

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 20th November, 2024

Morning Sitting

*The House met in the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted the Speaker)

Serjeant-at-Arms, kindly, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, kindly take your seats. We do have quorum now. Clerk, you may proceed to call the first Order.

QUESTIONS AND STATEMENTS

QUESTIONS

Hon. Senators, we will start with the Cabinet Secretary in Charge of the Ministry of Lands, Public Works, Housing and Urban Development. Thereafter, we will move to the other Cabinet Secretaries.

Questions Nos.053 and 071 are directed to the Cabinet Secretary for the Ministry of Lands, Public Works, Housing and Urban Development. Question No.053 is by Sen. Ogola and she is around.

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Question No.071 is by the Senator for Kirinyaga County, Sen. (Dr.) Murango. I do not see him in the House. We also have Question No.082 by the Senator for Tharaka-Nithi County, but I do not see him in the House.

There is also Question No.094 by the Senator for Turkana County. He is present. The next is Question No. 098 by the Senator for Nairobi City County who is present.

The last question directed to that Ministry is Question No.119 by Sen. Kibwana, but I do not see her in the House.

Clerk, if the Cabinet Secretary is present, kindly usher her into the Chamber.

(The Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development (Hon. Esther Wahome) was ushered into the Chamber)

Hon. Cabinet Secretary, welcome to the Senate. I hope you have recovered and are now in a position to respond to the Questions. Six questions have been directed to your Ministry. The first one is Question No.053 by the nominated Senator, Senator Beatrice Ogola. I will allow her to proceed to ask that Question.

Sen. Ogola: Thank you, Mr. Speaker, Sir. Before I ask my question, I would like to welcome the Cabinet Secretary to this Senate and thank her for coming to answer these questions.

Question No.053

STATUS OF COMPENSATION TO OWNERS OF LAND
COMPULSORILY ACQUIRED BY GOVERNMENT
AGENCIES SINCE 2013

(a) Could the Cabinet Secretary provide a list of all parcels of land that have been compulsorily acquired by Government agencies since 2013, specifying the projects for which each parcel was acquired?

(b) What is the status of compensation to the owners of the said parcels of land?

(c) Could the Cabinet Secretary explain why, in some instances, projects were initiated before the affected landowners were compensated?

(d) Lastly, what measures have been put in place to expedite payment of all pending compensation?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, thank you very much for this opportunity to respond to the questions. The last time I requested at a very late stage that I be exempted from attending the Plenary and you indulged me.

I realize that the accountability system in the country through social media is quite high. I need to clarify because I do not know where the information came from and I had swollen eyes. It could be taken that somebody had battered me, but I had gone through eye surgery.

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According to the question raised by Senator Beatrice Ogola, I have this response for her –

Mr. Speaker, Sir, according to Section 107 of the Land Act, the National Land Commission (NLC) is the one mandated to acquire land compulsorily on behalf of both the national and the county governments. Therefore, the matters raised by the hon. Senator in this question fall under the mandate of the NLC.

To this end, the Ministry referred the question to NLC by our letter referenced there, dated 15th November of 2024. We have attached a copy of that as Annexure 1.

I thought initially maybe for purposes of making progress, if I got a response, I would bring it. I have not received it. I request that the Senate take up this matter because it is not within my mandate.

It is important that I re-clarify and I know this honourable House is aware of the mandate between the Ministry and NLC. I do not hold the NLC accountable or respond on their behalf as they are an independent commission. They answer directly to the House and there are ways of this House being able to summon them. They are the agency with the data that is requested by the hon. Senator.

It would be going outside my mandate to attempt to answer questions on their behalf in this regard and we all know they do compulsory acquisition. On our part, we deal with settlement issues, not compulsory acquisition for purposes of projects.

The Speaker (Hon. Kingi): Sen. Ogola.

Sen. Ogola: Mr. Speaker, Sir, there were part (b), (c) and (d) of the Question---

(Technical hitch)

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, it means the entire question. In part one of the question, she asked about the list of the parcels, two, is about compensation and, three, is about explaining why in some instances projects were initiated before the affected landowners were compensated. There was no part four of the question.

The point is that once the compulsory acquisition is made, it is normally requested by the relevant department or Ministry - the entity procuring. For purposes of procurement, that is done by the NLC. So, any record of those details from your question one to four would be answered. It is not my mandate. I do not have that information.

They only come to me for purposes of documentation in terms of maybe a transfer of the parcel to the next person. If you ask me about compensation and what land was acquired, that information we will get from the NLC.

Sen. (Dr.) Khlawale: Thank you, Mr. Speaker. I am a little bit uncomfortable with the answer by our Cabinet Secretary. You are right that the NLC is independent, but you are expected to do what it takes to respond to our concerns. So, if you respond, it requires that you come with information that is in the custody of the NLC. I believe you should do so.

You cannot then refuse to answer the question and then ask us to do otherwise. What we have done is what we believe is the right thing. Could you tell us what difficulty

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you have in accessing the information that we wanted, which in your view, is in the hands of the NLC and then transmitted to us, the Cabinet Secretary?

The Speaker (Hon. Kingi): Just take more.

Sen. Maanzo: Mr. Speaker, Sir, under the Constitution, this House invites Cabinet Secretaries to come and respond on matters under their Ministries. You are the Ministry of Lands, Public Works, Housing and Urban Development. Although the NLC is independent, she could have as well have invited them to accompany her here or written to them.

The NLC then should have responded in one way or another. Is there a letter that they have responded to you now that you are the one the Constitution expects to appear here on behalf of the NLC?

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir, for giving me this opportunity. Since the promulgation of the Kenya Constitution in 2010, there have been tensions - I am aware of it - between the Ministry of Lands and the NLC. Previous Ministers have had even an open fallout with the Chairman of the NLC.

As she tries to navigate through the questions that have been put to her, we want her to tell us what the relationship between the NLC now and the Ministry is. How do they operate?

As the Senate, we are very uncomfortable to be told that the Cabinet Secretary is not able to answer questions relating to lands and the whole country knows that the buck stops with her.

What is the problem? What do we need to do if they cannot take directions? We cannot have people operating without responsibility to the people who employed them; which is the country Kenya.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Onyonka, proceed.

Sen. Onyonka: Thank you, Mr. Speaker, Sir. I sincerely would like to reiterate and support what hon. Mungatana and Sen. Beatrice have said.

Madam Cabinet Secretary, I will give you an example of the problem we have. There are individuals in Uasin Gishu County who provided their land about eight years ago so that the Expressway could be done on the southern part of Eldoret Town. This was a group of about 12 individuals. The road is there and in use. The national Government ended up paying two out of those 12 people. My suspicion is that someone must have given something small for that to happen.

We are persuading our leader, the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, to give us an audit because she has been in the National Assembly where we were. How many pieces of land are controversial and have had issues between the NLC and owners or the Standard Gauge Railway (SGR) or Kenya Railways Corporation (KRC) or any other Government departments. If the NLC is not able to come and give us the lists, they could have given you the list and told you which ones are controversial.

The feeling we have is that you are moving away from your very critical responsibility. The buck stops with you. Therefore, for you to tell us that the NLC has not given you the numbers, names and figures and that you have nothing to do with it, given

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your history of being a performer, then it means we would have to start saying how you have been defeated to do your job, which you are very highly qualified to do.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, with great respect, the Senate is asking me to do the work of the NLC, which I will not pretend, neither will I confirm that I am able to do. The NLC is an established body under our Constitution.

If you look at the questions you are asking, I should be in a position to take responsibility of the information that I bring to this Plenary. Therefore, if you ask me to provide all parcels that have been compulsorily acquired by the Government agencies since 2013. You are also asking me to bring information that has been processed by an agency that is not under me. It has nothing to do with land. My mandate is not about compulsory acquisition.

The Senate is in a position to summon the NLC. It does not have to be in the Plenary. We have a Committee that they can appear before. It is not that I am unable to do my job. I am honest in saying that it is not my mandate and the officers are not accountable to me.

My department is a fourth arm of Government established with specific mandate from the Constitution, answering to Parliament directly. So, I may ask them for information and bring it to you. However, if you want to interrogate that information, I will not take responsibility because it is not work within my office.

Mr. Speaker, Sir, I plead to be understood in this regard.

Hon. Sen. Mungatana is requesting me to indicate whether there are any tensions. He is referring to previous tensions. Sometimes Government agencies have tensions. The public and I are also aware that sometimes the Senate and the National Assembly have their own tensions.

Mr. Speaker, Sir, currently, there are no tensions. We are not suffering from that issue. I do not want to say that we have that.

It is not that I cannot get this information. I have written to them requesting for it. However, I knew that the right way is to request this House to get the information from the constitutionally mandated body that you can hold accountable, interrogate their list and compensation. I do not handle their compensation at any time. I beg to be released from that request because it is not my responsibility.

On the last question by Sen. Onyonka on whether I am defeated, I believe I have answered that. All the questions relate to why I am not bringing this information. If I bring this information, I should be able to own and take responsibility. I will not because it is not work within my Ministry.

The Speaker (Hon. Kingi): Now, Hon. Cabinet Secretary, under our Standing Orders, it is only the Cabinet Secretaries that are mandated to respond to questions by the Hon. Senators.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Yes, I am aware.

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The Speaker (Hon. Kingi): It is not a chairman of a parastatal nor a commission. Everybody is answerable to Parliament, including the so-called independent commissions. The challenge is that the Senate cannot have the Chairman of that Commission take the podium that you have just taken for purposes of responding to these questions. Therefore, they have to respond to these questions through the parent Ministry.

We understand that the NLC is not answerable to the Ministry. However, the question is not by the Ministry, but Parliament. For them responding to that question does not in any way mean that they are answerable to the Ministry.

You are just a conveyor belt for purposes of giving us that information from the NLC. The NLC is not the only independent commission. There are a number of them. Any questions directed to such commissions, the information is always brought to the House by the parent Ministry.

You need to let the NLC know that by providing information to the Senate through you does not mean that they are answerable to the Ministry. The Ministry is only conveying that information to the Senate because we cannot have the NLC come to the Senate for purposes of responding to our questions. You need to make them understand that the Ministry by seeking the NLC to provide information is not interfering with their mandate. Neither is the Ministry saying you are answerable to us. Let them give you the information.

As you come to the Senate on matters relating to the NLC, have them tagged along so that they sit with you and provide any supplementary information that is required. They cannot hide behind that argument that they are independent and, therefore, cannot give the Cabinet Secretary information. If that were the case, how are we going to get information, if not through the Ministry?

This Government has three arms of Government; the Executive, the Judiciary and Parliament. Independent commissions cannot purport to be a fourth arm of Government. They cannot.

(Applause)

They have to provide that information through you. The next time you are coming to respond to these questions because we will defer them, the NLC will have to come along with you.

The committees can do their work as you have suggested. They can summon NLC. However, for purposes of responding to questions, they have to know that we can only do that through the parent Ministry and the parent Cabinet Secretary; that is you. We will defer these questions to a later time.

We will now move to---

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, if you can indulge me, I did not say that they have declined to give me the information. Also, I did not say that they are hiding behind the independence. It is factual that they are an independent commission. The reason that they were given that space is so that the executive does not overreach.

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During my vetting, I was even accused of not having a good relationship with them, which is not true. I was also accused of wanting to take their mandate through some amendments we had proposed. I am the one saying that the Senate is giving me or requesting the information from the wrong person.

There is another route through which the Senate can get the same information and I am not directing how this work should be done. Let me finish because you will not force me to give information. I would rather that the priority is given to the owners of the information.

The Speaker (Hon. Kingi): You cannot put a point of order against the Cabinet Secretary unless you want clarification and intervention. Yes, Sen. Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, I am a bit surprised because the Cabinet Secretary is a former Member of this House. She knows very well that once the Chair has made a ruling, she cannot argue with the Chair's decision.

Mr. Speaker, Sir, I know you said that I cannot raise a point of order, but she is totally out of order. You have made a decision that we, in this House, interact with the head of the Ministry. Whatever arrangements she has with the NLC on how to source information is none of our business. The person who will appear here to answer is the Cabinet Secretary responsible for matters of land.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, for the record, let it reflect that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, who is my friend, is an advocate. She is conversant with the Constitution of Kenya. Could she fall back to the provision of Article 35 of the Constitution of Kenya, which will help her access the information that we are looking for, climb down a little bit and subject herself to being answerable to this House?

Cabinet Secretary, as a senior member of the Government, and equally because I am also a senior member of the Government, we are expected to make it easy for the Government to deliver. Therefore, when either the Speaker or the Cabinet Secretary becomes argumentative and defensive--- Could she clarify what she is defending? All we want is information. I propose that you direct her to go back and bring a proper answer, nothing less.

The Speaker (Hon. Kingi): Now, as Hon. Cabinet Secretary, I have already made a decision on this matter. Now, have your seat, Hon. Cabinet Secretary.

We want to help you navigate this matter. Now, you did well because immediately, you got the question, you wrote to the NLC to provide you with information that Parliament requires. However, the NLC has not responded to your letter. Had they responded to your letter today, you would have given us that information. So do not take blame when you know the person to blame.

One, you did the right thing. You got this question from the Senate and wrote to the NLC for the NLC to provide the necessary information and respond to the question. NLC decided not to.

Now, as a Senate, we have advised you that you are not meddling in the affairs of the NLC by seeking this information from them. Also, the NLC cannot claim that you are

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interfering with their mandate as a Cabinet Secretary in charge of land matters in this Republic when you write to them seeking some information that the Senate requires. You tell them that, unfortunately, they cannot go directly to the Senate and answer this question. It is my responsibility as the Cabinet Secretary in charge of land matters in this country.

Let them provide the information to the Senate through you. You are not in any way interfering with the mandate. Therefore, Hon. Cabinet Secretary, this question will be deferred. Remind the NLC to respond to the letter that you sent to them. Get that information.

On the date you are back here, make sure that the officials or the officers of the NLC accompany you, so that they can give you supplementary facts should the Senate require any arising from the primary question. That is the ruling of the Chair.

(Question deferred)

We will now move to Question No. 071 by the Senator for Kirinyaga County. That question--- Yes, proceed, Senator Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, I want to make a request. As you know, I am a Member of the Mediation Committee in the Division of Revenue. We have a meeting this morning. If you could allow me to take my question, then join that meeting.

The Speaker (Hon. Kingi): Yes, proceed. We will now move to question No.098, Hon. Cabinet Secretary. You may proceed to ask the Question.

Sen. Sifuna: Mr. Speaker, Sir, most appreciated.

Question No. 098

OWNERSHIP OF VARIOUS PARCELS OF
LAND IN KAMUKUNJI CONSTITUENCY

Sen. Sifuna: Mr. Speaker, Sir, could the Cabinet Secretary disclose the current holders of the title deeds for the parcels of land in Kamukunji Constituency registered as follows: LR. No.36/VII/1031, on which the Eastleigh Social Hall stands; LR. No.36/V11/1031(619/33), which was designated for use as the Eastleigh Open Air Market.

Lastly, LR No 209/12/2(209 1712) was designated for use by the Shauri Moyo Furniture Makers Cooperative Society.

(b) What is the Ministry doing to safeguard the rights of the legitimate owners of these parcels of land, which have been encroached upon by private developers?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, the Question is in three parts. The answer that I am providing this morning is that in regard to questions 5.1 and 5.2, I

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request more time to provide a comprehensive response because I cannot find some of my records. I am not able to bring the information. I need more time.

I have already assigned the relevant department to comb through all our records to see whether we can get the necessary files.

Then we have (iii), which I wish to respond to as follows:

I have given a long statement there. Certificate title number IRLR209-1712, original numbers 1042 and 1041, is a portion of the premises comprised in a grant dated 21st May 1929. It is located in the City of Nairobi, measuring approximately 0.34436 of an acre, for a term expiring on 1st August 2024, and for an annual rent of the amount stated there. We have annexed a copy of the title.

The land was initially registered in favour of John Herbert Turner on 1st March, 1929. The registered proprietor charged the property and a charge instrument was registered on 2nd December, 1930. Later, on 11th May, 1931, the property was discharged and a transfer was registered in the name of Fadi Nadis. Annexure 4 speaks to that transfer.

On 27th January, 1933, this property was transferred to Kenya Loan and Discount Limited for a consideration amount of Kshs10,000. Thereafter, on 23rd October, 1942, a transfer vide public auction of the said property to Allan Rakea and Mohammed Sharif, both sons of Nizam Din of Nairobi, and Firoz Din and Azin Din, both sons of Haji Fatin Din of Nairobi, as tenants in common and equal shares. Annexure 5 has the transfer by public auction as evidence.

On 26th November, 1996, a decree vide Civil Case No.3279 of 1994 originating summons was registered against the title. On 17th November, 1997, a vesting order or transfer was registered, transferring this land to Shauri Moyo Furniture Makers Co-operative Society, freed from all encumbrances. Annexure 6 speaks to that court order.

Subsequently, a provisional certificate of title was issued in favour of the Shauri Moyo Furniture Makers Co-operative Society Limited in 14th May, 1988. On 22nd May, 2002, another vesting order was issued, transferring the land to several persons; that is, Francis Ngaruiya Njoroge, Stephen Njoroge Irungu, Josphat Mutuku Musembi, Stephen Mwangi Kimani and Stephen Kamau Muchiri as trustees for themselves and the other plaintiffs as tenants in common and equal shares. We have also attached Annexure 7 being the court order.

Several other court orders were registered emanating from the same suit up to and including 9th March, 2015, restraining order and prohibiting all dealings. That order is dated 23rd October, 2019. This was registered against the said title.

On 25th May, 2022, for a consideration of Kshs130 million, this land was transferred to Miraj Supply and Contractors Limited. Since then, this property has not changed hands. My record shows that it is currently in the name of Miraj.

Unless there is any other question, I think that is fully answered.

The Speaker (Hon. Kingi): Sen. Sifuna, proceed.

Sen. Sifuna: Hon. Cabinet Secretary, with regards to the first two parts of my question, you have indicated that you need more time. Perhaps, you could indicate how much time you need for us to get these responses. You have also confirmed to me that the co-operative society sold this land to a private entity.

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Mr. Speaker, Sir, I have a follow-up question. The last time that the Cabinet Secretary was before this House on 27th March, 2024, we had a conversation here and I was happy with what she said regarding revocation of the title of the land on which Tom Mboya Social Hall sits.

I took the initiative to write to the Cabinet Secretary. In fact, when she was here, she promised us that she would revoke the title that had been given to a private developer and return that land to the Nairobi City County on behalf of the people of Nairobi.

On 8th April, 2024, I wrote to the Cabinet Secretary responsible for Land because even after her pronouncements, we could see that there was still development going on at the property. She wrote back to me on 13th May, 2024, saying that she is following up. In fact, she said that the position of the Ministry was that that title was going to be revoked.

Mr. Speaker, Sir, now that she is here and she had made that promise before this House, I would like her to give the House an update on the process of revocation of the title that had been issued to a private developer for the land on which Tom Mboya Social Hall sits.

I thank you.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary proceed.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): The first supplementary question was how much time I need. Sometimes it is quite difficult because you cannot tell how long it will take when a file is removed from its usual place. Possibly we can work with another 30 days.

Hon. Senator, if you have some details in respect of those parcels, kindly share with me for purposes of reconstruction. If I cannot get my file, then I should get useful assistance through any document that speaks to the title for purposes of reconstruction. In 30 days, we will be working hard to get the file.

The last one is on Tom Mboya Social Hall. After my statement in this plenary, my office started working on the revocation process. It is a process that requires at least about 90 days to four months because you have to write to the holders of that title and call for it. We have already done that, but before we could proceed with gazettment of the need to revoke, we were served with the proceedings of the High Court. I believe, hon. Senator, you are aware. There is an order for *status quo*.

I am still looking at ways of fulfilling what I stated on this Floor, but there is a court order. These people have gone to court and are not relenting. The position of the Ministry is that whichever way, this property is not transferable because it is secured and preserved space for the town hall. We have already filed some statements to the court to respond to that effect. In my view, the property is still secure.

The court order was given on 24th July, 2024. The case number in the Environment and Land Court is E053 of 2024, filed by Ngami Properties Limited against the Cabinet Secretary. The order was issued on that day. Maybe this is what is relevant; that there shall be a *status quo*. Perhaps, we can forward this. It is part of the annexures. If it is not, I will forward a copy of this order for purposes of record.

The Speaker (Hon. Kingi): So, you will have 30 days to get the response on the first limb of the question.

Sen. Miraj, do you have any supplementary question? Where is she? Sen. Mungatana, do you have any supplementary question?

Sen. Mungatana, MGH: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir, for giving me this opportunity to interrogate the response by the Cabinet Secretary. Concerning the first and second questions with regard to Eastleigh Open Air Market and Eastleigh Social Hall, the Cabinet Secretary has asked for more time and indicated 30 days.

That brings the further question because what we know is that the Ministry spent a lot of resources to digitize land records. At some point, the Ministry had indicated that Nairobi City County had been completed. So, we would like to know what the status is as far as that is concerned.

What does it mean when the Minister is talking about looking for a file or a file not being in its place? Does it mean the whole programme failed or what is exactly the status of the digitization programme, because resources were spent and assurances were given? It now seems that we have gone back to the same years we used to have files getting lost.

The Minister should clarify that.

I submit.

The Speaker (Hon. Kingi): Sen. Kavindu, please proceed.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir. Let her proceed first and then I will go afterwards.

The Speaker (Hon. Kingi): No, it is up to me to decide the Senator to speak first and I have chosen you this time round.

Sen. Kavindu Muthama: Okay. Mr. Speaker, Sir, my question is not in line with what is going on, but I would like to know from the Cabinet Secretary (CS)---

First of all, congratulations for your coming back. You have been good at your work and we congratulate you for the good work that you are doing. If the rest of the CSs were like you, Kenya would be good.

Hon. Cabinet Secretary, I would like to know if it is in line with the law, for a cooperative society of lands not to hold an Annual General Meeting (AGM) for five years and no action is taken. I am struggling with the Katelembu land. I raised this issue with you the last time we were together. How can you assist me with the Katelembu issue?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Beatrice Ogola, please, proceed.

Sen. Ogola: Thank you, Mr. Speaker, Sir. I would like to emphasize on the concern earlier raised by Sen. Mungatana. Reports have been given to us in this House about three counties where the pilot scheme for digitization of the Ministry was done and reported to have been complete. How then are we going about looking for files?

Secondly, Mr. Speaker, Sir, I would like to know from the Cabinet Secretary the steps the Ministry is taking to secure open grounds in this city as was in the initial development plan and on other cities too. How secure are our open grounds from encroachment?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, the first question is from hon. Mungatana on how far we are in regard to digitization. It is true the digitization process started in Nairobi Registry.

How then does that not help the question of missing files? Before you digitize, you need the files to get the information and load it into the information management system. If you do not have the hardcopy file, then you have no information to put.

So, there are still a few parcels where the files are not available. If the hard copy material of, for instance, the deed and correspondence files are not there, then you cannot have that in the system. That is the response to why I am still speaking to a missing file.

Even when we have information in the system, we still reverify, since we still have the hard copies, just to avoid any mistake. However, in this particular case, we do not have any information in the information management system; that is, *Ardhisasa*. We also cannot get the hardcopies, but we will find them. Sometimes they disappear completely.

That is why I requested support from the owner of that question, Sen. Sifuna, so that if we cannot get them, we request for information and documentation from the people interested or the owners of the property, so that we can put it in the system and gazette the reconstruction and loss of the titles.

On question of general digitization, it is work in progress. Nairobi City County is at 98 per cent. We are also working in Murang'a County. We have gone live in Murang'a. We will be launching in Isiolo County soon. It is a matter of time availability. Then Mombasa County, we are at the tail end, perhaps at 80 per cent.

Obviously, we have a long way to go, because you know the number of registries is more than 80. The operational ones are about 73. My Land Registrar is not here today. He had another commitment. However, I did tell this House during the vetting that I need about Kshs34 billion to digitize the entire country. The information system now is approximately in five counties in terms of digitization.

The hardest stations are Nairobi, Mombasa, Kisumu, Nakuru, Kiambu and Murang'a counties. Those are the areas where land titling has already happened. So, we still need a lot of time and money.

I had said if I got the budget within four years, we can finish. So that is where we are.

There was a question on Katelembu from my good friend, hon. Senator Kavindu.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, if you can, answer to the question because it is not a supplementary question.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, I would advise the Hon. Senator that this is a matter that we could write to the Cabinet Secretary in charge of the Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSME), because they have regulatory instruments that can direct AGMs to be carried out. So, people should not be held at ransom.

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Many land-buying companies like other public companies take long to hold AGMs and they do funny businesses there. Even when they call an AGM, they buy out some members and the AGM does not go well. However, under the supervision of the national Government through the Ministry of Co-operatives and Micro, Small and Medium Enterprises, that can be done in a proper way. So, we can have a conversation, but you could go direct to the relevant Cabinet Secretary. They will be able to help that cooperative society.

If you need my support, I am available.

The Speaker (Hon. Kingi): Thank you, Hon. Cabinet Secretary.

We will now move to Question No.071 by the Senator for Kirinyaga County, Sen. (Dr.) James Murango. You may proceed to ask your question, Senator.

Question No.071

RESETTLEMENT OF SQUATTERS
ACROSS THE COUNTRY

Sen. (Dr.) Murango: Thank you, Mr. Speaker, Sir. I beg to ask the Cabinet Secretary for Land, Public Works, Housing and Urban Development the following Question.

(a) Could the Cabinet Secretary state the number of persons classified as landless, commonly referred to as squatters in Kirinyaga Central Constituency, Kirinyaga County?

(b) What measures has the Ministry put in place to ensure that all squatters across the county, in particular those in colonial settlement villages along Mount Kenya Forest in Kirinyaga County, are resettled?

(c) Could the Cabinet Secretary confirm when these squatters will be settled, including when they shall be issued with title deeds?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now proceed to respond. Thank you.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): The hon. Senator for Kirinyaga County, Sen. James Murango is requesting for information on how many people are landless, or people commonly known as squatters.

I will start with that question.

The classification of people as landless, commonly known as squatters is inaccurate because landless is different from squatters.

Mr. Speaker, Sir, I took time to seek this so that I can have better clarity. According to the Oxford Learners Dictionary, the word 'landless' is an adjective that means 'not owning land'. Therefore, in our context, a landless person is one who does not own land. In this country, those are the majority.

For a person who does not own land, Land Act No. 6 of 2012 defines a squatter as a person who occupies land that legally belongs to another person or entity without that person's consent and these two terms cannot be used interchangeably.

One is a squatter on a piece of land that has an owner. Sometimes, you are a squatter on private land or on public land. The landless may in future own land. We do not have any date on such kind of people because they are the majority because they do not have land. However, tomorrow, they may have land.

Mr. Speaker, Sir, the concern of the government is the squatters who become a problem to private and public properties. The Ministry has no database of persons classified as landless or squatters in the country. The settlement of deserving cases is undertaken when the need arises. The settlement programmes are, however, subject to the availability of public land because we sometimes, settle them on public land and the availability of funds. We sometimes have to buy land for settlement.

The Ministry has so far since Independence, settled 301,872 families in 463 settlement schemes. Sen. (Dr.) Murango may not have asked this information, but he should indulge me so that I give the Senate this information through his question. The total is 1,288,244 hectares of the land the Government has given out for settlement. This means that a total of 3,183,320.25 acres of land across the country.

Mr. Speaker, Sir, this is a big achievement by the Government and this has occurred in 26 counties within the country. In the last three years, the Ministry has settled 16,376 families in approximately 21,000 hectares of land across 10 counties. Currently, the Ministry has no settlement programmes in Kirinyaga Central because one question was in relation to the Kirinyaga Central Constituency. However, colonial settlement villages are a phenomenal inherited at Independence.

In Kirinyaga County, there are 46 colonial villages with an estimated 5,231 households. In my report, I have given the names of these villages. Some initial work has taken place in terms of planning, but we have not completed it.

The date indicated in Table 1 was captured by the Ministry and forwarded to the County Government of Kirinyaga for co-ordination of activities together with the Ministry. This is because, we need friendly collaboration with county governments.

Mr. Speaker, Sir, the Ministry intends with the availability of funds to collaborate with the County Government of Kirinyaga and the NLC in order to plan out surveying work and the identification of beneficiaries. Although, we have the primary data of the people in those 46 villages, we still need to survey, identify and place beacons. This is work in progress and it will require funds. I, therefore, assure the Senator that this is what I have in my records and the NLC will be our partners.

I thank you.

The Speaker (Hon. Kingi): Hon. Senator, you may ask your two supplementary questions.

Sen. (Dr.) Murango: Asante, Bw. Spika. Ninamshukuru Bi. Waziri pia kwa kujibu yale maswali nimeuliza, lakini niko na maswali mengine mawili.

Kirinyaga upande wa Mwea, watu wameishi huko bila hati miliki kwa miaka na mikaka. Nyanyangu nilimzika akiwa na miaka 115 na bado hakuwa na hati miliki kwa sababu ya sheria gandamizi ya kunyunyizia mashamba maji. Swali langu la kwanza, ni juhudi zipi ziko kuhakikisha kwamba wakaazi wa sehemu za Mwera Irrigation Scheme na South Ngariama wamepata hati miliki na ni lini?

Swali langu la pili, katika takwimu Bi. Waziri ameleta siku ya leo, kuna vijiji 5,260 vya ukoloni. Waswahili husema, “mgala muue na haki yake umpe.” Toka zile vijiji za ukoloni mpaka wa leo, wale watu hawana hati miliki ila Bi. Waziri amesema ashapeana takwimu kwa Serikali la Gatuzi la Kirinyaga waanzishe mpango rasmi wa kupeana hati miliki.

Mimi mwenyewe niko na kijiji niliachiwa na babu yangu na hakina hati miliki. Huenda nikafa kama sina hati miliki kwa miaka hiyo yote. Ningetaka kuja, hizi hati miliki zitapeanwa lini.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, I may have to repeat myself. I did not say that we are giving Kirinyaga County the surveying work alone because they have a survey office. All counties are part of our settlement programmes as stakeholders, but I said if I can put funds together. It is not only the colonial villages, but my department is under instructions to start planning.

I came into this Ministry last year and we proposed funding for this pending work but we did not get the funding. I have other villages in Nyeri, Laikipia and Nyandarua counties as well as other places outside the Mount Kenya region.

I am also saying that Parliament should be responsive as well in supporting some of these programmes. The National Assembly has poorly funded the Ministry of Lands, Public Works, Housing and Urban Development notwithstanding that we collect stamp duty of about Kshs15 billion.

I, therefore, would request Sen. (Dr.) Murango to be my partner in this regard because this is work I can finish with the necessary funding and within two years. However, basic planning is there and people know their sections and what is remaining is the finalizing the surveying. The only thing is to fine-tune the planning, surveying, recording and then do the titling.

Mr. Speaker, Sir, I have taken it personally and not just for Kirinyaga County, but the entire country. I am even mindful that we should not be talking about colonial villages in this era and we need to clear them. I commit myself to ensuring that this is in the next budget among other colonial villages. We need to settle people so that they can use their land more productively.

Kirinyaga County has other challenges in South Ngariama which is a huge scheme, but we have finished our work there. There have been several cases that have been a barrier, but they are now agreed upon and we should be done with this scheme without more challenges. The small issue remaining is in regard to how many public utilities we have been able to carve out.

The county is asking for increased public utilities, but that may not be possible considering that people are already occupied and living in that area. However, we are in conversation with them and we will be finishing with this scheme soon.

Mwea has the same challenges as well with a lot of conflicts and fights. Mwea has also had cases. I think if we put our attention, we can finish this and this is work, which I have instructed for completion. So, possibly I cannot tell you whether it will take a year

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or two, because, again, I need funding. Let us work with Parliament to ensure that some of these old schemes are completed.

I think the Ministry has also failed. What happens - allow me to say this. Our people are very litigious when it comes to land. I can tell you I have cases that are as old as 40 years. Whenever we finish adjudication also, or settlement issues, other people, brokers and thieves who want to steal land, bring cases and they somehow find their way into courts and they come up with orders.

So, they become a major hindrance to the completion of the work. Then, of course, officers move to another place and then other cases come along because after you have not finished, other people start eyeing the same. It is quite complex; it is not a straightforward job which you can go and do it. However, we need, as a country, to refocus on this, including adjudication, so that we provide sufficient funding for the State Department for Lands and Physical Planning.

I do not know whether I have answered. However, I desire to be your partner and then we see how we can finish this.

The Speaker (Hon. Kingi): Thank you, Hon. Cabinet Secretary. Sen. Beth Syengo?

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir, for giving me this opportunity to ask a supplementary question to the hon. Cabinet Secretary. My question is if she could clarify what happens in a situation where two or three people or more lay claim on the same parcel of land. Rightfully, they present even title deeds for the same parcel of land.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Kinyua?

Sen. Kinyua: Thank you, Mr. Speaker, Sir. I am concerned about funding because she has repeated about funding for a long time. She is saying that if she does not get funding, she will not do so much concerning the issue of titling. I had raised the issue of titling of Maina Village, which she is aware of. I had also mentioned about Likie.

My concern is how much money the Ministry needs so that at least she can finish her work. How much has she gotten? With the amount she has, how many years then are we going to wait?

I am asking so that we avoid asking the same question knowing that she has been given 'X' or 'Y' amount of money. We want to know how long, as Kenyans, we will wait; especially evictees from the areas she mentioned in Laikipia, Maina Village, Likie and Marmanet. How long will these people wait before they are issued with title deeds?

The most shocking thing is that when the Cabinet Secretary or any Government officer visits, they promise and they give us even timelines. So when people are given timelines and when the Cabinet Secretary comes back to Nairobi, there is no money allocated. People feel like they have been misled.

Thank you.

The Speaker (Hon. Kingi): Sen. Miraj?

Sen. Miraj: Asante, Bw. Spika. Swali langu kwa Bi. Waziri ni kuhusiana na Bugugu Settlement Scheme Plot No.246 ambayo ilipitishwa na Tume ya NLC kwamba wapimiwe na wapewe vipande hivyo vya ardhi.

Nimemsikia Bi. Waziri kwa kauli yake akisema kwamba yuko na changamoto ya pesa. Ningependa atueleze katika Gatuzi ya Mombasa pengine ni maeneo gani anapanda kuwapa hati miliki.

Kumekuwa na matatizo ya kwamba hata baada ya malamishi kusikizwa na tume husika NLC, baadaye kunatokea watu wengine, wanapeleka kesi kortini na wale ambao washapangiwa kupewa vile vipande vya ardhi wanashtakiwa na kunyanyaswa katika korti zetu.

Naomba atupatie mwelekeo ni jinsi gani tutaweza kupambana na masuala kama haya pindi yanapoibuka.

Asante.

The Speaker (Hon. Kingi): Sen. Kavindu Muthama?

Sen. Kavindu Muthama: Hon. Cabinet Secretary, I am still following up on the issue of Katelembu. There are people who were born there by their parents who were shareholders of the piece of land. Despite that, today they are being called squatters and are being evicted. We are talking of people aged 70, 80 and 90 years old living on that piece of land. Today they are being called squatters and society wants them out.

It is only that, by the grace of God, I together with the late hon. Kabaka, have been defending them. That is why I would request the Hon. Cabinet Secretary to intervene on this issue of the pieces of land in Katelembu. Otherwise, it is a big issue and some people living there have title deeds. You will find two, three, four, five people own one piece of land. Each one of them has a title deed of that land. Where do they get these title deeds from?

Thank you, Mr Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Abass?

Sen. Abass: Mr. Speaker, Sir, I wish to ask the Cabinet Secretary whether she is aware that in the far-flung areas of Wajir and Mandera, there is no lands office and people are required to have title deeds, especially the commercial areas and municipalities. They come from Mandera, Wajir, to go and look for title deeds. What is the plan for the Ministry to open land offices in the nearby areas? Maybe in Garissa or Wajir somewhere? Is there any plan?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now proceed to respond.

The Cabinet Secretary for Lands, Public Works and Housing (Hon. Alice Wahome): Mr. Speaker, Sir, allow me to start with the question of Sen. Abass on Garissa, Mandera and Wajir counties: Do we have plans for a registry in these areas? I think this is a conversation we can have.

The problem is having too many registries and fewer personnel. However, to do a registry, you require about maybe between Kshs80,000 and Kshs120,000. We can look and see in between which is the more appropriate in terms of distances and logistics to then agree on where we should have a registry.

Ordinarily, it is not a very difficult thing, funds being available. We are also partnering with MPs to build registries because short of funding. There is nothing that stop us from establishing a registry. Sometimes distances become a barrier to access to the land rights by our people. So, I want to assure you that I will take it up and we can

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have a discussion in my office, maybe with MPs from those regions so that we agree on which are the appropriate places that we can start thinking of a registry.

Sen. Kinyua asked me how much I need so that next year I do not come here again and say I do not have money. I know what I should do avoid saying we have no funding.

Regarding the colonial villages in Nyeri, Kirinyaga and Nyandarua, we had done an estimate of Kshs137 million and that request has been put to the National Treasury. However, I think in order to clear with all the colonial villages we will need double that amount because they are not just in those places. We are talking of about maybe Kshs300 million to clear with that.

I have a question from Sen. Miraj about Mombasa or the coastal region, how many titles are ready and not collected? Allow me to give you this information of where titles are ready and how many there are, later. I do not have that information because it is a supplementary question. It is good to have a proper response in terms of data. I will request that I forward that information either through the Senate or to you as an MP.

Mr. Speaker, Sir, I have been asked a question by Sen. Kavindu Muthama on Katerembo. However, to be honest, I do not have any information about this specific society, or the question that you want me to address. What I can gather from you is that this is a private land, but there are squatters.

I had said earlier that the question of squatters is a very serious problem in this country. The last time I appeared either here or before the National Assembly Committee. As a country, we are developing a class of people who I would define as professional squatters. They move from one land to another - believe me – those lands have owners. These people are just moving from one land to another once the land appears like it is vacant.

Mr. Speaker, Sir, maybe we can have a meeting with you. I would invite the hon. Senator to my office so that I can be seized of the challenges she is raising. I do not want to add more on that. However, if they are squatters, they would have to negotiate with the owners of the land so that possibly they give them the land.

Sometimes they are squatters who have worked in that land for a long time, but we cannot allow people to just come to your land and occupy it. Tomorrow, it will be you, and the other day, it will be somebody else's land.

People must also learn to respect the land rights of others. However, they could have a reason why they are calling themselves squatters in that land. Let us have a discussion.

I do not know whether I have answered all the questions.

On the question of what happens when two people claim they have some title that appears legit and then who is the owner? There can only be one legitimate title deed. So, one of those titles is a forgery. It means then you would have to interrogate the document itself and also the record. The record will guide you to the ownership by name.

There are also features. When we interrogate the title deeds, there are features that we look for in them, which will lead us closer to who has a forged title deed because some are just printed. I do not want to say in River Road because other good things happen in River Road. Let us say in the streets of Nairobi. If you have any like that, you

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can revert to us so that we can consult the registry where they purport to have been issued from and then we will help.

The Speaker (Hon. Kingi): Sen. Madzayo, you have the Floor.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza kabisa Bi. Waziri, ninakupa heko kwa kuweka sahihi kwa mkataba wa kutaka kuendelea na kazi yako ya uwaziri hapo jana.

Kama unavyojua, Kaunti ya Kilifi ambapo mimi ni Seneta, ni eneo la pwani ambalo linajulikana sana kwa mambo ya maskwota katika Kenya nzima. Ninafikiria hakuna kaunti ambayo ina maskwota wengi zaidi ya Kaunti ya Kilifi.

Nikizingatia ya kwamba tunaweza kulingalisa na sasa hivi ambapo kumekuwa na wingi wa watu ambao wanataka kujenga majumba na watu ambao wamekuja kuweka raslimali zao na kutafuta vile wanaweza kujiendeleza kimaisha na kibiashara.

Hilo ni jambo nzuri. Hata hivyo, tukiangalia zaidi, tunaona ya kwamba kumekuwa na hali ngumu ya maskwota. Maskwota wanaendelea kugandamizwa. Wanawekwa katika meneo ya kando ambayo sio maeneo ambapo wanaishi. Sio kilifi tu, eneo Bunge la Ganze, Magarini, Malindi na hata Eneo Bunge la Kilifi South, kumekuwa na muamko mkubwa.

Ukiangalia katika eneo la Vipingo, Kikampala na Mtwapa, kumekuwa na maskwota wengi sana na sasa wanasongeshwa na kupelekwa katika hali ya kuishi kana kwamba wao sio binadamu tena.

[The Speaker (Hon. Kingi) left the Chair]

[The Temporary Speaker (Sen. Abdul Haji) in the Chair]

Bw. Spika wa Muda, watu wanajenga majumba na wengine kuyanunua na wakija pale huwa wanakuja na hati miliki wakisema ya kwamba wao ndio wamiliki. Watu wengine wanavurushwa kwa kutumia polisi. Polisi wanatumiwa vibaya kwa kuambiwa endeni mukawaondoe watu katika makao yao.

Je, ni hatua gani ambayo Wizara yako ambayo inahusika na utetezi kama huu, unaweza kutetea maskwota ama ni hatua gani Wizara yako inachukua kuona ya kwamba maskwota wanoishi kama ni Kaloleni, Rabai---

Ukiangali Eneo Bunge la Rabai, sasa hivi lote limevamiwa na waegezaji wanotaka kuja na kuweka mali zao na kila kitu. Wameichukua ardhi ile na kusongesha wenyeji waliozaliwa pale. Mahali pale kuna makaburi, makanisa, misikiti na pia sikuli. Sasa wamekuja na orders, wakiwa na bulldozers za kuangusha nyumba na kuvurusha watu.

Wizara yako ni muhimu sana. Je, ni hatua gani ambayo Wizara yako imechukua kuwatetea maskwotai? Sisi hatukatai maendeleo, lakini vile vile, wakaaji waliozaliwa pale na wanaoishi pale, hatalazimishwa kuondoka pale. Pia pale pana makaburi yao. Kwa hiyo, siyo vizuri kupeleka tingatinga pale na kubomoa nyumba za watu na wengine wanaweza kuwa na title deeds.

The Temporary Speaker (Sen. Abdul Haji): Seneta, unachukua muda mrefu sana kuliza swali lako.

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The Senate Minority Leader (Sen. Madzayo): Tafadhali Bw. Spika wa Muda, kwa heshima na taathima, swali hili linanihusu mimi sana. Watu wangu wametupwa na wengine wanashikwa na polisi. Kila siku mimi niko katika polisi station kuwatetea watu wangu ili waachiliwe huru.

Wanashikwa kwa sababu maeneo yao yamechukuliwa na waegezaji. Ndipo ninataka Waziri, kwa sababu yuko hapa leo aeleze kinaga ubaga, je ni hatua gani ambayo Wizara yake imechukua kutetea maskwota, sio Kilifi tu bali Kenya nzima. Wanateteaje maskwota iwapo maendeleo yaje na maskwota wajue kuwa wako na haki zao.

The Temporary Speaker (Sen. Abdul Haji): Thank you Senator.

Cabinet Secretary, you may respond. Sorry. Sen. Omogeni, do you have a supplementary question related to this Question

Sen. Omogeni: Yes, Madam Waziri, I want to ask a question related to the issue of compensation for the land that has been acquired by the Government for various projects.

There are several residents of the County of Nyamira whose land was compulsorily acquired to construct Chebilat-Ikonge-Chabera Road. They have been waiting for compensation for quite a long time. Could the Ministry tell us what is causing the delay in compensating those residents of the great County of Nyamira?

Related to the issues of land also is the rollout of this programme of digitization and conversion of titles to e-titles. This rollout is causing several problems for many Kenyans, especially those who are illiterate and poor, those who do not have phones to e-mail in our rural areas.

Is the Government, through you, going to do a system that addresses the vulnerable Kenyans? A number of them have been conned. This is because for you to do that conversion, you have to go to a cyber, get someone to assist you to log the details into a phone and you are not able to read.

I know we are trying to benchmark on what is happening from other developed countries. However, what are we putting in place to protect the vulnerable Kenyans? Some of them come from where the hon. Temporary Speaker comes from. They are not able to read and do not have phones that can log into the email and the likes.

Finally, there is the issue of corruption within the Ministry, especially the Land Control Board (LCB). Most Kenyans doing transactions for sale of land are forced to pay up to Kshs20,000 or 30,000 before the LCB can issue them with consent to pay the charge or transfer, without issuance of any official receipts. Madam Waziri, do you think the LCB is serving us well? What measures can you put in place to curb the corruption within the LCB committees?

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Hon. Cabinet Secretary, proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Temporary Speaker, Sir, allow me to start with the last question by Sen. Omogeni. I had responded to the digitization question. However, your new question is how we are preparing Kenyans on how to interact with the

information management system, especially the vulnerable because they might probably not have the phones or gadgets required.

Every change has its own challenges. We have already agreed that we are digitizing. We are looking at the larger evil that we are trying to curb, which is theft of land, security for land tenure, securing land rights and the loss of titles. If you take that against Kenyans who are not literate, you will find that the bigger problem will be addressed by digitizing. We can then have a conversation on how we will help the vulnerable. Is it through the Ministry that we shall have a department to help the vulnerable?

If anybody goes to any registry today, they will get help, irrespective of whether you are supposed to interact with the information management system or not. That is what we should intensify. Administratively, my Ministry will look into that. You have raised an important issue. The reason we are digitizing is to enable easy and effective access to land records.

On the question on corruption in the LCB and members of the boards, maybe you would have helped me better if you possibly gave me the specific land board. The Cabinet Secretary has authority to de-gazette a board if we feel corruption is a challenge. Give me a specific Land Control Board and I will de-gazette it tomorrow. I do not know why people have extra money to give for corrupt purposes. You do not need to give any money---

Sen. Omogeni: On a point of information, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, would you like to be informed by Sen. Omogeni?

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): That is okay. How can I refuse?

Sen. Omogeni: Madam Waziri, this is extremely common in Ngong. In fact, if you want to know the truth, you can send your undercover agents tomorrow. You will see that no official receipt is issued. Those who are able to pay are issued with their consent faster than those who are not willing to give the bribes. It is happening. I am sure I would not be wrong to say that this is duplicated in many land control boards across the country. However, the most notorious is Ngong. You can speak to the Law Society of Kenya (LSK) and they inform you.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Administratively, I will withdraw the right to hold special board meeting for that land control area so that we have the regular approved land board meetings. I will then pick it up because you have given me the necessary information. Thank you very much for that information. However, I will also send a circular to all the land boards.

We have a programme coming up to create awareness and re-train our land board members. They normally get a small allowance. However, they must know that that is not payment. They cannot be soliciting for money. Let them hear me on the floor of this Plenary that if anyone is caught soliciting money as a member of the land board, the entire board will have to go.

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Let me come to the issues of Kilifi South asked by hon. Sen. Madzayo of Kilifi County. I identify with the challenges you are raising. Before you stepped in, I had said that we have professional squatters. However, I know we have genuine squatters. We also have people who get on to a land, become squatters even when they were not squatters.

I had said that those squatters are owned by people and moved from one place to another. The squatters cannot have a right without any reason. As a Ministry, we would have to interrogate that.

In your county, we have two schemes; Msabaha and Takaungu. Those are schemes that are purely meant to give land to squatters. The programme that comes very handy to address the squatter problem is the land settlement program, where we buy land for squatters. That programme requires funding as well.

You asked me what we are doing as a Ministry. Whenever we have money, we buy land. However, we also need to be specific and strict about squatter problem in the entire coastal region. You said that there are squatters who are being evicted and there are court orders.

For someone to get a court order, he has been able to persuade the court that he is the owners of the land. These are very complex issues. Some of the people who sell the land are the squatters. I want us to be very specific and deal with one issue after another so that whenever we have funding, we can address specific squatter problem. We should also be very selective and careful because we cannot afford to buy land for everyone, but genuine squatters.

We also have a challenge with settlement schemes in Mombasa. The minute you settle people and give documentation, they look for buyers of the land the following day. They then move to another area to be squatters for the same purpose. As leaders, let us give awareness on the same. We had a provision in the law that you cannot transfer land given by way of settlement.

Mr. Temporary Speaker, Sir, some very clever people have also gone to court and got an order that once we give land through settlement as a Ministry, we cannot restrict the right to use or transfer because it is a constitutional right. We are now forced to allow someone who may want to transfer their land after we have given them. We may delay, but we do not have a right to stop you. Let us also send right messages to these people. By doing so, we can reduce the numbers. That is the best I can do.

I do not know whether there is any other part of your question. Sen. Omogeni was talking about the acquisition, while your question was generally about compensation. I want to exhaust Sen. Madzayo's question. If he is satisfied, I can move on to the second part of Sen. Omogeni's question.

The Temporary Speaker (Sen. Abdul Haji): Sen. Madzayo, you have a point of order?

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Ningependelea kuona Land Control Board ya Kilifi imechunguzwa. Imejitumbukiza kwenye hali ya ufisadi. Karatasi zinatolewa mashinani na ndio sababu hawa maskota wanafurushwa. Pia polisi wanatumiwa vibaya kufurusha watu kutoka maeneo yao. Uchunguzi ufanywe katika Land Control Board ya Kilifi kama ulivyopendekeza uchunguzi ufanywe Land Control Board ya Ngong.

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The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Temporary Speaker, Sir, the Senator could come to my office. We discuss so that I understand the challenge of the Kilifi Land Control Board. We can see how long it has been in place and if you have specific persons, so that we do not punish the entire board for the sins of one individual. We can have a discussion one-on-one in my office next week.

My number is basically public, but my office can also give you my number.

The Temporary Speaker (Sen. Abdul Haji): Sen. Madzayo, we have to proceed to the next question. We have spent too much time on this. Accept the invitation from the Cabinet Secretary to discuss the issues in Kilifi County so that you can allow the House to proceed to the next question. Thank you.

Hon. Senators, we will proceed to the next question.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Temporary Speaker, Sir, on acquisition, we had exhausted and the Speaker gave us a ruling regarding compulsory acquisition because I had already said I do not want to open the issue. I had already said it is a mandate of NLC. However, the Speaker made a ruling that we need some particular information.

I will be responding to the Senate on this in detail with the necessary information.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary.

Cabinet Secretary---

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): I will move to the next question.

The Temporary Speaker (Sen. Abdul Haji): We will take the following question by Sen. Gataya Mo Fire, Question No.82.

Question No.082

STATUS OF ADJUDICATION OF BORDER AREAS OF
THARAKA-NITHI AND MERU COUNTIES

Sen. Gataya Mo Fire: Thank you, Mr. Temporary Speaker. Sir. Quite a number of issues are affecting the Tharaka Nithi County along the boundary between the Tharaka and Meru Counties.

This is why I want to know from the Cabinet Secretary whether she can provide a status update on the adjudication of the areas along the border of the Tharaka Nithi and Meru counties, particularly the Toroni, Viite, Nkondi and Turema locations in Tharaka Nithi County, which have been the subject of long-standing land ownership tussles.

When will the Ministry issue title deeds to landowners in these regions? The Cabinet Secretary should also give us the steps the Government is taking to demarcate the boundary between the two counties, which is likely to quell the tensions between communities on either side.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, proceed.

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Hon. Senators, we will proceed to the next question.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Temporary Speaker, Sir, I have responded to Senator Mwenda Gataya Mo Fire's question on the status of land adjudication in his area, Tharaka Nithi, and the challenges between the Tharaka Nithi boundary and the Meru boundary.

The first question is about the status update on the adjudication of areas along the border of the Tharaka Nithi and Meru counties, particularly Ntoroni, Viiti, Nkondi, and Turema.

I think part 'E' is not there. You know, some of my staff may not have grammatical accuracy for some of these words.

These are locations in the Tharaka Nithi, which have been the subject of long-standing land ownership disputes.

The statement on land adjudication along Meru and the Tharaka county boundary has not been unlocked yet, as there has been no consensus between the disputing communities.

This boundary has been contested since 1992. The solution will pave the way for the ascertainment of land rights, as adjudication officers for the respective adjudication areas will have clear jurisdiction over the extent of their areas of operation. This is because the definition of adjudication sections follows established administrative boundaries.

This is the response, therefore, that the hon. Senator should take. For us to do adjudication sections, we follow established administrative boundaries, which then have been disputed. Therefore, we stopped the work.

This scenario, as indicated, is in response to a statement submitted by the Ministry to the Senate Standing Committee on National Cohesion, Equal Opportunities and Regional Integration. I have attached the response and I cannot now provide a different reaction.

What we are saying in this particular question, hon. Senator, is that you know the challenge is not even the boundary. The challenge is the people. Allow me to use this Floor to address the people of Tharaka and Meru along this boundary. What they are asking me to do is gerrymander along the administrative boundaries or the county boundaries.

Some people are Tharaka. They live in Meru, an area that is said to be within the boundary. They say that their land cannot be registered as Meru because I am a Tharaka. When you go to the Meru people, then they have land in Tharaka. This is an unusual situation because today, I can buy land in Nairobi, Kiambu or Baringo counties. I cannot demand the boundary be changed to suit my ethnic community or background.

The elected leaders must help to tell people that if they are living in Meru, they allow us to demarcate and title their land as if it were in Meru because you and the land are two different entities. One is a person; the other is land.

This is a peculiar position we have here. People living within Meru County, and they are Tharaka, are saying, "No, my title cannot read Meru because I am a Tharaka." People in Tharaka and Meru County are saying the same thing. This is a simple problem.

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The last time I was in Tharaka to give titles, the Njuri-Ncheke members and other leaders said that I should not touch the question of administrative boundaries. In response to the question of administrative boundaries, to deal with that, Parliament has to give a resolution if we alter it. I am speaking also to the governors of the two counties.

To alter the boundary, you need the Independent Electoral and Boundaries Commission (IEBC) to be appointed by Parliament to do this specific work, but we shall not have resolved the problem. I have adjudication sections, but we cannot do them because your people, hon. Senator, chased my officers. That is the answer.

We shall remain like that until they accept that if your land is in Meru and you are from Tharaka, *wewe utakaa* Tharaka Nithi. However, you can sell the land if you do not want to be in Tharaka, but instead in Meru.

These are the messages you should help me deliver. We can have a *baraza* and talk to the Njuri Ncheke. You can also ask your counterparts in Meru to talk to each other so that we resolve this. I will need less than two years to give you titles that are remaining because we have already declared the sections.

Mr. Temporary Speaker, Sir, they know what they are asking me will not resolve the question of titling. Redrawing the boundary will not happen around that area because it is not easy. The way they are saying that it should be drawn is not practical. I cannot remove your land and put it in Meru because you are a Tharaka living on your land in Meru.

The hon. Senator knows this problem. He should be my supporter, so that we accept the boundaries. Using this Flor, my appeal is that we should accept the boundary as it is. If your land is in Meru and you are from Tharaka Nithi, sell it to Meru County or whoever is interested and relocate.

Mr. Temporary Speaker, Sir, there is a challenge. The best solution is to agree to live with each other. These are just physical boundaries. Why are they becoming a challenge? I do not understand because Kenyans can live anywhere irrespective of their ethnic communities. This is not a problem that can be resolved by redrawing that boundary.

There will be other people in the interior and away from the boundary. You could find a Tharaka living in Meru. Will I be doing service to him by changing the boundary? These are issues that are painful for us.

We have already declared the adjudication sections and we are ready to finish. I have no doubt that this problem is more political than legal. I have analysed and established that sometimes people use it for political reasons.

I am not saying that the Senator is one of those who use it, but it is quite political and emotive because people kill each other over that subject. Therefore, the Ministry has reached a point where it will ask the leaders to go back and speak to their people.

On the second question, you wanted to know how long it takes to title adjudication section. It takes approximately two years to complete when all other factors are favourable. However, the Ministry will hasten the process of adjudication in the stated areas as soon as the boundary issue is settled. We have left that matter until we resolve those questions being raised.

Despite the challenges over the county boundary, the Ministry has previously completed adjudication of various sections as indicated in Table A. Hon. Senator, I have a table there that has given a list of 10 adjudication areas with a total of 7,780 parcels. Table A are registered adjudication sections while Table B are sections finalised under the National Titling Programme where we do not charge.

In most of your region, we were working with a programme which produces titles at the National Titling Centre that is funded separately. Those are other 11 sections in Table B.

There are ongoing adjudication sections, including in Chiakariga, where we have 500 objections. We commenced work, but received 500 objections. We cannot proceed with that particular matter until the objections are resolved.

There is also a Case Petition No.5. Hon. Senator, kindly talk with these people so that they remove the case from court. Call me so that we talk to them together. That is the Chiakariga problem.

Stalled adjudication sections due to boundary disputes are three. All the others are going on. Look at Table D. You cannot step in Nthurima, Karocho and Mukothima. Your people chased my officers and they were told to leave. We need to have a serious, open and candid discussion on how to deal with the dispute, so that we complete the 7,942 parcels for those three adjudication sections along the disputed boundary.

Regarding (iii), I wish to respond to the hon. Senator as follows. The boundaries of Kenya's counties were established by the 2010 Constitution of Kenya, which replaced the previous provincial system. The boundary between Meru and Tharaka-Nithi is described in the District and Provinces Act of 1992. However, this boundary is contested. The Constitution, in Article 188(1), provides the following in relation to variation of county boundaries.

Although I have said I would not recommend going for change of the boundary because that will not resolve the dispute, the process of how to alter boundaries is provided for in Article 188, where Parliament is mandated, by way of a resolution by the National Assembly, to form a commission to carry out that exercise.

Obviously, this would require the full commission. We have an IEBC, although not fully constituted. Instead of forming another commission, they should request the services of the IEBC.

What I am saying is that before taking that route, this is something humanly possible. We have the leadership of the two counties, including Governors, Senators and Members representing the constituencies around that boundary. They can sit together, but I do not think there is any discussion going on between the two governors.

When you step there, you are told not to touch. A Cabinet Secretary is told that they have not finished with the boundary issue and they do not want titling to go on. That is the position.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gataya Mo Fire, proceed. Use the microphone next to you.

Sen. Gataya Mo Fire: Mr. Temporary Speaker, Sir, I am privy to all the information that the Cabinet Secretary has given. The dispute between the two counties is perennial and it has affected quite a number of people. However, hon. Cabinet Secretary,

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you and I are aware that there is a commission, whose report is in your Ministry. That is the Ogongo Commission which was instituted some 10 years ago.

The commission gave solutions to all the problems that you have highlighted in your report, which were supposed to give guidance on how to solve the problem between Meru and Tharaka Nithi counties. However, that report has never seen the light of day nor implemented. I do not know for what reason.

That report can be a strong guide to you as a Minister and your officials, on how to address those problems you have just highlighted in your report.

I have also captured in your report (d), where you have stated you have stalled adjudication schemes due to border dispute between Meru and Tharaka Nithi counties. This is the adjudication section, which is Turima, Karocho, and Mukothima.

Hon. Cabinet Secretary, this commission fully addresses the way forward on those three adjudication sections. So, I do not know whether you would be privy to that report, so that you can give it to this House. Why the Ogongo Commission has never been made public and implemented, close to 15 years down the line.

Secondly, Hon. Cabinet Secretary, I have captured you say that my people chased your people. You are aware that this is a House of record and evidence. Would it be prudent for you to provide evidence where my people, when you say my people, you are saying people from Tharaka-Nithi County, chased your lands adjudication officers?

Did they make any report to any police? Do you have any report to that effect? Do you have any Occurrence Book (OB) number? When you say my people chased your people, that borders on criminality. So, do you have any report that can be tabled before this House that people from Tharaka-Nithi County, Tharaka in particular, chased the land adjudication officers from your Ministry?

Secondly, I would like to know when the Ogongo Commission Report will be made public because it gives solutions to all these problems that the Hon. Cabinet Secretary has highlighted this before this House.

The Temporary Speaker (Sen. Abdul Haji): Sen. Mo Fire, the Question has been heard.

Sen. Cherarkey, do you have a supplementary question?

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. My question is a follow-up on Supplementary.

I have heard the Cabinet Secretary talking about squatters. We also have similar problem in Nandi County. What is the status of the titling of Kimondi Forest squatters? Mwein Kechire in Chesumei, Ogiek at Kebeni Nandi Hills, Talai in Kapsisiywa after removal from detention, Laibon of 1934, Tinderet around Kimwani, Chepsangor, Chemas and Koibem Exchange Programme in Chepkumia. Could the Cabinet Secretary provide the status of titling of the areas that I have mentioned?

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, please proceed.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Let me start with hon. Sen. Cherarkey's question.

The definition of a supplementary should be a question arising from the same question. Although it is a squatter issue, it is a different region and place. I would like to

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request the hon. Senator to allow this response to be provided later because he has mentioned about five programmes.

I can have this filed to the Senate for him to read. If it is not sufficient, he can contact me, or if there is action needed, we can look into it. I have my Director of Settlement here with me and he will start to work on it immediately. The hon. Senator from Tharaka Nithi has referred to a certain report. Yes, the report was filed and was completed.

(Sen. Gataya Mo Fire spoke off record)

Sorry? Did I call you Tharaka Nithi?

(Sen. Cherarkey spoke off record)

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, the Cabinet Secretary's phone number is public information.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): I had said it is public, but if he wants my number, he can talk to me when I am leaving. I am surprised he does not have mine. I have his number, so I will call him.

Hon. Senator for Tharaka, in reference to the Zachary Ogongo report, Nithi, we have it and it is recommended for implementation. However, it is not possible to implement this report because it requires cooperation and working with Tharaka Nithi and Meru people, along the boundaries.

As I said, we need goodwill and people must, first, be disabused in their minds so that they know that we cannot move the boundaries to come to you. I know the report is there, the recommendation for activities will still require people to stop being hostile. I did not mean the Tharaka Nithi people alone, but rather the people along the disputed boundary because it is known where it is. It is from both communities and they know.

The last time I came to give titles, they told me that is a no-go zone for the time being. I personally was confronted with that hostility and it is okay. I understand because there are disputes and issues that are pending which need to be resolved, because we cannot sweep them under the carpet. We need to call them by names in terms of the challenge. However, we can go through that report with you if you are willing to go along with this to the end.

We need the cooperation by both governors. We need conversation and discussion where the two governors can also come to table. We can come there with the County Commissioner and my security team, but once we leave, we do not want to leave people fighting. We need first to create a peaceful environment and acceptance of the challenge and how we will deal with it. This must be adopted by the same teams.

So, we can go through some of these reports with you and you can also give me a hint of what you think, because I am sure as a senator you may have some good ideas on how we can resolve those challenges. I am calling upon you because you may have goodwill, but your colleagues may not have similar goodwill.

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Mr. Temporary Speaker, Sir, I have responded to the supplementary questions, but I still have more questions.

The Temporary Speaker (Sen. Abdul Haji): Yes, there is interest by some senators on the same question.

So briefly, we will take one question from Esther and then Chute, and then we will proceed to the next Question.

(Sen. Gataya Mo Fire spoke off record)

Sen. Mo Fire, we are running out of time and we have two more Questions to go through.

(Sen. Gataya Mo Fire spoke off record)

Why do you not make an appointment to see the Cabinet Secretary in her office? She has really exhausted on your question and explained.

(Sen. Gataya Mo Fire spoke off record)

Sorry, I did not get the question. Can you give him the microphone? That mic seems not to be working. Give him the next mic.

Sen. Gataya Mo Fire: Mr. Temporary Speaker, Sir, can you hear me now?

The Temporary Speaker (Sen. Abdul Haji): Yes.

Sen. Gataya Mo Fire: Mr. Temporary Speaker, Sir, there is one clarification, I thought I could get from her.

Tharaka Nithi people have been accused of chasing adjudicators from the adjudication section. That is what she alluded to before the Floor of the House. So, I wish I could get some clarification on whether that statement is true or not. I am not aware of any officer who was chased away from those adjudication zones by people from my constituents and county.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Hon. Senator, that information is on the ground. This happened in 2014. They declined and said they will not participate. Adjudication requires a community committee that you form for adjudication. Those are the community people. Then my people will come and facilitate the meetings. They said they do not want that work to be completed until the dispute is resolved. That is how we went now to report issues. I think we have agreed there is a dispute.

Mr. Temporary Speaker, Sir, the Senator knows that the dispute exists. If there is a dispute between the two communities, how else will the Ministry work? We will deal with the dispute first. I am not imputing bad faith or accusing anyone. They told me that when I was there lastly. They told me that they must first resolve the Tharaka and Meru boundary dispute before we can deal with that.

They saw me giving out titles and they did not know whether I came to give the titles of the remaining adjudication sections. However, they were clear that this issue

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must be resolved first. So, if the Senator asks for an OB, it will be like we are doing a case here and yet I am responding and giving facts from my records. They may have been beaten or chased, but the Ministry was told to stop the work. This is not something you can force. There has to be dialogue and acceptance.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary. Sen. Esther, please be fast to ask your question.

Sen. Okenyuri: Thank you, Mr. Temporary Speaker, Sir. My question is in regard to the land title deeds tussle in the larger Gusii region. Most families have been in the corridors of justice because of succession issues, which at times are occasioned by rogue Ministry officials who forge some of these documents.

What plan does the Ministry have to address this issue? We have failed to sensitize because families do not know how to pursue succession to completion. As a result, we end up with people taking advantage of the whole process. In some cases, rogue Ministry officials are implicated and the matters end up in court for many years, where people die even without becoming beneficiaries.

The Temporary Speaker (Sen. Abdul Haji): Sen. Chute, what is your question?

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I thank the Cabinet Secretary for being here today. I know she is tired, but she can still go on until one o'clock.

The Temporary Speaker (Sen. Abdul Haji): Sen. Chute, just ask your question.

Sen. Chute: My question is specific. We have issues with the Buxton Estate. In our Committee on Lands, Environmental and Natural Resources, we decided to ask the Ministry to accommodate 184 former tenants. One time, the Cabinet Secretary was here, I had a session with her and she agreed to meet those tenants.

I want to know how far she has gone with the issue of those tenants of Buxton Estate with regard to the Housing Levy funds to resolve this matter soon.

The Temporary Speaker (Sen. Abdul Haji): Sen. Chute and Sen. Okenyuri, both your questions do not touch on the questions we are handling right now.

I will now have to go to the next Question because the supplementary questions are supposed to be related to the question raised by Sen. Mo Faya. I believe we are just wasting time, but I will allow the Cabinet Secretary to answer after she has taken the next question.

You know the rules of the House very well. Hon. Senators, we will proceed to the next Question by Sen. Lomenen.

Sen. Cherarkey, what is clarification? We are tight on time because we have another Cabinet Secretary to appear.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, mine is to request you because the House is always alive to many matters to use your power of Standing Order No.1. If the Cabinet Secretary does not have the answers, she can provide the next time or liaise with your office in the interest of the public.

The Temporary Speaker (Sen. Abdul Haji): Very well, Sen. Cherarkey. It is a good suggestion. I ask the Cabinet Secretary that when we are concluding with her questioning to make remarks related to that.

Sen. Lomenen?

*Question No.94*DELAYED COMMENCEMENT OF TURKANA
HOUSING PROJECT

Sen. Lomenen: Mr. Temporary Speaker, Sir, in relation to Question No.094, and because of time, on Wednesday last week, we met with the President of the Republic of Kenya, Dr. William Samoei Ruto, with all the elected leaders of Turkana County. We discussed at length this issue of housing.

The Temporary Speaker (Sen. Abdul Haji): Sen. Lomenen, I do not want to interrupt you, but you know the rule of the House. Are you withdrawing the Question or asking it?

Sen. Lomenen: I was in the process of withdrawing.

The Temporary Speaker (Sen. Abdul Haji): Senator, let me remind you that once the Question is in the Order Paper, it becomes the property of the House. I will guide you to read your Question and the Cabinet Secretary will respond to it as required by the rules.

Sen. Lomenen: Mr. Temporary Speaker, Sir, I had also consulted the Speaker who was there and he advised me to do so.

The Temporary Speaker (Sen. Abdul Haji): Just one moment, Senator.

(The Clerk-at-the-Table consulted with the Speaker)

Sen. Lomenen, I will allow you to withdraw your question, but if there is any other Senator who wants to ask a supplementary question touching on that matter, we will allow them to ask.

You can proceed.

Sen. Lomenen: I have withdrawn the Question, Mr. Temporary Speaker, Sir.

(Question withdrawn)

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Any other Senator who has a supplementary question touching on that?

Sen. Chute.

Sen. Chute: Mr. Temporary Speaker, Sir, remember I asked a question based on the issue of housing and that is what Sen. Lomenen was also asking. With your indulgence, please, allow the hon. Cabinet Secretary to answer that question because it touches on national interest issues.

The Temporary Speaker (Sen. Abdul Haji): Very well, Sen. Chute. Your question was on the Buxton housing project.

Hon. Cabinet Secretary?

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Temporary Speaker, Sir, there are two

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questions. Sen. Okenyuri's concern is with regard to the cases of succession being mishandled and how I can help there. As a Senator and a leader, it is important to continuously tell our people that they must deal with the officers from the Ministry and every registry has a registrar.

When a problem arises, you will find that they dealt with the people outside or the brokers outside thinking that they are land officers. Kenyan people must start working with Government officers directly, so that if you have a complaint like you have lost money or have been conned, you can say that it is officer so and so.

As the Cabinet Secretary, this is the message I would like to pass along because this is a common feature where members of public get conned by the people hanging around Ministry offices.

If you come to Ardhi House, we have done away with people who used to make people suffer around the corridors and outside. Now, people deal directly with officers at the counters. If we finish our business with you, you go.

Hon. Senator, let our people in Kisii take up succession cases as soon as people pass away. The family must first agree at that level before they can take their dispute to the public. They must try to do Alternative Dispute Resolution (ADR) among themselves.

If a family cannot agree, then it means if you go outside, you are going to people who will come to help you because of your money or people who want to prey on you and take your property. So, this problem can be reduced to almost zero if, at the family level, people know justice or are practising justice. Note that every child of a deceased person is entitled to succession and is entitled to inheritance.

In the Kisii Community, like many other communities in Kenya, they do not believe women, especially married women are entitled to own land.

The law of succession, CAP 160 is very clear that the inheritance of property of a deceased person, whether a mother or a father, is by a degree of consanguinity; how related you are. If you are a child or a spouse, you get priority. Any other member is not a direct beneficiary other than by way of children. So, let them also deal with lawyers.

If the family agrees to go to family division courts, they will take very little time. They will be telling the court that this is our consent. This is how we are dividing this property; not necessarily in equal shares because some family members could agree that they do not need equal, although the law says in equal shares. However, when you agree they can.

I think your problem is the crooks around this space. There will always be unscrupulous people. That is why the officials in our Ministry know that if you engage in that behaviour, and we get you, you will lose your job, period. You will be prosecuted. We have about 10 who are facing charges since I took this Ministry.

My next challenge is ensuring they are also jailed because we will provide information. Where they have facilitated corruption, we will not hesitate as long as I am the Cabinet Secretary. We are doing it. Ethics and Anticorruption Commission (EACC) is also helping a lot in respect of public property.

Sen. Chute has asked me this question for the fifth time. I will not get tired because he has said he is tired. I do not want to say I am tired. We have to resolve the problem of Buxton with you, Sen. Chute. The decision was that the people who were

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living in that place should have had the priority to own. However, you know this was not a completely affordable housing project. That is where the problem came from.

People were living on that property before the construction and also the land belongs to the county government. So, we would expect that people who were living there would be given priority. It was a private property development. I think there were challenges. The Ministry also agreed that there were challenges. We said because the first phase of houses is over, in the second phase, they will be given priority. We are also doing other houses in Mombasa around Kenya Broadcasting Corporation (KBC), where we have taken land and it is coming up.

Bring the list and they will be given priority because it is also an affordable housing programme. I do not think they should be stuck there at Buxton. I know you have had a conversation with my Principal Secretary. Follow it up until these 180 people get their houses.

Thank you. I am aware of the case. However, the first phase is done and that is why we still have a problem. I am sure you are now following for the next phase.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary. Sen. Cherarkey?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I thank the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, Madam Alice Wahome.

In Kapsabet Town, we have 80 per cent complete of more than 200 housing units. My supplementary question to the Cabinet Secretary concerning housing is to find out how many affordable housing programmes her Ministry allocated per county across the 47 counties. What is she doing to work closely with the county governments, the 47 county governments across the country?

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary?

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Thank you very much for that supplementary question, Sen. Cherarkey. Let me first go by the constituency, the sub-counties. In our programme, every sub-county is entitled to at least 220 housing units, both social, affordable, and at times a few at market rate to subsidise the social and affordable housing.

So, when we talk about every constituency with 220 that means 290 constituencies. Members of Parliament (MPs) are working with us. Those who have not started should pick up the issue, so that we identify land together at the national Government level.

Our priority is national Government land because there is less challenge there. In every sub-county, we do have at least two-and-a-half acres. If we work well, we can get two to three acres for the first 220 housing units. So, if your constituency, as an MP, does not have that, let us work together. We have not been able to identify land, but we will move that way.

We are not going per county because some counties have less population. We are guided a lot sometimes by the need and availability of land. However, every county will

have its share. The bigger projects we are taking up are at least 1,200. In other counties, we have even gone up to 5,000.

In Nairobi, for example, since it is a capital City, it has a bigger population. If you go to Mukuru, we have 13,750 housing units. By the end of this year, if the President agrees to launch the projects, we should be able to release about five blocks that are ready and are over 1,000 housing units. I am very confident. What we are waiting for are the lifts for those particular five blocks.

The total that we plan to do per year is 200,000 units. That is our plan. We expect that within the next three years, working with this term, we will be able to do one million houses if everything being constant.

In Nairobi, we also are doing houses along Jogoo Road, Starehe, South B, Park Road, Parklands and I think near Kabete. So, maybe Nairobi will be the biggest beneficiary because of its population. However, we are working in every county.

The second question is: Are we working with the governors? Also, there is the National Housing Corporation (NHC) that is, so far now, doing very well. We have houses in Homa Bay with NHC. We have houses in Embu, which within one year of launching those projects, are almost complete. We are also in Nyandarua, Homa Bay, Kisumu Town, and Embu with NHC. I am very sure in the next six months, we will be giving them out.

Mr. Temporary Speaker, Sir, even though the question has been pulled out by the owner, there is other information which is in my report and the Senators can read it. So far, we have 124,000 housing units, providing by way of job creation to around 150,000 jobs for this particular number of housing units. Our target is 200,000 and the number of jobs for the youth should double to around 250,000.

Mr. Temporary Speaker, Sir, there is an impact on the ground because of this job creation. We also do extra schools, dispensaries and health facilities around these projects. That is part of the social amenities that we come up with.

We will not just drop a project of 1,000 house units without looking at the facilities around it. Do we have a school? Is the population of the school going to explode because of the new population? Automatically it will. Sometimes we have to do a new school. We can also expand an existing school or dispensary or the health centres depending on the space. So, maybe I have said enough of that.

Mr. Temporary Speaker, Sir, allow me to appeal to Kenyans to support this programme. This is one of the best programmes of the national Government. Within the next year, the impact of this programme will be felt.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, there seems to be a lot of interest in this housing issue. I will take one question from Sen. Olekina and another question from Sen. Crystal Asige and those will be the last supplementary questions.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I am not a pessimist. I like to be a realist. I have listened to the good Cabinet Secretary stating that for Narok County, we will have 1,320 houses. We have six sub-counties in Narok County. She has indicated that there are 220 units in every sub-county.

Madam Cabinet Secretary and I strongly believe that you mean well. Can you tell this House where you have identified the land for the 220 houses in Narok East Constituency, 220 houses for Narok North Constituency, 220 houses for Emurwe Dikir Constituency, Kilgoris Constituency and Narok South Constituency?

While at it, Madam Cabinet Secretary, I would like you to apprise the Senate---

The Temporary Speaker (Sen. Abdul Haji): Just one question, Sen. Olekina. We are only taking one question from you.

Sen. Olekina: Alright.

The Temporary Speaker (Sen. Abdul Haji): Thank you. Senator Crystal Asige, you have the Floor.

Sen. Crystal Asige: Thank you very much, Mr. Temporary Speaker, for this opportunity.

To the hon. Cabinet Secretary, I am sure she is aware that persons with disabilities make up around eight million people, which is about 15 to 16 per cent of our population. On top of that, if you add the elderly, which is approximated to around two million, that makes about 10 million people that are in a vulnerable group category.

Madam Cabinet Secretary, how are you incorporating these approximate 10 million people in the housing projects that you are speaking of? Confirm to the House that all of the units that you speak of will have universal design principles incorporated into them, so that whoever gets one of these units, for example, no matter their ability or disability, can be accommodated properly and as per the law.

Are the social amenities that she has also spoken of around these housing units, the schools, the hospitals, the supermarkets, also going to incorporate universal design principles in them? This is so that we are not complaining in years to come that this building or that housing unit or that supermarket or that school was built in recent time, but still did not consider persons with disabilities or those with reduced mobility and different types of accommodative needs that they require.

I am sure she is aware that there is a law that says if a building is a multi-story building, more than three or four stories high, it has to have, according to the law, a lift that is usable and that is working in proper condition. Otherwise, there is punitive action against that said building and its management.

So, I would like her to confirm to the House that these universal design principles are being considered from the conception stage, which is right now.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Cabinet Secretary, you may respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Temporary Speaker, Sir, let me start with the question from the Senator for Narok County.

Hon. Senator, maybe you did not hear me well. I said that every sub-county, every constituency will be entitled, in the beginning, 220 units, and you repeated that. Therefore, it is my duty as the Cabinet Secretary to work with the leadership and the people of Narok, to identify land. We are in the process and that is the basic minimum.

We are working with the counties because housing is a mandate of the county governments. Where we have the division headquarters, we prefer to do at least 1,000 units minimum because of the population number.

On work in progress, we are identifying the sites. The information I have is that by January, we will be procuring some housing programmes for Narok County. We are working with your governor and maybe also the Members of Parliament on board.

The next question was the question by Sen. Crystal Asige. Hon. Senator, if I understand you well, your concern was on the steps are we taking to ensure that our houses comply with all requirements, including requirements, and most importantly, requirements for Persons with Disabilities (PWDs) for purposes of access and use of those houses.

The initial plan was G (Ground) plus 4, which is allowed without a lift; that is a maximum of 5 floors, G plus 4. However, we have changed most of these designs now. We have realized that because land is scarce, if we have space, instead of doing G plus 4, we do G plus nine, G plus 15 or G plus 20. There are places where we have gone up to 21 floors. Those will have lifts.

For example, Mukuru, I think is G 20 or 22 floors. They are high blocks and we are installing lifts, and then we ensure that the ground around, the social amenities and the shared common areas are also accessible, including ramps in the houses.

Another question is on allocation and how will we ensure that PWD will not just see a programme come and they do not get it. There are applicants like everybody else, but we need to treat them with the sensitivities allowed within the law. Therefore, they will be allocated following those regulations and the law as it is. I believe that no discrimination will happen. It will also depend on where you want to stay.

I assure you that in terms of quotas, we also want to see that the women and youths are encouraged to apply. We are very happy to encourage the youth, especially the ones who are building these houses because they can afford it through the money they are getting every year.

The question that often comes is how can we expect *Mama Mboga*, a *boda boda* person, or Mama Kiosk to afford a house that is Kshs800,000. The pricing is Kshs800,000. The very small ones are Kshs740,000, but this is money you pay within 20, 25, up to 30 years.

What the market people who are criticizing our programme are not saying is that without a job or security, you will not get access to the property in the market for *Mama Mboga* because you must borrow either from a commercial bank. Here, we are saying that you pay the deposit as we build.

By the time the project is one or two years, you have given us some money. In fact, nobody will be not be given a house because they have not paid the deposit. Once you qualify, we will see what you have paid by the time we come to completion.

Mr. Temporary Speaker, Sir, the difference between our houses and those in the market is that the market will require you to go and borrow from a commercial bank. However, we are giving you a house to live in and pay Kshs3,000 to 5,000 depending on the size of the house, for the next 25 or 30 years. The vulnerable groups will be able to afford Kshs3,000. After all, if you are living in Nairobi where there are the houses you

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are interested in, it means you are paying much more than that. I hope I have answered your question.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary.

Due to time constraint, we will proceed to the next question by Sen. Hamida Kibwana, which will be asked by Sen. Tabitha Mutinda.

Question No.119

CONTRADICTIONARY STATEMENTS ON THE LOSS OF
367 TITLE DEEDS/ SECURITY PAPERS

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. On behalf of my colleague, Sen. Hamida, who is away on official trips, I will proceed to ask the Question. I also take this opportunity on her behalf and myself to congratulate you for the great job that you are doing. I have three questions, Madam Cabinet Secretary.

(a) What circumstances led to the publishing of Gazette Notice No.12436 by the Government Printer, informing the public of the loss of 367 title deeds. Could the Cabinet Secretary also explain the subsequent release of a contradictory statement by the Ministry, indicating that security papers and not title deeds, had been lost?

b) Could the Cabinet Secretary explain measures the Government has put in place to ensure that the lost land documents are not illegitimately used and provide details on the assistance or compensation the Government will provide to individuals who fall victim to such use?

c) What actions has the Government taken against individuals responsible for any identified lapses that resulted in the loss of the land documents? Could the Cabinet Secretary outline measures put in place by the Ministry to strengthen its document security protocols, to ensure that similar losses are not witnessed again in future?

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, proceed.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Thank you, Mr. Temporary Speaker, Sir. Thank you very much, Senator, for the question you asked on behalf of Sen. Hamida Kibwana. The response is on Page 11.

The response to (a) is that our material supplies for purposes of titles papers or documents, including serialized title deed security papers come from the Government Press or commonly known as the Government Printer. Whereas the Government Press referred to the lost documents as title deeds in Gazette Notice No.12436, the Ministry, in its press statement, clarified to the public what had happened. We were not contradicting the press. We received a lot of inquiries after the first Gazette Notice by the Government press.

There was a need to clarify to the public what had happened. Since we are the owners of the material when we receive them, we felt it was necessary to clarify. That is why we are saying what got lost is security papers commonly known as title deed. However, it is not a title deed.

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The security papers can only become title deeds after they are handed over to the Ministry, and then filled with the spatial and non-spatial information, signed by the registrar and sealed with the respective registry seals after all the processes have been followed. That is what you call a title deed.

The press Gazette Notice, in a way, described them as title deeds. It was necessary for us to go back to the press as the owners of the material and the custodians of title deeds so that people can understand there is no title that is lost. Of course, there was an intention by the people who were looking for these papers. That will be then answered in question (b).

I wish to respond to question (b) as follows-

The Ministry has enhanced its mechanism for fighting land fraud and working closely with security and investigative agencies to defeat the mechanisms that cartels and corrupt officials have traditionally used to commit land fraud. Those anti-corruption efforts will be applied to ensure that none of the documents that have been reported as stolen becomes a threat to land ownership.

Every state department, working with the Ethics and Anti-Corruption Commission (EACC) is required to provide their strategies to the Government of what you are doing to reduce corruption. There are strategies, including ensuring that only people who need service come to your office or the Ministry and ensuring that your materials are serialized. We have, therefore, ensured that the materials for title deeds are serialized.

This problem has been there before. The land registrar by dint of Section 79 of the Land Act may rectify it. Assuming any of those documents land somewhere and have become like a title, we can direct rectification of the register and documents where the document in question has been obtained by fraud.

The Gazette Notice No.12436 by the Government Press contained serial numbers of lost security documents, notifying and warning the public of the documents in question. Our registrars are also on the lookout for this.

The serial numbers are known by the public and they are with our officers.

If any registrar issues a title deed, then they will take personal responsibility because they do not just do a title. Every registrar receives title deeds by record, numbers and serial numbers. I do not want to give too much of our security features. However, our titles deeds have security features specific to county and registry because you may have two or three registries in a county.

On question (c), the loss of security deed papers occurred in the custody of the Government Press because they are our printers. As stated earlier, the Ministry is working closely with security and investigative agencies to identify individuals responsible for the identified lapses that resulted in the loss of land and title documents, and take necessary legal action.

I confirm that the matter was reported to the Central Police Station and investigations are ongoing currently. One suspect was arraigned in court because he works with other people. The investigation is still ongoing. We believe the police are doing their work. There was quick action, including arrest of one person.

Whereas the Ministry picks documents from the Government Press, they are all serialized. Each document is accounted for at the stores in the Ministry. For any documents picked from the Government Press, there is also a corresponding record by the Ministry and the Government Press. We have a dispatch book at the Government Press where all title documents are recorded and signed for by our officers. We have put additional security features on the title deeds and thus it is not possible to have them printed elsewhere.

Fraudsters will continue printing and that is why the Directorate of Criminal Investigation (DCI) is important and critical in our work. They help us identify signatures of our officers that are often forged, both living and dead, and even retired officers. They copy old signatures.

Once we get wind of a fraud, it is easy to deal with it. Obviously, there will be a court process. I want to assure Kenyans that these particular serial numbers are known and we do not see a threat to them. I hope that is clear.

There was no contradiction. We basically gave the public necessary and useful information.

The Temporary Speaker (Sen. Abdul Haji): Thank You, Cabinet Secretary. We will only take one supplementary question because of time, which I will give to the owner of the question.

Sen. Tabitha Mutinda: Mr. Temporary Speaker, Sir, first of all, the question has been extensively answered. Mine is just a small clarification because the concern for Kenyans was more on the title deeds. However, it is good to acknowledge that, even though the Ministry did the clarification by way of Gazette Notice.

Nonetheless, the information that was given through the Gazette Notice really brought out title 367. So, if that was their mistake, it just needs to be acknowledged that that was their error, not the Ministry's error. However, the Ministry did well in clarifying this.

You have talked about the cartels and they are the ones doing all this. What are you doing about these cartels, especially the ones within the Ministry? They are always loitering there up and down. Also, why do you not bring these offenders to light the same way this information was brought to the public? We need to see these people brought to the public so that we get to know them specifically.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Temporary Speaker, Sir, as a lawyer, you know that you are only a suspect until proven guilty. Cartels are suspects. However, whenever we come face to face with them, the DCI brings out or gets sufficient evidence and we take them to court. Courts are public arenas.

I have said before that some cartels are powerful and influential people. They are influential people. They make calls, but other smaller cartels now disturb people locally or everywhere. What I know is that I have made their life very difficult because the officers now know that they will not get away with it. They know because we

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have had a conversation with them at our meetings. If they are caught, they are on their own. We will release them to law enforcement agencies.

It is as simple as that. That is why you also need to take measures against corruption within our departments and every Government officer is aware of that. We have changed our documentation to make it difficult. We serialise so that we make it difficult for you to get away with it.

Previously, it was becoming harder to identify the titles. All the titles would look like proper titles, but with the additional safe security features, you can deal with those fraudsters. Kenya is still far from eradicating corruption and my Ministry is not safe. That is why digitisation is critical. Records cannot keep on disappearing. Before, you would disappear with a record and form another. Then, there would be no record to compare to the true record. With digitisation, we are in a better place.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary. I also want to thank you for taking the time today to answer the questions and for giving us detailed answers to all of them.

At this point, I will give you leave to go back to your duties. I wish you all the best in your work as you proceed.

Thank you, Cabinet Secretary

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Thank you, Mr. Temporary Speaker, Sir, and hon. Senators.

(The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome) was ushered out of the Chamber)

(The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Murkomen) was ushered into the Chamber)

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, let me take this opportunity to welcome the Cabinet Secretary and to thank him for his patience. We had a long session with the previous Cabinet Secretary.

Let us go straight to the next Question. Sen. Olekina will ask the Question that Sen. Onyonka was to ask on his behalf.

Question No.125

STATUS OF STADIA IN THE COUNTRY

Sen. Olekina: Thank you, Mr. Temporary Speaker. Sir, on behalf of the distinguished Senator from Kisii, I rise to ask Question No.125, which has about three parts.

The Questions read as follows –

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(a) Could the Cabinet Secretary indicate the respective state of operations of all sports stadia in Kenya and provide details of the budgetary allocations and utilisation for their development from the 2020/2021 financial year to date, as well as a timeline for their completion?

(b) What specific funds have been allocated and disbursed towards the refurbishment and maintenance of existing sports stadiums to ensure they meet international standards in light of Kenya's bid to co-host the African Cup of Nations (AFCON) tournament in 2027, and could the Cabinet Secretary outline measures that should be put in place to ensure long-term sustainability and proper management of these facilities?

(c) Could the Cabinet Secretary state the scope and cost associated with consultancy services for stadium development, including their design feasibility study and project management, and also provide information on whether these services have been subjected to competitive procurement processes?

(d) Finally, the distinguished senator would like to know the measures the Ministry has put in place to encourage public participation in Private Public Partnership PPPs in the development of this stadium to reduce the financial burden on the Government, particularly in preparation for hosting the AFCON.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, proceed to respond.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Kipchumba Murkomen): Thank you, Mr. Temporary Speaker, Sir. First of all, I thank you, speaker, for giving me this opportunity to appear before this august House; It is always my pleasure to come back here. It is the first time it has come into my current portfolio. I am excited to be here with you and would like to respond to the following questions.

Question No.125(a) is: Could the Cabinet Secretary indicate the respective state of operation of all the sports stadia in Kenya?

I would like to respond as follows: The Ministry of Youth Affairs Creative Economy and Sports develops, maintains and manages stadia through a state agency known as Sports Kenya.

Currently, there are two stadia that are gazetted under the management of Sports Kenya, that is Nyayo National Stadium and Moi International Stadium, Kasarani; whereas the other stadia are under respective counties and are managed by the respective county governments with some receiving the support of the national Government.

Currently, there is no clear framework of intergovernmental relations in regard to development and management of sports facilities in the country. The Ministry through Sports Kenya has developed a master plan categorizing sports infrastructure in line with international standards in the following manner-

(1) International stadia are in Category 4 of FIFA and CAF, which is over 30,000-seater.

(2) National stadia, which is Category 3A of the CAF, which is 15,000 to 30,000 seater.

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(3) Regional or what we now call county stadia will be category 3B, which is between 10,000 and 15,000-seater.

(4) There are community grounds, which is basically between 5,000 to 10,000-seater. Community ground A and B, which are category 1, and are less than 5,000.

To standardize the development of sports stadia, the Ministry sought the services of Kenya School of Technical and Vocational Training to develop the standard prototypes for various categories of stadia as indicated above. The prototypes were recently submitted to the Ministry and going forward, we now can plan the development of facilities with estimated cost, hence avoid wastage and create standardized facilities.

Considering that the Ministry receives zero allocation from the Exchequer for the development of sports facilities, the Ministry sought and received approval from the National Treasury to securitize the Sports Arts and Social Development Fund to raise enough resources to complete stalled projects and develop others, especially in preparation for the African Nations Championship - CHAN 2025 and Africa Cup of Nations (AFCON) 2027. Although Sports Kenya is mandated by law to develop, manage and enforce standards and regulations for sports facilities, there are no approved regulations.

To bridge this gap, the Ministry is in the process of developing standards and regulations for all the stadia development and management in the country. The Ministry will soon be tabling to both houses the sports stadia regulations and standards for consideration and approval.

To address the legislative and policy gaps in the sports sector, the Ministry has gazetted a task force to review sports policy and law to align it with the 2010 Constitution, respecting the two levels of government and incorporating emerging issues, including inclusivity in sports and sports science and technology.

Nyayo National Stadium and Moi International Sports Centre Kasarani are currently undergoing refurbishment in preparation for the CHAN 2025 and AFCON 2027. It should be noted by this House that the Ministry does not receive budgetary allocation from the National Treasury. There was a question about specific budget allocation.

Mr. Temporary Speaker, Sir, the resources are sourced from the Sports Arts and Social Development Fund with an exception of very minimal support that we have received through the budget of Kshs20 million that has gone towards construction of Malinya Community Grounds in Ikolomani Kakamega County. The status of the resources allocated from the fund for the development of sports facilities across the country during this period under consideration is as follows. I have provided the table of the resources.

As I said, Malinya Community Grounds has consumed Kshs20 million and the work was done. That was the only money allocated through the budget for development of our facilities in the period under consideration. Wote, Makueni Stadium, had an allocation in the same period of Kshs185,439,722.

An amount of Kshs72 million shillings has already been paid and there is a difference of Kshs113 million that is pending. The project has experienced certain

challenges. The original site was changed, occasioning delays in the commencement of works.

The new site provided by the county government had topographical geological challenges, necessitating variation of works to stabilize the ground, and the Ministry is rationalizing the scope in line with the prototypes of TVET as indicated above in order to complete the projects. As I said, when we came to office, there were varying costs of different stadia across the country.

The two key things that we have done in the last three months are; first, is to make sure that we standardize the types of the stadium. As I have indicated earlier on the seating ranging from 30,000 and above, 15,000 and above, 10,000 and above, and then 5,000 and above, and from zero to 5,000.

Secondly, was to bring on the TVETs. The same way the TVET, developed a prototype for their institutions, we asked them to develop a prototype of this stadium, to avoid extremely varying costs of similar facilities across the country. Now we can develop these facilities with clarity, knowing the estimated cost of the standard of the stadium that we get. That way we can save resources in the country.

Ruringu International Stadium in Nyeri County has been pending for so many years. So far, Kshs203 million was supposed to be expended. An amount of Kshs180 million has already been paid and about Kshs23,500,344 is due.

On the on Kipchoge Keino Stadium, Phase 1 and 2, about Kshs444,869,550 has been used. The contract sum was Kshs544 million, and Kshs338 million has been paid, leaving a pending bill of Kshs206 million.

Mr. Temporary Speaker, Sir, on the other hand, in Marsabit County also, there was a contract of Kshs240 million and Kshs229 million was spent. Sorry, before I go to Marsabit County, I need to indicate that for the Kipchoge Keino Stadium, the contract has been terminated to pave way for upgrading to Confédération Africaine de Football (CAF), standards for hosting the AFCON 2027. The site has been handed over to the Ministry of Defence, who are the contracting authority and project managers for all the AFCON projects.

Final accounts are being prepared and negotiations are ongoing to reduce claims and interest before then the new contractor can proceed through Ministry of Defence.

On Marsabit Stadium; I needed to indicate that, again, Kshs240 million was the contract sum. An amount of Kshs229 million has been paid and about Kshs10 million is remaining. The Sports Kenya scope was completed on 30th May 2022, save for the pitch which is to be varied from natural grass to synthetic turf, because of the challenges of water in that region. Construction of VIP pavilion by the county government stalled with glaring structural integrity shortfalls and materials and testing department under the Ministry of Roads and Transport has given the remedial actions.

The county has requested the national Government to assist in completing the works and the request is under consideration. Kirubia Stadium in Tharaka-Nithi County; Kshs114 million was the contract sum, and Kshs73 million has been paid. An amount of Kshs41 million is pending, and the project is practically complete. However, there is a problem with the grass that was planted by the contractor and needs to be replaced. The

contractor is currently replanting the grass and sorting the slabs before then releasing the stadium to the county government.

Bukhungu Stadium in Kakamega County: The contract sum of the works for the Ministry for Youth Affairs, Creative Economy and Sports and the national Government is Kshs152 million, which has been expended already. The project is jointly being developed by the county government of Kakamega and the national Government and it is ongoing.

Mr. Temporary Speaker, Sir, we have Masinde Muliro Stadium in Kanduyi, Bungoma County, which was developed with a contract sum of Kshs799,160,706. The project is in the final stage of roofing and it is due for completion the end of this year.

Mr. Temporary Speaker, Sir, on the part of Kinoru Stadium in Meru County, the contract sum was Kshs238,758,410. Kshs214 million has already been paid and there is a pending bill of Kshs23 million. The project was completed in 2022.

The total contract sum for Karatu Stadium in Kiambu County is Kshs157,429,578. The amount, so far, paid is Kshs98,262,122.21. A total sum of Kshs59 million is pending. The project is ongoing with the completion date being end of December, 2024.

The contract sum for Moi Stadium in Embu County was Kshs476 million. A total sum of Kshs475 has been paid and there is a pending bill of Kshs1,633,000. It was completed and handed over to the County Government of Embu.

Mr. Temporary Speaker, Sir, the contract sum of the Kiprugut Chumo Green Stadium in Kericho County was Kshs408 million, which was paid and completed. The project was handed over to the county government. There is a request by the county for additional works to be done on the running track which is under consideration.

Kwale Stadium was jointly done between the county government and the national Government. It is the most recent project, at Kshs568 million, with Kshs490 million paid, therefore Kshs78 million is pending bill. Practically, it is complete. The contractor is working on the final touches before handing over.

Mr. Temporary Speaker, Sir, Question 125(b) is about allocation of resources for refurbishment of facilities for African Nations Championship (CHAN) and Africa Cup of Nations Cup (AFCON). After successful bidding, the Ministry is co-hosting AFCON with Tanzania and Uganda. The Ministry of Youth Affairs, Creative Economy and Sports is refurbishing the following existing stadia in preparation to host AFCON 2027, which is Moi International Sports Center, Kasarani, Nyayo National Stadium, Kipchoge Keino Stadium, Ulinzi Training Grounds and Police Savings and Credit Cooperative Organization (SACCO) Training Grounds.

The Ministry of Youth Affairs, Creative Economy and Sports transferred the responsibility of procurement and project management of AFCON infrastructure to the Ministry of Defence to undertake the procurement of contractors and manage the development of these facilities. Therefore, the Ministry of Defence is the competent Ministry to respond to the procurement processes and the cost of the projects.

Mr. Temporary Speaker, Sir, on the question of long-term sustainability, the stadia being refurbished are being customized for multi-use. Hence incorporation of skyboxes, hustler bazaars and conference rooms to enable the Ministry to generate

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revenue. Further, the Ministry will engage corporate stakeholders for branding and naming rights for all our major sporting facilities.

Mr. Temporary Speaker, Sir, on Question 125(c), which is on provisions of consultant services for architectural design, engineering services and project supervision, Sports Kenya entered into consultant agreement for design and project management with the following consortiums, through a public procurement competitive process.

The regional consultants were procured competitively through a tender process in financial year 2016/2017. The budget for the period in question was Ksh267,112,973, out of which Kshs154,054,993.99 has been paid, leaving a balance of Kshs103,934,084.15.

Mr. Temporary Speaker, Sir, on the matter of University of Nairobi Enterprise Services (UNES) Limited, Kenya submitted her bid to host the AFCON Games in 2025 and assessment of the sports facilities by the African football governing body Confederation of African Football (CAF) gave a status report with action areas of refurbishment for the facilities to be compliant. It is noted that the return of Kenya to participation in international football competition requires that both the national team and representing clubs to have compliant domestic venues for home matches.

The absence of compliant domestic venues would mean that the championship matches be played on foreign soil. Kenya is on CAF Federation Internationale de Football Association (FIFA) sanctions for non-compliant facilities for the only international facilities that are available that is Moi International Sports Centre and Nyayo Stadium. This called for immediate and urgent attention to refurbishing the stadium.

Sports Kenya signed a framework agreement with the University of Nairobi Enterprise Limited for provision of consultancy services for architectural design, engineering and project supervision on 18th of May, 2023, pursuant to the Public Procurement and Asset Disposal Act 2015 Section 4(2)(c) for three years.

Sports Kenya has tasked UNES Limited to come up with architectural design, engineering, specification and bills of quantities for the CAF and AFCON requirements. The scope was for Moi International Sports Centre Kasarani, training fields in Kasarani, Annex and Kenya Academy of Sports, Police SACCO, Ulinzi Stadium, Kipchoge Keino Stadium, 64 Stadium, Eldoret Polytechnic and University of Eldoret, installation of Tartan tracks.

The execution of the consultancy shall be in accordance with the Ministry of Public Works conditions of engagement and scale of fees for professional services for building works 1987 Edition and subsequent revisions.

So far, UNES Limited has been paid KShs15,583,590 for a reconnaissance survey and benchmarking exercise. Payment is accordance to scale of fees of public works.

Finally, Mr. Temporary Speaker, Sir, Question No.125(d) is what measures has the Ministry put in place to encourage public-private partnership in development of the study to reduce financial burden on government, particularly in preparation of hosting AFCON?

Mr. Temporary Speaker, Sir, I wish Sen. Onyonka was here. I found this very interesting, considering his public pronouncements on Public-Private Partnerships (PPPs). However, I pleasantly received this important question from him. Currently, there

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are no expression of interest from the private sector to develop sports stadia in the country.

However, the Ministry is engaging various partners to encourage PPPs in development and management of sports facilities. Perhaps, our facilities have not reached a stage where they have a return, financially, for any private sector to want to invest so far. Hopefully in future, as we continue encouraging them, they will be able to do so.

Mr. Temporary Speaker, Sir, I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary.

Sen. Olekina, do you have a supplementary question?

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. The supplementary question is per the instruction by the distinguished Senator who put the question. I will go specifically to the issue.

The Cabinet Secretary, in his response, has alluded to a cancellation of one tender which has already been partially paid, that is Kipchoge Keino Stadium, where a sum of Kshs338 million has been paid. There is a pending bill of Kshs206 million. In his response, the Cabinet Secretary has indicated that the contract has been terminated to pave way for upgrading, to meet the CAF standards for hosting AFCON.

Mr. Temporary Speaker, Sir, would the public lose the Kshs338 million, including the unpaid amount of Kshs206 million, given that the contract has been terminated, according to the Cabinet Secretary and I would assume it has been terminated by the Ministry? Where does that put the issue of fiduciary responsibility and prudent use of public resources, if that is the case?

Finally, on the same issue, there is a pending bill of Kshs1 million that has been pending for quite some time, yet the project was completed, in the year 2023. Why would we keep that, and would it accrue interest? This is for Moi Stadium in Embu County. It was completed in 2023, but there is a pending bill of Kshs1.6 million that has not been paid from 2023.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary, please proceed to respond.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Kipchumba Murkomen): Sorry, I did not get the last one.

The Temporary Speaker (Sen. Abdul Haji): It is on the pending Kshs1 million bill.

Please, go ahead and answer, Cabinet Secretary.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Kipchumba Murkomen): Thank you, Mr. Temporary Speaker, Sir.

On the question of the Kipchoge Keino Stadium, it is true the question raised by Hon. Senator is valid. Once Kipchoge Keino Stadium was chosen for Africa Cup of Nations matches---

(Hon. Kipchumba Murkomen's microphone went off)

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 1.00 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until today, Wednesday, 20th November, 2024, at 2.30 p.m.

The Senate rose at 1.00 p.m.