, not only in Samburu County; we have seen houses being demolished everywhere because of corruption. Hon. Speaker, when we defend our people let us also defend the dead; because who will speak for the dead?

(Hon. Lempei stands on a Point of Order)

MCA Elbarta Ward, (Hon. Lempei Peter): Hon. Speaker I completely fail to comprehend what debate the Hon. Member is trying to bring about.

I think the Hon. Member should still apologize for insinuating that people who issued documents to our members of public living around the cemetery, Larre oibor areas and all other areas by the defunct local authority are documents that have been fraudulently obtained, is that in Order?

The Deputy Speaker, (Hon. Lemoosa Jonathan): Hon. Members, I think Hon. Leshimpiro says he supports the report.

MCA Elbarta Ward, (Hon. Lempei Peter): Then Hon. Speaker he should not have reservations, he should only have further recommendations because there is no middle ground.

The Deputy Speaker, (Hon. Lemoosa Jonathan): Hon. Members, I think Hon. Leshimpiro is trying to enrich the report with some information or some awareness.

I want to believe that in every legal act there is always a procedure on how to go about the legality and illegality. My belief is that there was no grabbing, the land were legally issued. Hon. Leshimpiro please clearly give this House your stand.

MCA Angatta Naanyekie Ward, (Hon. Leshimpiro Paul): Hon. Speaker, I live in Lporos and on my way to my place there is a cemetery and there is a well-built house inside the cemetery. Now Hon. Speaker, who has intruded to whose land; is it the graves that has moved to the owner's plot or is it the owner who moved to the graves?

Specially Elected MCA, (Hon. Lanyasunya Stephanie): On a point of information Hon. Speaker, what Hon. Leshimpiro means is that he cannot comprehend how the defunct local authority could allocate some land for the cemetery and at the same time allow people to settle there, thank you Hon. Speaker.

(Applause)

Specially Elected MCA, (Hon. Dube Osman): Ahsante sana Spika. Naunga mkono ripoti na kusema kwamba Kamati ya Ardhi imefanya kazi nzuri lakini ningependa kwamba walemavu watetewe na naomba kwamba Wizara ya Ardhi iwe makini sana, ahsante mheshimiwa Spika.

Specially Elected MCA, (Hon. Lobura Antonella): Thank you Hon. Speaker for another opportunity. Hon. Speaker, most of us were shocked yesterday to see the Committee on Land's report because their recommendations considered the middle class but the poor population was not yet they did not allocate that land for themselves nor grab that land but were legally given those plots.

Mr. Speaker, I support this report so that the poor population be considered. Hon. Speaker, I hope an alternative land for the cemetery will be found instead of moving those people in the future, thank you Hon. Speaker.

MCA Elbarta Ward, (Hon. Lempei Peter): Thank you Hon. Speaker. I am really grateful for the opportunity to contribute to this Motion.

I want to thank the Committee on Lands, Physical Planning and Urban Development for the good work done; congratulations Hon. Lekwale and the whole Committee. Thank you for executing your mandate as provided for in our Standing Orders No. 198.

Mr. Speaker I rise to debate guided by the Constitution of Kenya, 2010, the County Government Act and the Standing Order that gives mandate to the Committee under Order No. 198.

Mr. Speaker what is before us is a partial development plan for Maralal town not a development plan. This is a partial development plan because it does not include the entire municipality. There is eight PDP in form of maps as read by the chairperson as follow:

- 1) Maralal CBD.
- 2) Milimani Settlement.
- 3) Mtarao medium density zone.
- 4) AIC medium density residential.
- 5) Loikas high density area.
- 6) Lporos low density residential zone.
- 7) Shabaa settlement.
- 8) Nkutoto medium residential.

Mr. Speaker that was the mandate of this Committee and in execution they came up with a report which meets all the thresholds of what constitute to be called a report. For it to be a report:

Number one, it must define the physical development plan which in this case it is the partial development plan so for this I will tick; complied with.

Number two, the principle to be promoted in the same, and the principle is the interest of our community, on this I will tick; complied with.

Number three, the purpose; which is the benefit of our communities living in Maralal and on this I will tick; complied with.

Number four, is the legal frame work and on this I will tick; complied with.

Number five, is the process that was done included in public participation, on this I will tick; complied with, on the eight sittings the Committee sat.

Number six, the content; this include the physical plan and the narrative report that explains the issues, I will tick; complied with.

Hon. Speaker, the challenges that the Committee faced among them is that there are parts of the maps that have not been planned and the Committee has recommended as a challenge, I will tick; complied with.

Mr. Speaker looking at the achievements made in regards to the same, the report has attempted to look at in complex whole the issues that are its mandate which is to review and recommend views from the public that needed to be done with a focus of titling our land so that we are able in the end to benefit from these land in terms of loans, development, industrialization, modernization and all others, to that extent Mr. Speaker the achievements are immense.

Proceeding on with the debate Mr. Speaker I would like to highlight on the recommendations made by the Committee. Mr. Speaker there were numerous contentious issues that include; the legal documents given to our people by the defunct authority to own and possess land. Mr. Speaker, will we be justified to nullify an action of Government that was ahead of us even when it did it legally?

We know that we have very senior citizens living around the cemetery area and they have heavily invested by the virtue of them being given free lease to hold that land and they have legal documents to that effect which can prove that indeed the Government allocated them that land and not by them grabbing or settling there on their own. This situation brings up the question on if it is us to get an alternative settlement, reduce that land or evict those people from that area?

The second issue Mr. Speaker is the show ground land. We cannot have a show ground in the middle of the town; Maralal town is getting into a metropolis as it is in the municipal status. Mr. Speaker how do we start herding goats at the middle of town instead of getting an alternative piece of land out of town as recommended by the Committee Chairman.

Mr. Speaker I am privileged that majority of the people living in Larre oibor are the people who initially faced the devastation of conflict and were initially my people from Elbarta, Lesirikan and Masikita areas respectively and they were given legal documents but unfortunately they later found out that it was a boundary that gets into the animal sanctuary.

Mr. Speaker, for avoidance of doubt; when we had Governor Gavaghan the whole of Maralal town was an animal sanctuary and the headquarter of Samburu at that time was Barsaloi; so indeed even this County Assembly is in the animal sanctuary, that was the original plan of Maralal. Why would we not look at moving the boundaries of the animal sanctuary so that the

population living there who were issued with legal documents are able to settle their properly. This is what this report is about and this is what we stand with. This is not casted on a stone. I want to speak for the living and not the dead as hon. Leshimpiro is speaking about. Maybe you will be elected at another time to speak for them by those guys. I would really dwell on those people who are really affected who are the members of the armed force, business people originally from Baragoi and the public who are originally residents of Maralal should be hold to hold that, this is not grabbing. I would like to remind my friend that the Bible says that the law was not written for the man, the law can always be changed, you should not always look at the law as if it is casted on stone. We write, change and propose the law and look at the larger good.

Today Ukraine is at war with Russia and the reason is land, encroachment and moving to the East. We do not want the third world war to begin in Maralal, it should begin in Europe and then maybe spread later. Everywhere that there has been war has been a question of territory, land and old scores. The people at Lare Oibor be allowed to settle there and alternative acreage be extended in other Government areas. We are saying that this is a PDP when are we having from the department a full Development Plan for Maralal Municipality. That is the big question that we need to put so that the entire area can be covered in complex whole. I beseech the Members that we support this Motion as amended all of us to talk in unison in support of the report by our able arms Committee and that the intention to be to help all our people; the Samburu, Turkana, Kikuyu, Meru, Borana, Gaari, Somali, Burji, the Leshimpiros and all those who all fall under the Samburu Community without exemption, thank you Mr. Speaker.

The Deputy Speaker, (hon. Jonathan Lemoosa): Thank you very much Chair of Budget hon. Lempei. It is a very strong way of summing up the report right from its segmentation that is the plan of the 8 parcels, advantage therein, the way forward, the mal-administration from the defunct County Council and nevertheless the Development Plan. That is a wonderful way of putting it.

I now put the question that Pursuant to the Provisions of Standing Order number 46 this House debates and approves the report of the Committee on Lands, Physical Planning, Housing and Urban Development on the Maralal Path Development Plan.

(Question put and passed)

PROCEDURAL MOTION

Specially Elected MCA, (hon. Elizabeth Kalapata): Thank you Mr. Speaker. Limitation of debates on Bills sponsored by Parties or Committees that notwithstanding Provisions of Standing Order number 93/4 this House orders that each speech in a debate on a Bill sponsored by Committee, Leader of Majority or the Leader of Minority Party be limited as follows; a maximum of 45 minutes for the mover in moving and 15 minutes in replying. A maximum of 30 minutes for the Chairperson of relevant Committee if the Bill is not sponsored by the relevant Committee. A maximum of 10 minutes for any other Member speaking except the Leader of Majority Party and the Leader of Minority Party who shall be limited to a maximum of 15 minutes each if the Bill is not sponsored by either of them and the priority in speaking be accorded to the Leader of Majority Party, the Leader of Minority Party and the Chairperson of the relevant Departmental Committee in that order, thank you Mr. Speaker.

Specially Elected MCA, (hon. Silapia Lenamatia): Thank you Mr. Speaker. I stand to second the Motion.

The Deputy Speaker, (hon. Jonathan Lemoosa): Very well. I now propose the question as read by the Majority Leader. Hon. Members I now put the question that notwithstanding Provisions of Standing Order number 93/4 this House orders that each speech in a debate on a Bill sponsored by Committee, Leader of Majority or the Leader of Minority Party be limited as follows; a maximum of 45 minutes for the mover in moving and 15 minutes in replying. A maximum of 30 minutes for the Chairperson of relevant Committee if the Bill is not sponsored by the relevant Committee. A maximum of 10 minutes for any other Member speaking except the Leader of Majority Party and the Leader of Minority Party who shall be limited to a maximum of 15 minutes each if the Bill is not sponsored by either of them and the priority in speaking be accorded to the Leader of Majority Party, the Leader of Minority Party and the Chairperson of the relevant Departmental Committee in that order.

(Question proposed and passed)

PROCEDURAL MOTION

Specially Elected MCA, (hon. Elizabeth Kalapata): Thank you Mr. Speaker. Limitation of debate in individual Member Bill that notwithstanding the Provisions of Standing Order number 98/4, this House orders that each speech in a debate on a Bill not sponsored by a Committee Leader of Majority or the Leader of Minority Party be limited as follows; a maximum of three hours and thirty minutes with not more than 30 minutes for the mover in moving and 10 minute in replying. A maximum of 30 minutes for the Chairperson of the relevant Committee and a maximum of 10 minutes for any other Member speaking except the Leader of Majority Party and the Leader of Minority Party who shall be limited to a maximum of 15 minutes each and that priority in speaking be accorded to the Leader of Majority Party, the Leader of Minority Party and the Chairperson of the relevant Departmental Committee in that order, thank you Mr. Speaker.

(hon. Lesilamba bows to second the Motion)

The Deputy Speaker, (hon. Jonathan Lemoosa): Very well. I now propose the question as read by the Leader of Majority Party. I now put the question as read by the Leader of Majority Party.

(Question proposed put and passed)

PROCEDURAL MOTION

Specially Elected MCA, (hon. Elizabeth Kalapata): Limitation on debates on Motions. That notwithstanding the Provisions of Standing Order number 98/4 this House orders that each speech in a debate on any Motion including special Motion be limited in the following manner; a maximum of three hours with not more than 20 minutes for the mover and 10 minutes for each any other Member speaking except the Leader of Majority Party and the Leader of Minority Party who shall be limited to a maximum of 15 minutes each and 10 minutes before the expiring of the time the Mover shall be called upon to reply and that priority in speaking be accorded to the Leader of Majority Party, the Leader of Minority Party and the Chairperson of the relevant departmental Committee in that Order, thank you Mr. Speaker. I see the Jubilee Members are moving out.

MCA Elbarta Ward, (hon. Peter Lempei): I second Mr. Speaker.

The Deputy Speaker, (hon. Jonathan Lemoosa): Thank you and very well. I now propose the question as read by the Deputy Leader of Majority Party. Hon. Members, I now want to put the question as proposed by the Leader of Majority Party.

(Question proposed, put and passed)

PROCEDURAL MOTION

Specially Elected MCA, (hon. Elizabeth Kalapata): Thank you Mr. Speaker. Limitation of debate on report of Committee that notwithstanding the Provisions of Standing Order number 98/4 this House orders that each speech in debate of Committee or any other reports submitted to the House of which limitation of time has not been specified be limited as follows; a maximum of 60 minutes for the Mover in moving and 30 minutes in replying and a maximum of 10 minutes for any other Member speaking except the Leader of Majority Party and the Leader of Minority Party who shall be limited to a maximum of 15 minutes each and that priority be given to Minority Party Leader who shall be limited to a maximum of 15 minutes each and that priority be accorded to the Leader of Majority Party and the Leader of Minority Party in that order, thank you Mr. Speaker.

(hon. Letuiya bows to second the Motion)

The Deputy Speaker, (hon. Jonathan Lemoosa): Thank you and very well hon. Letuiya and Majority Party Leader. I now propose the question as read by the Leader of Majority Party. Hon. Members I now want to put the question as read by the Deputy Leader of Majority Party.

(Question proposed, put and passed)

PROCEDURAL MOTION

Specially Elected MCA, (hon. Elizabeth Kalapata): Thank you Mr. Speaker. Limitation of debate on the Motion on Address by the Governor that notwithstanding the Provisions of Standing Order number 98/4 and in furtherance to the Provisions of Standing Order number 24

this House orders that debate on the Motion on the address by the Governor be limited to not more than 30 minutes for the Mover in moving and replying 20 minutes for the Leader of Majority Party and five minutes for any other Member speaking, thank you Mr. Speaker.

(hon. Josephine bows to second the Motion)

The Deputy Speaker, (hon. Jonathan Lemoosa): Thank you and very well hon. Josephine and Majority Party Leader. I now propose the question as read by the Leader of Majority Party. Hon. Members I now want to put the question that notwithstanding the Provisions of Standing Order number 98/4 and in furtherance to the Provisions of Standing Order number 24 this House orders that debate on the Motion on the address by the Governor be limited to not more than 30 minutes for the Mover in moving and replying 20 minutes for the Leader of Majority Party and five minutes for any other Member speaking.

(Question proposed, put and passed)

PROCEDURAL MOTION

Specially Elected MCA, (hon. Elizabeth Kalapata): Thank you Mr. Speaker. Limitation of debate on the Annual Estimates and Committee of Supply that Pursuant to the Provisions of Standing Order number 98/4 this House orders that each speech in a debate on the Budget and Appropriation Committee on Budget Estimates contemplated under Standing Order number 218 be limited as follows; Committee of Supply a maximum of seven minutes. Sitting days for the consideration of the proposal allocation to the respective vote program in the order specified in the schedule submitted in the Budget and the Appropriation Committee, thank you Mr. Speaker.

MCA Elbarta Ward, (hon. Peter Lempei): I second the Motion.

The Deputy Speaker, (hon. Jonathan Lemoosa): Thank you and very well hon. Majority Party Leader and the Budget Chair. I now propose the question as read by the Leader of Majority Party. I now put the question that Pursuant to the Provisions of Standing Order number 98/4 this House orders that each speech in a debate on the Budget and Appropriation Committee on Budget Estimates contemplated under Standing Order number 218 be limited as follows;

Committee of Supply a maximum of seven minutes. Sitting days for the consideration of the proposal allocation to the respective vote program in the order specified in the schedule submitted in the Budget and the Appropriation Committee.

(Question proposed, put and passed)

THE SAMBURU COUNTY HEALTH FACILITIES IMPROVEMENT FUND BILL, 2022

Chairperson Health Committee, (hon. Paul Leshimpiro): Thank you Mr. Speaker. I request that the Samburu County Health Facilities Improvement Fund Bill, 2022 be read for the First time.

The Deputy Speaker, (hon. Jonathan Lemoosa): Hon. Members I now propose that the Samburu County Health Improvement Fund Bill 2022 be read a first time. Hon. Members I now put the question that the Samburu County Health Improvement Fund Bill, 2022 be read a First time.

(Question proposed, put and passed)

The Samburu County Health Improvement Fund Bill, 2022. An Act of the County Assembly of Samburu to establish the Samburu County Health Facilities Improvement Fund to provide for the additional funding for the Management of Health Systems and public facilities improvement in the County to enable sustainable operations of Health Facilities and for connected purposes.

Hon. Members, the time being 15 minutes to noon and there being no other business this Assembly now adjourns until today afternoon at 2:30 pm.