

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

FIRST ASSEMBLY – (THIRD SESSION)

COMMITTEE ON LANDS, INFRASTRUCTURE AND URBAN DEVELOPMENT

REPORT ON

**ASSESSMENT OF KITUI COUNTY'S LANDS, ROADS, INFRASTRUCTURE
AND URBAN DEVELOPMENT PROJECTS**

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EXECUTIVE SUMMARY

This report documents activities relating to assessment exercises by the Committee on Lands, Infrastructure and Urban Development in Kitui County from 24th to 29th August 2015.

The introduction of this report gives a legal background and objectives that steered the Committee during a sitting held on 14th May 2015 to undertake these activities. The acknowledgment thanks the County Assembly of Kitui for support accorded to it.

The report's first part documents an activity undertaken by the committee to assess the status of various public lands in Kitui County. The Committee by request of Hon. Mwendwa Munyoki of Mulango Ward held a series of public meetings with Members of Public from the Ward (Mulango) to discuss the status of public lands in the area. The Committee further undertook an inspection of the stated lands.

The second part of the report documents activities undertaken by the Committee to assess the status of road projects across Kitui County. The Committee in coordination with Members of the County Assembly from: Kyangwithya West, Kyangwithya East, Mbitini, Mutonguni, Migwani, Kivou, Endau, Yatta/Kwa Vonza, and Athi undertook to inspect road projects scheduled in Annex No. 1.

The third part of the report documents activities undertaken by the Committee to assess various infrastructural defects of projects in Kitui County. The Committee in coordination with Members of the County Assembly from: Kyangwithya West, Kivou, and Endau undertook to inspect infrastructural projects in wards scheduled in Annex No. 1.

The fourth part of the report contains observations and recommendations unanimously adopted by the Committee, shortened as follows:

On Land matters; there is an urgent need to conduct new public land surveys throughout the County to authenticate 'existence' 'size', 'borders', 'plot numbers', and 'location' of such lands.

On Road matters; there is a need to formulate and implement a county policy to survey and regulate standard measurements and encroachment on all roads.

On Infrastructural matters; the relevant Ministry should look into specified Committee's findings (in this report) and take action.

INTRODUCTION

Mr. Speaker,

Pursuant to Article 185 of the Constitution of Kenya 2010, and Section 8 of the County Government's Act, the County Assembly of Kitui has the mandate to conduct; Legislative, Oversight, and Approval functions on behalf of the County Government of Kitui.

Mr. Speaker,

Article 185(3) further elaborates that a County Assembly while respecting the principles of separation of powers, may exercise oversight over the county executive committee or any other county executive organ.

Mr. Speaker,

Due to the persistent public plight by Kitui County residents on the state of public lands, roads, infrastructure and urban developments in the County, the designated County Assembly Committee of Lands, Infrastructure and Urban Development as per Standing Order 191(5) as well as the Second Schedule made a resolution to investigate and inquire into these matters.

Mr. Speaker,

Aware that there are crosscutting features between the mandates of this Committee and other County Assembly Committees, with an objective to address the above stated concerns, this committee found it necessary to assess through inquiring into the public land issues and investigating county roads and infrastructural projects that were causing major county residents outcry;

Mr. Speaker,

The committee thereby created a schedule (*Annexed No. 1*) from 24th to 29th August 2015, to realize the objective. This is a report of the committee's deliberations, findings and recommendations on the same.

Mr. Speaker,

The current composition of the Committee on Lands, Infrastructure and Urban Development is as follows:

- | | |
|----------------------------|--------------------|
| 1. Hon. George S. Kililiku | – Chairperson |
| 2. Hon. Patrick Mutua | – Vice-chairperson |
| 3. Hon. Angeline Muthui | – Member |
| 4. Hon. Felix K. Kauvi | – Member |
| 5. Hon. Mary Mbandi | – Member |
| 6. Hon. Grogan Tito | – Member |

- | | |
|-----------------------------|----------|
| 7. Hon. Hussein Mwandia | – Member |
| 8. Hon. Stephen Kithuka | – Member |
| 9. Hon. Patricia Kimanzi | – Member |
| 10. Hon. Robinson M. Mativo | – Member |
| 11. Hon. Irene C. Muvea | – Member |
| 12. Hon. Velesi Musyoka | – Member |
| 13. Hon. John Nyamai | – Member |

Co-opted honorable members who accompanied the Committee were:

1. Hon. Daniel Ngoima
2. Hon. Alex Nganga
3. Hon. Colleta Kimanzi
4. Hon. Francis Mwalili
5. Hon. Johnray Ngava
6. Hon. Mwendwa Munyoki

ACKNOWLEDGMENT

Mr. Speaker,

The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it in the execution of its mandate and the opportunity accorded to its Members to undertake the assessment exercise on behalf of the County Government of Kitui.

Mr. Speaker,

The Committee also wishes to extend its gratitude to Members of the County Assembly who organized and administered co-ordination towards ensuring that objectives of the assessment exercise were successful.

Mr. Speaker,

It is therefore my pleasant duty and privilege, on behalf of this committee, to table this report and recommend the same to this house for further consideration and subsequent adoption.

Signed _____

**Hon. George Kililiku,
Chairperson, Lands, Infrastructure and Urban Development (LIUD),
County Assembly of Kitui.
29th September 2015**

1. REPORT ON THE STATUS OF SCHEDULED PUBLIC LANDS

The committee identified three areas within Mulango Ward with pressing public land issues, and requested Hon. Mwendwa Munyoki the Member of County Assembly of the area to coordinate with chiefs, development committees, various public officers, opinion leaders and interested persons so as to conduct public land hearings on the same. The areas scheduled were Wikililye Town, Katulani Town, and Kathungi Town.

a. Wikililye Town:

Chairperson of the County Assembly’s Lands, Infrastructure and Urban Development (LIUD) committee expressed the objective of the visit, which was to identify the status of public lands in the area, and additionally requested residents to bring out various infrastructural and developmental concerns. In the interactive session that followed, Members of the Public (List of names *Annexed No. 2*) participated in highlighting the following issues:

<u>PUBLIC LAND</u>	<u>CONCERN</u>	<u>RESIDENTS RECOMMENDATIONS</u>
<i>Wikililye Market Land</i>	<p>Land encroachment</p> <p>Some shops had been built on access roads i.e. Kithambangii – Katulani Access Road</p> <p>No clear market structure “showing borders” and “access roads”</p> <p>Lack of a social hall, market toilet and shed, and a water point</p>	<p>Survey should be done and relevant infrastructural projects such as a market shed, a social hall, toilet and water points constructed</p> <p>Shops and structures on access roads and public lands to be immediately demolished</p>
<i>Chief’s office Government Land</i>	<p>Land encroachment</p> <p>No longer the same size as 1972/3 survey</p>	<p>Survey should be done and compared with the 1970’s plan. An enforcement body for regulating public land in the area to be fully operationalized to speedily deal with such issues.</p>

The residents of Wikililye also identified other public lands with issues in the area as;

- Kangalu Cattle Dip Land – Grabbed
- Kangalu Dispensary Land – Grabbed
- Kangalu Primary School Land – Grabbed

- Kavisi Primary School Land – Grabbed, while a public road passes in between the school
- Musyau Rock Area – Grabbed
- Kilikuya Dispensary Land – Grabbed
- Kaumba to Mulango Road – Road is illegally passing through private land

b. Katulani Town:

The Chairperson of the County Assembly’s Committee expressed the objective of the visit, (as above), and in the interactive session that followed, Members of the Public (List of names *Annexed No. 3*) participated in highlighting public lands with issues in the area as;

- Katulani Town Market – Encroached on, some shops are illegal erected
- Katulani Stadium Land – Grabbed
- Katulani Sub-District Hospital Land – Grabbed
- Katulani Stock Market Land – Grabbed
- Ndandini Earth Dam Land – Grabbed
- Katulani Cattle Dip Land – Grabbed
- Kwa Kasango Earth Dam Land – Grabbed
- Kwa Maliti Earth Dam Land – Grabbed
- Kaimu Earth Dam Land – Grabbed
- Kamea Earth Dam Land – Grabbed
- Water Kiosk at the Market Center – Grabbed

The residents expressed the need for a new survey to be conducted to compare with 1975 survey while reaffirming that all public lands in the area had been allocated numbers, but required land enforcement measures. They were also concerned that access roads in the area were very narrow and did not meet the 6-9ft standard measurements. They requested the committee to develop regulations on encroachment of such roads.

c. Kathungi Town:

The Chairperson of the County Assembly’s Committee expressed the objective of the visit, (as above) and in the interactive session that followed, Members of

the Public (List of names *Annexed No. 4*) participated in highlighting public lands with issues in the area as;

- Kathungi Chief's Office Land (Plot No. 197) – Might have been encroached on as there is no official map indicating clear plot borders
- Plot No. 132 – Not sure where it reaches. No clear plot borders.
- Kitambaa Earth Dam Land – Lacks a plot number
- Tumulu Village Market – Lacks a plot number
- Mutimbitimbi Earth Dam Land – Lacks a plot number

A town resident by the name of Nyamai Kilonzo was invited by the chief as a village elder and also because he had been involved in the acquiring of land that is currently the chief's office. Mzee Kilonzo was requested to give a brief history and show boundaries of the chief plot. Mzee Kilonzo therefore informed the gathering that the area community had bought the piece of land from Kikuvi Nzomo for a sum of Kshs. 850 intended as a market plot for the community around 1971. He then proceeded to show the committee the plot's demarcations (Photograph 6). He informed the committee that the parcel of land had been included in the 1971 survey of the area but was not sure whether the allocation had been legitimately done on paper. Nonetheless he briefed the committee that Kikuvi's family members were still honoring the agreement (as per the plot bought by the community) without issues. The chief affirmed Mzee Kilonzo's information and noted the need for a survey to document clear plot borders.

On roads and infrastructural issues the residents raised concern that access roads in the area were very narrow and requested for the enforcement body to regulate on such matters. They also requested for a social hall and dispensary for the area to be constructed.

2. REPORT ON ASSESSMENT OF SCHEDULED ROAD PROJECTS

The committee identified and scheduled twelve county road projects spanning across the county that it intended to assess. The roads were largely access roads, crisscrossing within and between Kitui's wards. The committee's objective was to assess the quality with regard to department's plans, budgetary allocations and levels of workmanship/professionalism of the road projects that had been recently implemented.

The table below outlines the assessment exercise details:

<u>WARD</u>	<u>ROAD PROJECTS</u>	<u>COMMITTEE FINDINGS</u>
Kyangwithya West	From Ithookwe Airstrip to Ethii and from Mazeras to Kwa Mbai Road	The road is in bad state. KERRA did a lousy job. The road was to be constructed via CIDP plans. However, it should be re-prioritized as it needs to be widened, an addition of two drifts constructed and the blocked/broken culverts unclogged/re-constructed.
Kyangwithya East	Kitui to Museve Road	The road was allocated over Kshs. 27 Million. It is in a fairly favorable state but still needs several culverts unclogged and drifts/slabs constructed especially at the rocky area near Museve Town
Mbitini	Kitungati to Kamulu Road	The road is in a fairly favorable condition. There is a drift which is dangerously is suspending and needs to be reinforced (Photograph 2). Residents digging water wells near the drift cause this. The drift also requires corner reflectors. The road needs several extra culverts.
Mutonguni	Kakeani to Mbiuni and Nzinia to Kyamutimba Roads	The roads are extremely narrow (Photograph 3). Two motorists moving towards the opposite direction simultaneously cannot share the road. There is an urgent need to widen it to the required standard measurements.
	Muthale to Tulia to Musengo to Kaumoni Road	The road was a kazi kwa vijana road construction project. It was competed but it is very narrow. There is need to widen it to the required standard measurements.
Migwani	Kiumane to Kavaliani Road	The road was done using CLIDP funds from the Ward; however, a contractor from outside the ward was awarded the job. The road is very narrow with large rocks blocking some parts dangerously (Photograph 4). These rock boulders need to be removed

		immediately.
	Ilalambyu to Nzatani Road	The road was done using CLIDP funds to the tune of around Kshs. 800,000. However part of the road were redone by handwork after a lousy job by the contractor.
Kivou	Isekele to Kanziu Road	The road was given a budgetary allocation of Kshs. 285,000. The amount rose suspicion as the road was over 20 Km long. The road was allegedly leveled using Ministry Tractors and is very narrow. It requires seven (7) culverts, three (3) drifts and one (1) gabion urgently.
	Kanginga to Mukuthu and Kavumbu to Kyethani Market Road	This is a very rocky road. It needs a long drift or alternatively build a bridge. The work done mainly consisted of road re-leveling. There were neither drifts nor culverts constructed. There is need to allocate adequate funds for this road in the next financial year.
Endau	Ekisaya to Damsa Road	The road is in a favorable state but needs drifts or slabs to be constructed at the stony areas.
	Damsa to Katolongweni Road	This road needs several culverts to be constructed with drifts or slabs at the stony areas.
Yatta/Kwa Vonza	Mamole to Waivumbu to Muselele Road	The road is in a favorable state. The 5km road constructed using CLIDP funds by a women group. However, while the allocated funds for the project was Kshs. 850,000, the actual payment amounted to Kshs. 339,000. There is a concern that funds were either embezzled or misappropriated. There is an urgent need to do further investigations in order to unearth the issues surrounding this project.
Athi	Ndauni to Mutonya to Mbusyani to Mukuanima Road	The road links a market, a school and the game reserve. It was poorly done. There are some unfinished sections having heaps of murrum stilled piled along the road. There is need to confirm if payments have been done and compare work done to BQ's.

3. REPORT ON ASSESSMENT OF SCHEDULED INFRASTRUCTURAL PROJECTS

Members of the County Assembly together with County Residents in various regions raised concern to this Committee that some infrastructural developments within their areas were;

- (i) Poorly constructed,
- (ii) Lacked adequate construction designs, and
- (iii) Lacked professional workmanship

The committee therefore utilized the opportunity to assess land and road projects to visit areas raising infrastructural development issues. The table below outlines the assessment exercise details:

<u>WARD</u>	<u>INFRASTRUCTURE PROJECTS</u>	<u>COMMITTEE FINDING</u>
Kyangwithia West	Ithookwe Airstrip	The airstrip road and infrastructure is very dilapidated (Photograph 1). The field lacks a fence and there is urgent need to re-tarmac the strip, remove shrubs, construct and install security provisions and re-construct windsock amongst other airstrip necessities. The department should allocate funds for the upgrading of this project immediately.
Kivou	Karunga Market Shed	Project was awarded around Kshs. 700,000. Though it is completed, the roofing does not offer any shade cause the sunrays are directly getting into the shed (Photograph 5). Structural design problems with roofing; need to add an additional roof section. Residents also requested for fencing to keep out intruding animals.
Endau	Damsa Market Shed	The project is incomplete. There is poor mixing of concrete and cement making the floor to begin disintegrating. The roofing was done using the wrong timber sizes and there is no wood preservative. The pit latrine hasn't been constructed. Construction workers not paid in full.
	Endau Honey Processing Factory	Project awarded around Kshs. 3,500,000. Poor workmanship especially on the roofing. The contractor of Damsa Market Shed and this shed is the same. This should be further investigated.

4. COMMITTEE RECOMMENDATIONS

The committee identified the following as the key recommendations from the assessment exercise in efforts towards resolving pertinent land, roads, infrastructure and urban development issues within our County:

THAT, on Land matters;

- There is an urgent need to conduct a new public land survey throughout the County in both surveyed and un-surveyed areas as soon as possible. LIUD Ministry to allocate funds and begin implementing urgently.
- Surveys to be conducted in previously surveyed areas should be co-related with previous surveys to authenticate ‘existence’ ‘size’, ‘borders’, ‘plot numbers’, and ‘location’ of public lands.
- This committee is willing to work with various stakeholders including; the newly constituted Kitui County Lands Management Board (CLMB-Kitui) and Ward Development Committees (WDC’s) to oversee, advocate and provide regular progress reports on the resolution of the land issues identified in this report, amongst others.
- The task force report on lands should be immediately publicized for further public inquiry where local level public hearings are held to discuss and authenticate the report.

THAT, on Road matters;

- There is need to formulate and implement a county policy that surveys and regulates standard measurements of all roads; especially access roads.
- Formation of an exclusive enforcement body to regulate road encroachment.
- Designation to various Ward Development Committees as independent bodies to monitor and document implementation and construction of road projects so as to provide this committee with regular updates.
- LIUD Ministry should look into the Committee’s findings and take action

THAT, on Infrastructural matters;

- LIUD Ministry should look into the Committee’s findings and take action

ANNEXES

Annex No. 1: Schedule for the Committee's Assessment Tour from 24th – 29th August 2015

<u>SUB COUNTY</u>	<u>DATE</u>	<u>PROJECT/ DETAILS</u>
<u>KITUI CENTRAL</u>	<u>24TH AUGUST 2015</u>	(a) Ithookwe Air Strip to Kwa Mbai- narrow/ no drifts (b) Ethii to Mazeras- Narrow/ no drifts
<u>KITUI CENTRAL</u>	<u>25TH AUGUST 2015</u>	(a) Wikililye- public land issues (b) Katulani- public land issues (c) Kathungi- market land (d) Kitungati- Kamulu Road- poorly done
<u>KITUI RURAL & KITUI SOUTH</u>	<u>26TH AUGUST 2015</u>	(a) Mamole- Waivumbu Muselele Road- poorly done/ overpayment (b) Ndauni-Mutonya- Mbusyani-Mukuanima- poorly done
<u>KITUI CENTRAL & KITUI WEST</u>	<u>27TH AUGUST 2015</u>	(a) Kitui- Museve (b) Kiumane-Kavuliani Road (c) Ilalambiu- Nzatani Road (d) Kakeani-Mbiuni to Nzinia to Kyemutimba- narrow/ poorly done (e) Muthale- Tulia-Musengo- Kaumoni- poorly done
<u>MWINGI WEST & MWINGI CENTRAL</u>	<u>28TH AUGUST 2015</u>	(a) Kanginga-Muliluni Road to Mukuthu- Kavingoni- Mutisya-Kavumbu to Kyethani Market – No drifts (b) Kivou- Karung'a market Shed- Isekele to Katuva Kanzui Secondary School to Kangonga to Muna Kavi- No drifts
<u>KITUI EAST</u>	<u>29TH AUGUST 2015</u>	(a) Damsa- Katolongwene- badly done (b) Damsa Market Shed-poor workmanship (c) Endau Market- poor workmanship at the honey Processor

Annex No. 2: Wikililye Town Public Land Hearing Participant Names

- | | |
|--|--------------------------|
| I. Peter Mueke – Chief | VII. Kitili Treasurer |
| II. Elijah Muindi – A Former Mayor of Kitui | VIII. Monica Kioko |
| III. Kitothya Kavila – Chair, Ward Development Committee | IX. Paul Nzioki |
| IV. Mary Kithungu – Village Elder | X. Kalundu Nzau |
| V. Kalele Mutuvi – Chair, Wikililye Market | XI. Mutua Musembi |
| VI. Mumo Mueke – Chair, Location Committee | XII. Musembi Wambua |
| | XIII. Mwangangi Musambii |

Annex No. 3: Katulani Town Public Land Hearing Participant Names

- | | |
|---|-----------------------|
| I. Agnes Nduko Nzomo – Chief | X. Mwanzia Mwathe |
| II. Daniel Makau – Assistant Chief | XI. Dorcas James |
| III. Julius Kaula – Area Former Chief | XII. Regina Kavinya |
| IV. James Kangola – Chair, Location Committee | XIII. Mbula Mutia |
| V. David Kimuli – Village Elder | XIV. Zipporah Duncan |
| VI. Nguli Isika – Village Elder | XV. Anastasia Musyoka |
| VII. Joseph Muthoka – Youth | XVI. John Kilonzi |
| VIII. Dominic Mauui – Youth | XVII. Janet Kavata |
| IX. James Kithungo | XVIII. Nyiva Ngothe |
| | XIX. Rhoda Musyoka |
| | XX. Mary Mwaniki |

Annex No. 4: Kathungi Town Public Land Hearing Participant Names

- I. Stephen Kalimu – Chief
- II. Pius Musyoka – Chair, Location Committee
- III. Nyamai Kilonzi – Village Elder
- IV. Wambua Kimanga – Youth
- V. Patrick Kakunuu - Youth

Annex 5: Some Photographs of The Assessment Exercise



Photograph 1: *Assessment of the badly dilapidated Kitui Airstrip at Ithookwe, Kyangwithya West Ward*



Photograph 2: *A suspended drift poorly done on Kitungati - Kamulu Road in Mbitini Ward*



Photograph 3: Assessment of the narrowly done Kyamutimba – Nzinia Road in Mutonguni Ward



Photograph 4: Assessment of rock boulders on the poorly done Kiumane – Kavaliani Road in Migwani Ward



Photograph 5: Assessment of the Karunga Market Shed in Kivou Ward



Photograph 6: The public viewing allegedly grabbed public market land in Mulango Ward

We, honorable members of the Committee on Lands, Infrastructure and Urban Development do hereby affix our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity: -

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
Hon. George S. Kililiku	Chairperson	.....
Hon. Patrick Mutua	Vice-Chairperson	.....
Hon. Angeline Muthui	Member	.....
Hon. Felix K. Kauvi	Member	.....
Hon. Mary Mbandi	Member	.....
Hon. Grogan Tito	Member	.....
Hon. Hussein Mwandia	Member	.....
Hon. Stephen Kithuka	Member	.....
Hon. Patricia Kimanzi	Member	.....
Hon. Robinson M. Mativo	Member	.....
Hon. Irene C. Muvea	Member	.....
Hon. Velesi Musyoka	Member	.....
Hon. John Nyamai	Member	.....