

**KERICHO COUNTY ASSEMBLY**

**THE HANSARD**

**Second Assembly**

**Fifth Session**

**Wednesday 17<sup>th</sup> March, 2021**

*(The House met at 9.30 a .m.)*

*[Temporary Deputy Speaker (Hon. Evance Kibet) in the Chair]*

**PRAYERS**

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Welcome to this afternoon session.  
Please read the order paper!

**MOTION BY CHAIRMAN LANDS, HOUSING, PHYSICAL  
PLANNING AND SETTLEMENT COMMITTEE**

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Chairman Lands, Housing, Physical Planning and Settlement! Please do it on behalf of the Chairman.

**Hon. Collins Biegon:** Thank you Mr. Speaker for this opportunity; I would like to move the following motion that is report on the approval of a no objection regarding the use of public land L.R. no. Kericho/Sambret 25005 for the purposes of human settlement. Because of the length and nature of this report, I want to read the brief history of the Talai people who are going to be resettled in this land.

The Talai also referred to as Kipsigis, Orgoiik or Laibons is one of the Kipsigis clans whose immediate origin is said to be Nandi. They moved to Kipsigis land just before the advent of the British colonialism in early 1890s. Once in Kipsigis land they fitted well onto the existing Kipsigis social, economic and political institutions. They played a pivotal role in the resistance to colonial invasion in Kipsigis land. They were led by the Chief Orgoiyot- Kipchomber Araap Koilegen. The interests of the Talai and the British clashed in the process leading to the Talai vigorously resisting the occupation of their land by the British. Their initial resistance in the early period of colonial rule led to three main Talai leaders namely Araap Koilegen, Kibuigut Araap Sing'oei and Araap Boisio being banished to Central Kenya in 1914. The Talai unrest was inspired by religious beliefs and the centrality of the Talai involvement in the resistance movement. The deportation of three Orgoiik leaders did not deal a blow to the Talai resistance; instead it became an impetus for the emergence of more powerful leaders who continued to champion the resistance to drive out the colonialists. The futility of the British acts of deportation came to full conflict in 1928 when the Kipsigis under the leadership of the Talai planned a big revolt to drive the British from their land. The discovery of the plot coupled with increased cattle raids and state of political unrest in Kipsigis land, made the British colonial administrators to call for the deportation of the whole clan of Talai in order to end their grip over the Kipsigis people. To effect this deportation, the British enacted the Removal of the Laibons through the **Ordinance on 1<sup>st</sup> august 1934** in the Legislative Council. As a result of the passage of this law, The Talai totaling about 698 males and females were rounded up and banished to Gwassii in the then South Kavirondo District. The deportation of the whole clan in 1934 marked the beginning of the Talai Misery history. In exile they led a miserable life and were reduced to a destitute lot. Despite the Kipsigis Talai deportation, they continued to challenge the British rule and influenced political happenings in Kipsigis land. Their deportation ended in 1962 when they were repatriated to Kericho District. However, to date majority of them are eking their living from very difficult situations since upon their return to Kipsigis land they were not allocated any land not even from where they had been deported from.

So we proceed from there that was just a brief history of the Talai and the reason why the County Government deemed fit together with the National Government to provide land for their resettlement.

**CONVERSION OF PUBLIC LAND KERICHO/SAMBURET/25005 FROM PUBLIC LAND TO COMMUNITYLAND FOR PURPOSE OF HUMAN SETTLEMENT**

Mr. Speaker, The Land Act of 2012 and the subsequent land regulations provide for a clear procedure to be followed when converting land from one form to the other.

Section 9 of the land Act 2012 provides that;

*(1) Any land may be converted from one category to another in accordance with the provisions of*

*(2) This Act or any other written law.*

*(3) Without prejudice to the generality of subsection(1)—*

*(a) public land may be converted to private land by allocation;*

*(b) subject to public needs or in the interest of defense, public safety, public order, public morality, public health, or land use planning, public land may be converted to community land;*

*(c) private land may be converted to public land by—*

*(i) compulsory acquisition;*

*(ii) reversion of lease hold interest to Government after the expiry of a lease; and*

*(iii) transfers; or*

*(iv) Surrender.*

*(d) Community land may be converted to either private or public land in accordance with the law relating to community land enacted pursuant to Article 63(5) of the Constitution.*

*(4) Any substantial transaction involving the conversion of public land to private land shall require approval by the National Assembly or county assembly as the case may be.*

*(5) The Commission may make rules for the better carrying out of the provisions of this section, and, without prejudice to the generality of the foregoing, the rules may provide for the following—*

- (a) Prescribing substantial transactions requiring approval of the National Assembly or the County Assembly as the case may be;*
- (b) prescribing anything required to be prescribed under this section;*
- (c) regulating and controlling the conversion of land from one category to another;*
- (d) Prescribing the factors to be applied or taken into account in determining land that is to be converted.*

*(6) Rules made under this section may contain—*

- (a) different provisions for different parts of Kenya;*
- (b) different provisions for different categories of conversion or kinds of transactions; or*
- (c) Exemptions or conditional exemptions from the operation of any rule made under this section.*

*(7) Any Rules made by the Commission under subsection (5) shall be tabled before Parliament for approval.*

Further the land (Conversion of land) rules 2017 number 7 provide for the procedure for the conversion of a public land to community land which as follows:

***Conversion of public land to community land***

*(1) Where public land is to be converted to community land the national or*

*county*

*Government shall present an application to the Commission in Form LA 3 set out in the*

*Schedule requesting for conversion of land from public land to community land.*

*(2) Upon receipt of the application under paragraph (1), the Commission consider the*

*Application and shall satisfy itself that—*

*(a) the land is public land; and*

*(b) the land shall be used for the benefit of the community as provided under Article 63 of the Constitution.*

*(3) The Commission shall, upon satisfying itself of the viability of the conversion, invite*

*comments or objections on the intended conversion of public land to community land by*

*placing a thirty days' notice in—*

*(a) placing a notice in Form LA 2 set out in the Schedule, in at least two daily*

*newspapers of nation-wide circulation and one newspaper of local circulation;*

*(b) affixing a notice at the County and Sub-County headquarters, wards and other strategic places within the vicinity of the land;*

*(c) announcing of the notice in both official and local languages in a radio with*

*nationwide coverage; and*

*(d) announcing in public barazas and places of worship.*

*(4) In cases where there are objections from the stakeholders and the Commission*

*is satisfied that the objections are reasonable, the Commission shall notify the national or county government as the case may be.*

*(5) In cases where there are no objections, the Commission shall publish a notice in the*

*Kenya Gazette of the conversion of the public land to community land.*

*(6) The Commission shall advise the land registrar to enter the conversion in the community land register.*

#### **SUBMISSION BY THE CEC IN CHARGE OF LANDS, HOUSING, PHYSICAL PLANNING AND SETTLEMENT**

Article 62 of the constitution categorizes the land in question as public land that is vested with the County government. The Government of Kenya in 2001 hived off approximately 23,000 hectares vide legal notices number 890 of 30<sup>th</sup> January 2001, legal notice number 328 of 30<sup>th</sup> January 2001 and legal notice number 148 of October 2001. The intention was to establish a settlement scheme for the Ogiek and the 1990's clashes victims.

The County Executive Committee on 2<sup>nd</sup> February, 2021, considered and approved a request from a group of members from Ogiek and Talai communities. The two communities, in their request indicated that they were the intended beneficiaries of land known as LR.NO Kericho/Sambret/25005 as hived off from south west Mau vide legal notice number 328 of 30<sup>th</sup> January, 2001 (*Annexure I*)

#### **SUBMISSION BY OFFICIALS OF TALAI COMMUNITY CLAN ORGANIZATION**

The Talai clan is one of the sub-tribes of Kalenjin community. It is one of the much adored and respected clan by the Kalenjin community for the role they played on socio-political and spiritual

leadership. The community lived in harmony within Kipsigis land until the invasion they the British colony of whom they resisted them for a long time. This prompted the British colonial government to deport them to Gwasssi. Kipsigis Talai's are the descendants of the three sons of Kimnyole who were sent to Kipsigis land by their father escaping Nandi killings for the Talai clan. The three were Kipchomber Arap Koilegen the elder son, Kibuigut and Kipngetich Arap Boisio (these are the brothers of Koitalel Arap Samoei who was killed by British in 1901 when they faced Nandi resistance during construction of Kenya- Uganda railway) the plight of the Kipsigis Talai begun immediately after deportation. Many of them died of harsh climatic conditions in their new land and they also lost all of their livestock and properties rendering them landless and poor. The injustices that were directed to Talai community by the British colonial government continued even after independence. The Gwasssi Talai returned in the early fifty's only to find their land occupied and they were put in isolation centre at Kericho Town the now famous Laibon area where they stay up to date. This is an area I represent. Others were taken to Kipkelion while others sought refuge from their relatives. This is just some of the historical that I had read

In 2016 the organization wrote a letter to chairman National Land Commission requesting for the resettlement of Talai at Kibulgany and Jourbert areas (*Annexure 4*) which the land was identified as vacant. In 2018 there was a sitting of the National Land Commission in Kisumu where Talai community clan organization presented their grievances and the commission recommended that the Talai members be given land within Kericho County. The National Land Commission advised the county government to search and identify vacant land within the county to settle the community. In 2018 the County managed to identify a vacant piece of land LR NO 25005 and another gazetted piece adjacent to it which was hived off in 2001 excising from Kenya forest. In the process of pursuing resettlement on the same parcel, the community found out that the Ogiek community was also seeking the same piece of land. Both groups met on various government offices having the same interest on the same piece of land. They were advised by the County Government of Kericho, ministry of land and settlement as well as National Land Commission to reach consensus on resettlement ratio to accommodate both groups i.e. Talai and Ogiek. They

have since successfully reached an amicable consensus and signed a memorandum of understanding on the same which was presented before the Committee on Lands Housing and Physical Planning. They came up with a joint register accommodating both communities (*Annexure 6*). You will see it in this report.

### **3.0 COMMITTEE OBSERVATIONS**

The committee made the following observations: -

1. The committee observed that the County Executive Committee upon approval of the request from the Talai and Ogiek clans, they ought to have done a request directly to National Land Commission as is stipulated in regulations of the Land Act.
2. The committee appreciates the spirit of consultation from the CEC in charge of Lands, Housing, Physical Planning and Settlement regarding this issue.

### **COMMITTEE RECOMMENDATIONS**

**Mr. Speaker Sir**, the committee therefore recommends that the County Government goes ahead to request for conversion of the said public land to community land as per the land Act and its regulations.

### **ACKNOWLEDGEMENT**

**Mr. Speaker Sir**, allow me to take this opportunity to thank all members of the Committee on Lands, Housing, Physical Planning & Settlement for their valuable input and contribution in consideration of a No objection request on the use of public land LR.25005 for purposes of human settlement. I sincerely take this opportunity to thank the offices of the Speaker and the Clerk for the support accorded to this Committee in the execution of its mandate.

**Mr. Speaker Sir**,

On behalf of the Committee on Lands, Housing, Physical Planning and Settlement and pursuant to Standing Order No.205, it is my pleasant duty to present to this House the Committee's report on the approval of a No objection request on the use of public land LR.25005 for purposes of



human settlement for consideration and approval by this Honorable House. Thank you Mr. Speaker Sir, I would wish to invite Honorable Erick Kosgei from Kapsaos to come and second.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Honorable Erick Kosgei!

**Hon. Erick Kosgei:** Thank you Mr. Speaker for according me this opportunity so that I may second.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** okay honorable Erick.

**Hon. Erick Kosgei:** Thank you so much Mr. Speaker for according me this opportunity that I may second the report from the committee on Lands. Mr. Speaker this is a very important report since we had a talk with concerned people and we realized that they are really suffering and for a longer time they have been suffering so when we sat and discussed together we realized that they are in problems and we all agree that a piece of land may be allowed for them to live in ,thus is the reason why I am supporting this report and seconding this report. Thank you very much Mr. Speaker.

*(Question proposed)*

**The Temporary Deputy Speaker (Hon. Evance Kibet):** The floor is open for members to contribute, anyone Honorable Grace Betty?

**Hon. Grace Betty Koech:** Thank you very much Mr. Speaker for giving me this opportunity to rise and support this report. I want to thank the members of the committee for the good work that they have done. Mr. Speaker and honorable members these people have really suffered and a family without a settlement is an endangered family. So here today we are giving hope to a group of people who have been so desperate. Their future has been insecure and they have been living with uncertainty because their tomorrow has been dimmed. I want to say if there is any milestone achieved that has been done during our sitting it is this one. I am so excited because they are part of my people and when we see these people especially the women wandering from one place to another without a future, food security, shelter over their heads, Mr. speaker sir this is very

wonderful and I want to say that this document or this report should have been approved you know earlier than yesterday so I am in total support. These people should secure their future to s food security because they are now going to put up permanent shelters as they have been living in shanties and are always doubting that they are going to be evicted, whether they are going to be chased away but when this thing has come to accomplishment, they are very sure because I am happy that they are going to be issued with title deeds and that is a security for any human being on the planet earth. So honorable members I am so grateful and happy because these children are going to sleep and their mothers are going to be very happy. They are going to be secure to work like any other mother, thank you so much and honorable members committee on lands I am so grateful this is so wonderful thank you Mr. Speaker sir, I support thank you.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Okay, Honorable HezbornTonui!

**Hon. Hezborn Tonui:** Thank you Mr. Speaker for giving me this chance to support this report. We want to thank the committee on Lands Physical Planning and Settlement, this report has given me an encouragement because when we read the Constitution Chapter (4) that is the Bill of rights article (45) clause (2) it says that every adult has a right to marry a person of the opposite sex based on the free consent of both parties, so this report has given the mandate to this Talai community in the year 1890 historically that as from now henceforth they will settle they will live like other people because as of now they are the minority in the county but this report has come and we want to thank this committee, because they sat down, deliberated on the same and we as the honorable members we support and I urge the honorable members to support me as well. Thank you.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Fair enough, honorable Alex Bett.

**Hon. Alex Bett:** Thank you Honorable Speaker for also giving me this opportunity so that I may rise to support the report of Lands committee and I think this has come at a good time when we all know the Talai community and Ogiek have regarded themselves marginalized and Mr. Speaker as an Assembly I think we have taken the right direction to see that they are settled as

any other Kenyan. I am happy especially when I went to the report I realized that most of the basic things that are required for any settlement has been considered. In the report especially on the allocation of land to this people I have seen provision for primary schools, provision for secondary schools, provision for ECDs, provision also for churches and I think this one will also be an opportunity especially for our lands, the lands department to exercise a proper planning set up for a community. We are living in a modern community even as we settle these people we are not only going to settle them but we also want to see that they are given proper settlement facilities. I would also expect in this report to see space where children will be playing, I have not seen a provision for an open space where we can provide maybe a field, playing grounds for our children as go around most of our towns we don't find space for recreation, we don't want to assume that this people are not going to grow like any other town. The report is good and even as we implement this report I think the ministry and the lands department should find space where there will be playground for children so that in future we will not find shops growing up and there will be no space where people will be relaxing during their free time, otherwise I think the report so far is a good one. knowing that most of us may not be knowing some of this places I would have expected maybe a map showing the location of some of this plots, the layout, so that we could also see whether there are proper provision of roads across this number of plots. I think there is proper need for proper planning so as we implement this I really urge the lands department to put proper machinery so that this people are properly set like any other modern settlement otherwise the report is good and I support. Thank you Honorable Speaker.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Honorable Alfred Cheruiyot then Honorable Erick Bett.

**Hon. Alfred Cheruiyot:** Thank you very much Mr. Speaker for giving me this opportunity to support totally. I want to thank the members of the committee on lands for coming up with this very nice report. I also support because of the following reasons, in history members of the Talai community have been suffering have been twisted to and fro. If you follow the history all the way from central all the way from Nyandarua twisting from one region to another because we

have been given to be leaders in this era, I have seen a lot of senses that it is good and it is prudent enough that we settle this Talai community once and for all, I have read about this one between the lines and I have realized that the leaders who were there some years back have never assisted these people, look at this leadership you know this is a minority group even the representation in the county government they actually don't have. We are not ready to take the advantage because they don't have their representative to reject this one. We are not ready to reject, we are going to support it fully and I want to urge all honorable members to kindly support so that they can settle once and for all, thank you very much Mr. Speaker.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Honorable Erick Bett!

**Hon. Erick Bett:** Thank you Mr. Speaker for giving me this chance to rise also to support the report by the committee of lands and Mr. Speaker this is a very important submission today and I want to appreciate the fact that the Talai community was able to make a formal request through the CEC for Lands and subsequently the CEC for Lands also sought approval from the Assembly. I just want to share something here that really touched my heart concerning this particular report on Talai community. The University of Egerton is currently doing a film on the Talai community and they have already made a request with County Assembly of Kericho to partner in film production whereby some of the members from the County Assembly may be requested to give information concerning the Talai Community and I think in the spirit of supporting this community it will be in order that part of the film will also capture the areas that the Talai community have been able to move. If I look at this report, that the land number that is ***Kericho Sambret 25005*** for the purpose of human settlement. It is a very important settlement scheme of which physically I have visited as the MCA, this area as requested here I think it will transform that particular area and I like what the committee has given in terms of recommendation is that let it be granted but as per the land Act and its regulations so I know there could be other issues there in that particular land in question but given the fact that we have the lands commission and the laws governing issues of lands I think if this will be implemented it will not help only the Talai community but also the County of Kericho at large in

extension because this is a historic piece of land and the section here captured is really landing question that needs to be factored in a positive manner. So I support this report and we want to see more consultations coming from the executive on matters touching on the people of Kericho. Thank you, Mr. Speaker.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** You are welcome Honorable Majority Leader.

**Hon. Hezron Ngetich (Majority Leader):** Thank you Honorable Speaker for giving me this opportunity so that I can rise and support the report by the committee of lands. I want to first thank the committee of Lands for deliberation on this weighty matter and I want to tell them if there is anything which will live for years and it will be posterity for this second assembly. Talai community and the Ogiek have been the most disadvantaged and marginalized people and in every sector there has never been anybody who have been raising their blames. So after making a formal request through the CEC and following all the due procedures, I want to echo them and thank the committee for hearing their blames. The Talai community and the Ogiek are the people who have been in every area. In fact there are some again who have settled temporarily in Kipkelion and they are suffering the same fate as those who are living within Kapkugerwet. For justice and them to be heard and to have equality like other people, we need to support this report totally and their cry be heard. As the representative of the great people of Chilchila, I support this report in totally and I urge the CEC to fast track the process and ensure that all the Talai community and the Ogiek community which their names are here to get their rightful share. I want to thank them because they are very organized, if you look at how they have distributed this parcels of land, they have considered all the social amenities which are required. Honorable member from Litein was asking if there is a blank space which will be used for recreational facilities but when I went through these places, I have seen at least three blank fields which I think it will be prudent to be utilized properly. Again shopping centres, dispensaries, ECDs, churches etc. It will be a settlement of its own which has all the required amenities. I urge all these honorable members to support this report in totally and ensure that Talai and Ogiek

communities get their rightful shares and let them settle and live like other people. Otherwise I thank you for this opportunity.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Thank you.

*(Question put and agreed to)*

**The Temporary Deputy Speaker (Hon. Evance Kibet):** There is also a motion by Erick Bett

.

### **MOTION BY HON. ERICK BETT**

**Hon. Erick Bett:** Thank you Mr. Speaker for giving me this chance to move the motion.

Mr. Speaker Sir, I beg to give Notice of the following Motion:

That aware that Schedule 4 Part 2 of the Constitution of Kenya, 2010 under the eight functions bestows the County Government with a role of County Planning among other functions;

Further aware that Article 62 Sub Article 2 states that *a public land shall vest in and be held by a county government in trust for the people resident in the county, and shall be administered on their behalf by the national land commission...*

Concerned that the County Government of Kericho has not been able to take charge of the assets inherited from the defunct county councils despite the transfer of assets by the InterGovernmental Relations Technical Committee (IGRTC);

Rehabilitation land located within Kericho Town adjacent to the Prisons and along John Kerich road is a property of the county Government of Kericho previously owned and held by the Defunct County Council of Kipsigis;

Noting that there is an intention by the Judiciary to take over the Land and premises of the Rehabilitation centre without the consent of the County Government of Kericho in this case the County Assembly approval has not been sought nor any public participation done with the users/beneficiaries of the Kericho town rehabilitation centre.

Further noting that the rehabilitation centre is a land in dispute between the County Government of Kericho and the National Government department of Social Services and that the County has done little to reclaim back the said land now in dispute;

I urge this Honorable House to resolve that:-

1. The County Executive Committee Member in charge of Lands, Physical Planning, Housing and Settlement;
  - a) Notifies the County Assembly of the ownership of the Kericho town rehabilitation land within 7 days upon the approval of this motion;
  - b) Informs the County Assembly on the procedures and intention to take over by the judiciary on Kericho Town rehabilitation land;
  - c) Inform the County Assembly on the progress of registration of all public land belonging to the County Government of Kericho;
2. The Persons Living With Disabilities (PLWDs) living, working and occupying the land should not be evicted either by the judiciary or any other agency/ies before approval of the County Assembly is sought.

**Hon. Erick Bett:** Mr. Speaker this particular motion that I am sponsoring today is a very critical motion because we have two lands in Kericho County which belongs to social services, one is here just next to the prisons and the other land is also on the other side next to the approved school we have a land there belonging to social services. We have people living with disability in this particular land here in question where some of them live there and they normally offer



vocational training activities for those people who are abled differently. That's the language used in that and my tour there last week Mr. Speaker, and I could see the kind of arrangements that is there in that particular field and about two weeks ago we saw the head of judiciary, acting Chief Justice giving orders that the Law Courts of Kericho has been closed for two weeks because of structural issues with the current Kericho Law Courts. About a week later or a few days after that announcement by the Chief Justice is that there are people who purported to be from the judiciary who were marking and trying to disseminate the existence of rehabilitation centres and trying to relocate the functions of the Judiciary in that particular place. There was no consultation whatsoever by those who want to take this particular piece of land but the information we have from the people living with Disability is that while they were there, they were discussing on how they will be distributing the different courts; the lower court, the high court and where the Magistrate will be sitting and there was no actual consultation with the members who are living there especially the PWDs. So Mr. Speaker, it came to my attention and also a few members of this Assembly that, has the Assembly is given a go ahead because that particular centre as you can see from the motion here is that it belongs to the defunct County Council of Kipsigis, the Assembly where we sit today was actually owned by the county council of Kipsigis. The value of that it belongs to the county government of Kericho....

*(Loud consultations)*

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Order Honorable Paul Chirchir, Consult in low tones!

**Hon. Erick Bett:** .....and therefore when this consultations or happenings is going on here, there must be a proper way of doing things and Mr. Speaker , I want to inform members that there have been arrangements to relocate the Judiciary to that particular place and therefore this particular motion will help us to make sure that any plans that have been processed there it has to go through the departments of Land and that if movement has to be done, it must be done in a humane manner and there must be alternative way where those who are living there will be given before they are sent away from that particular space. I want to urge these honorable members to



support this motion because the motion will protect those who are living there especially the PWDS who normally call that place their home. If you go there you will find that there are many people living with disabilities there who normally come there for different kind of support programs. Therefore relocating them or settling them away without proper mechanisms then it will be unfair and this particular house will be seen to have failed in its functions of oversight. I urge members to support this motion in totality so that we will protect persons living with disabilities and also ensure this property is also protected from any unscrupulous take over. I would ask honorable Daniel Ngetich to second me but he is not in I will ask Leader of Majority to help to second this particular motion as I sit down. Thank you Mr. Speaker.

**Hon. Hezron Ngetich (Majority Leader) :** Thank you honorable Speaker for giving me this opportunity so that I can rise and second this motion by honorable Eric Bett on the motion concerning the land adjacent to prison which is owned by the department of social services. There is a trend in this county whereby there has been reluctance in protection of all properties and assets belonging to the county government under our watch and look we will not sit down here and watch National government encroaching and trying to take over the properties which are owned by the county government. The said land has been in existence and it is well known that the land belong to the department of social services and that land has assisted most people especially those people who are empowered in different sections. I remember there was a time I was hustling in this town and those times you couldn't know where to sleep, the only safe place when you are stranded in this town and you are a stranger you just go to that property. Those people are welcoming and they have offered a lot of training and assistance to the less privileged in the society. What we are doing is to protect the land belonging to the department of social services and protect the people and the persons who are living in that and ensure that they are not evicted. The judiciary is a constitutional body which has their own budget, there earned resources, if they need somewhere to resettle, they can as well request for a position of land and buy the land and resettle not to take away the land belonging to the department of social services. As the County Assembly of Kericho we will not approve and we will not watch them taking over the lands belonging to county government. We want to put them on notice and the resolution

which we are going to make today be copied to the CEC in charge of land and to make clear instruction to them that the land belongs to the people of Kericho and department of social services and county government of Kericho is the custodian of that land on behalf of those people. I urge this honorable House to support this motion and pass the resolution which will protect that property. Thank you.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** The floor is open for members they can make their contribution. Honorable Paul Chirchir!

**Hon. Paul Chirchir:** Mr. Speaker allow me to support the motion and before I support the motion I would like to first of all move an amendment on (b). I urge this honorable House to resolve that the County Executive Committee member in charge of lands, housing, physical planning and settlement (b) says;

Inform the County Assembly on the procedures and intentions to take over by the Judiciary on Kericho town rehabilitation land.

We may not be having any information or official communication from Judiciary or the County Executive so on that note I want to make an amendment as follows;

Inform the County Assembly on the procedures and intention by takeover by anybody on Kericho town rehabilitation land, anybody or any other institution with intention to take over by anybody/institution on Kericho town rehabilitation land, inform the County Assembly on the procedures and intention. I would like to ask the Honorable Collins Biegon to second the amendment.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Honorable Collins Biegon!

**Hon. Collins Biegon:** Thank you Mr. Speaker I rise to second that amendment and for the same reasons that we think it would have been proper for the County Assembly to be given the procedures that can be used if any, whenever there is that kind of arrangement by the county government. What is important is that because we do not have any official communication in our

possession we should not mention the Judiciary. I rise to second that amendment that (b) will read;

That this honorable House will urge the County Executive Committee member in charge of lands, housing and physical planning to inform the County Assembly on the procedures and intention to take over the Kericho town rehabilitation land by any other body /institution. Thank you.

*(Question put and agreed)*

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Let's continue. Honorable Hezborn what is the point of order!

**Hon. Hezborn Tonui:** Thank you Mr. Speaker I rise on a point of order. I would like to request this honorable House to defer this motion to next week because there is no quorum.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Let's confirm the quorum I can see some members out there ok. Let us give them a break of 10 minutes I can see some members out there Serjeant at Arms confirm if there is quorum.

*(Serjeant at arms does the head count)*

**The Temporary Deputy Speaker (Hon. Evance Kibet):** We have just confirmed that there is quorum you can just continue, Hon. Grace Betty!

**Hon. Grace Betty Koech:** Thank you very much Honorable Speaker for giving me this opportunity to rise and support this motion. Honorable members when we talk on the rehabilitation centre the facility is one it is a home for those people who are living with disabilities.

**Hon. Grace Betty Koech:** This land is meant for those people, who are living with disabilities, and this place is an assessment center, we have got the devices which are being used to assess any person any child who has before it is even determined whether this person has any kind of

disability, so it is an assessment center. This is a training area for anybody living with disability on how to use the adaptive devices. So I rise to say that the rehabilitation center is a facility nobody should really even look at it or believe that they can take over and displace those people who are living with disability. When we visit there, anybody who has not visited that place I urge you to go and even see those people. I'm happy that the Majority Leader one time had a chance to share a bed or whatever they are using with them, they are so jovial but the day we shall watch them being displaced, they shall remain hopeless. So Mr. Speaker I want to thank the sponsor of this motion and it is good for us to be alert and awake because things can happen behind our backs and tomorrow the generation to come will blame the people who were in this Assembly when such an happening took place, they will believed that we collaborated with them. So I want to say that the CEC in charge of land,housing,physical planning and settlement, should really come up with a register of all the assets whether they are secured or not yet, the committee on lands should fast track on this, he should come up with all the assets of Kericho county. Otherwise I want to say that I am in total support, rehabilitation center whether this one or the other one, the approved school nobody should really look at it, let it be safe guarded and I urge you that in the near future when you are making the budget, the members of budget committee should kindly allocate some amount to go that place so that the people who are living there will feel that you really care for them. Otherwise I'm in total support and thank you very much.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Hon Eric Kosgei, member from Kapsaos.

**Hon Eric Kosgei:** Thank you very much Mr. Speaker for according me this opportunity that I may also support, but I have a different view, when I read it very critically this motion does not look like a motion but should be a statement that should be committed to a committee for findings. When you read the whole of it, even where it says; the County Executive Committee member in charge of lands, housing and physical planning and settlement notifies, you do not have evidence of all this things so it looks like a statement, it was supposed to be raised as a statement so that it can be committed to a committee, so that it brings back the report to this

house with a lot of findings then it can be turned to a motion. That is the moment we will discuss, so it looks like a statement it doesn't look like a motion, something that we are discussing and we are very innocent on what is happening we are not sure whether this thing was done legally or illegally. So Mr. Speaker, the way I look at it, it should be statement to be committed to a committee for findings and the report be brought to this House that is where we are going to ventilate, discuss and agree on whatever we are going to agree on that day basing on the findings. Thank you.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Any other member? Hon. Hezborn Tonui!

**Hon. Hezborn Tonui:** Thank you Mr. Speaker again for allowing me this chance to rise and support what Hon Eric Kosgei has said in this floor of the house. Mr. Speaker it seems this report or this motion is a statement to be issued by relevant committee so we are urging the honorable member who brought this motion to kindly reconsider this motion to be a statement to be sort by the relevant committee so that next week we come and deliberate, put flesh and approve. Because in this country, schedule four it talks about separation of powers between the counties and national government. We have seen the judiciary that is the third arm of the government, we as the legislative arm of the government in this county and I'm also the vice chair rules and procedures. So I'm urging my colleague to kindly reconsider your motion and put it as a statement. Thank you.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Any other member? Hon Eric Bett!

**Hon. Eric Bett:** Mr. Speaker I want to clarify something about this particular motion.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Hon Grace Betty, consult in low tones.

**Hon. Eric Bett:** As requested by honorable members, I want to say that the Standing Order is very clear between where you put a motion and a statement. Why I put it as motion even the narration is about the things that are the concerns, the awareness is because the issue at hand is something that has already happened and already the PWDs have been informed by the people who went there that they will take over. So once this motion is passed then we will give the CEC the chance to act on the prayers of this motion and the prayers are just to make sure that in case there is any takeover then this particular motion will question the concerned parties. Alternatively I will still raise a statement but on a different issue. On the issues of land ownership which the committee then will be able to look into, so this is a prayer to protect the PWDs who are already there.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** What is your point of order Hon. Gilbert Ngetich?

**Hon Gilbert Ngetich:** Thank you Mr. Speaker for this time you have given unto me. A point of order is that whoever is tabling this particular motion is Chair Implementation, going by what other honorable members have said it is more of a statement than a motion. I also concur because I once upon a time brought a motion which is already passed pertaining the Kerito area in Bureti. Is a motion being passed for implementation? Chair implementation who is sitting, is the previous motion passed implemented? The motion in which I tabled pertaining our area where Nyamira has taken land has not been implemented as we sit, so let us go the statement way rather than a motion way. Thank you Mr. Speaker.

**The Temporary Deputy Speaker (Hon. Evance Kibet):** Hon Eric Bett!

**Hon. Eric Bett:** Mr. Speaker before this motion came to this House, the House Business Committee reviewed and I think that is the role of house business to advice members. However, Mr. Speaker having realized that there are issues that members have raised, I want to make a proposal that I want to defer this motion to today in the afternoon, so that I can use the time between now and that time to tell members why this motion is a motion and cannot be a

statement, because there is a difference between a motion and a statement and why House Business Committee reviewed and accepted that this is motion because they could have told me this is not a motion and I believe the house business sat yesterday. So Mr. Speaker I wish to defer this motion to afternoon if you allow in the afternoon today at 2:30, so that I put flesh and finish this motion thank you. So I beg to move a motion of deferment to 2:30 today and I request Hon. Paul Chirchir to second.

**Hon. Paul Chirchir:** Thank you very much Mr. Speaker, I wish to second the motion of deferment to the afternoon. And the reason is that the motion is very good and we also need to get some facts very clear, proof of ownership of land is a title deed. So like the police station land where police station sits belong to Unilever. Land where rehabilitation center sits we don't know we are told it belong to the then defunct County Council of Kipsigis which was taken over now by the County Government. But we are not sure, so the only way that we can proof that is looking at the documents and the other thing is that if the judiciary intends to take over do we have any document showing that the intended take over or we don't have any. So we are all relying on hearsay. So for the good intention of the motion, the honorable will put more flesh to convince members hence the request to defer this motion to the afternoon.

*(Question put and agreed to)*

*(Adjournment)*

**Hon. Evans Kibet (Temporary Deputy Speaker):** The House stands adjourned till 2:30 pm this afternoon.

*(The House rose at 10.50am)*

