

Approved
Boss
1st Dec. 2022

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIRST SESSION – 2022
DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE APPROVAL HEARING OF:

HON. NIXON KORIR, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR LANDS AND PHYSICAL PLANNING

THE NATIONAL ASSEMBLY	
DATE: 01 DEC 2022	
THURSDAY	
TABLED BY:	CHAIR, DC - LANDS
CLERK-AT-THE-TABLE:	HON. JOASH NYAMACHE, MP INZOFU ABRAHAM MWALE

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER 2022

TABLE OF CONTENTS	3
LIST OF ABBREVIATIONS AND ACRONYMS	4
ANNEXURES	5
CHAIRPERSON'S FOREWORD	7
CHAPTER ONE	7
1 PREFACE	7
1.1 Establishment of the Committee	7
1.2 Mandate of the Committee	8
1.3 Committee Membership	8
	9
1.4 Committee Secretariat	10
CHAPTER TWO	10
2 BACKGROUND INFORMATION	10
2.1 Legal Framework	13
2.2 Qualifications for appointment as Principal Secretary	13
2.3 Message from H.E. the President	13
2.4 Speaker's Communication and Committal to the Committee	13
2.5 Notification to the Public	14
2.6 Notification to the Nominee	14
2.7 Clearance Requirements	14
2.8 Report of the Public Service Commission on the Nomination Principal Secretary	15
2.9 Committee proceedings	17
CHAPTER THREE	17
3 APPROVAL HEARING	17
3.1 Hon. Nixon Korir	21
CHAPTER FOUR	21
4 OBSERVATIONS AND FINDINGS	21
4.1 Hon. Nixon Korir	23
CHAPTER FIVE	23
5 RECOMMENDATION	

LIST OF ABBREVIATIONS AND ACRONYMS

CRB	-	Credit Reference Bureau
DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
H.E.	-	His Excellency
HELB	-	Higher Education Loans Board
KRA	-	Kenya Revenue Authority
ODM	-	Orange Democratic Movement
ORPP	-	Office of the Registrar of Political Parties
PAA	-	Pamoja African Alliance Party
PAPAA	-	Public Appointments (Parliamentary Approval) Act
UDA	-	United Democratic Alliance
WDPK	-	Wiper Democratic Party of Kenya

ANNEXURES

- Annexure 1: Adoption List
- Annexure 2: Minutes
- Annexure 3: Message from H.E. the President nominating the fifty-one (51) Principal Secretaries
- Annexure 4: Communication from the Speaker
- Annexure 5: Advertisement notifying the public of the approval hearings
- Annexure 6: Letters from the Clerk of the National Assembly inviting the nominees for the approval hearings
- Annexure 7: Letters from the Clerk of the National Assembly to KRA, EACC, DCI, HELB and ORPP requesting for information on the nominees
- Annexure 8: Letters of clearance from EACC, KRA, DCI, ORPP and HELB
- Annexure 9: Curricula vitae of the nominees
- Annexure 10: Certificates and Testimonials

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Lands during the approval hearing of Hon. Generali Nixon Korir, nominee for appointment as Principal Secretary, State Department for Lands and Physical Planning on Wednesday, 30th November 2022.

Pursuant to Article 155(3)(b) of the Constitution, Section 5 of the PAPAA and Standing Order 45(1), H.E. the President notified the National Assembly of the nomination of fifty-one (51) Principal Secretaries to various State Departments vide a letter dated 2nd November 2022. The Hon Speaker vide a communication made on Thursday, 3rd November 2022 conveyed to the House the Message from H.E. the President and subsequently referred names of the nominees, curriculum vitae, and the report of the selection panel on their recruitment to their respective Departmental Committees for approval hearings. While referring the matter to the Committees, the Speaker directed that the Committees undertake the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4th November 2022.

In compliance with Article 118 (b) of the Constitution and section 6 (4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Clerk of the National Assembly placed an advertisement in the print media on Friday, 4th November 2022 informing the public of the nomination, date, time and place of the approval hearing. He also invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominees in conformity with section 6 (9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The memoranda were to be received on or before Friday, 11th November 2022 at 5.00 p.m. (East African Time). At the close of the submission deadline, the Committee had not received any memorandum for or against the nominee's suitability.

The Clerk of the National Assembly also wrote to Kenya Revenue Authority (KRA), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and Office of the Registrar of Political Parties (ORPP) seeking references and background checks relating to the suitability of the nominee.

The nominee appeared before the Committee on Wednesday 30th November, 2022 for vetting. The Committee examined his suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). In addition, the Committee examined his academic credentials, relevant experience, knowledge of sector issues and on leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominee; any constitutional or statutory requirements relating to the office in question and suitability of the nominee proposed having regard to whether the nominee's abilities, experience and qualities meets the needs of the State Department.

the nominee proposed having regard to whether the nominee's abilities, experience and qualities met the needs of the Office he had been nominated to.

Committee Recommendation

Having held an approval hearing on the nominee regarding his suitability to the Office he had been nominated to, the Committee observed that due process was followed in the recruitment process as provided for under Article 155(3) (a) of the Constitution and Section 7(a) of the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011). The Committee therefore recommends that the National Assembly **APPROVES** the nomination of Hon. Nixon Korir for appointment as Principal Secretary, State Department for Lands and Physical Planning.

Acknowledgements

The Committee registers its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to it during the approval hearing. The Committee also wishes to express its appreciation to the Secretariat for the logistical support extended to it during the vetting process.

In addition, the Committee thanks the nominee for his cooperation during the vetting process. The Committee also extends its gratitude to KRA, EACC, DCI, HELB and ORPP for providing references and background checks relating to the suitability of the nominee.

May I also take this opportunity to acknowledge and thank Members of the Committee for their patience and commitment which enabled it to complete the task within the required timelines.

On behalf of the Departmental Committee on Lands, and pursuant to Article 155(3)(b) of the Constitution and Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and provisions of Standing Orders 45(4) and 199(6), it is my pleasant duty to present the Report of the Committee on the approval hearing on Hon. Nixon Korir, nominee for appointment as Principal Secretary, State Department of Lands and Physical Planning for debate and adoption by the House.

Hon. Joash Nyamache Nyamoko, MP.
Chairperson, Departmental Committee on Lands

CHAPTER ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Lands is one of the fifteen Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:

- i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
- iii. *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- iv. *To study and review all legislation referred to it;*
- v. *To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- vi. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
- viii. *To examine treaties, agreements and conventions;*
- ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters in relation to the subject of lands and settlement.
3. In executing its mandate, the Committee oversees the Ministry of Lands and the National Land Commission.

1.3 Committee Membership

4. The Departmental Committee on Lands was constituted by the House on 27th October 2022 and comprises of the following Members:

Chairperson

Hon. Joash Nyamache Nyamoko, MP
North Mugirango Constituency

UDA

Vice-Chairperson

Hon. Jayne Kihara, MP
Naivasha Constituency

UDA

Members

Hon. Dr. Rachael Kaki Nyamai, MP
Kitui South Constituency

Jubilee

Hon. Dr. Gideon Ochanda, MP
Bondo Constituency

ODM

Hon. Mathias Robi Nyamabe, MP
Kuria West Constituency

UDA

Hon. George Koimburi, MP
Juja Constituency

UDA

Hon. Paul Katana, MP
Kaloleni Constituency

ODM

Hon. Josses Lelmengit, MP
Emgwen Constituency

UDA

Hon. Gachoki Gitari, MP
Kirinyaga Central Constituency

UDA

Hon. Joseph Hamisi Denar, MP
Nominated

ANC

Hon. Esther M. Passaris MP
Women Representative
Nairobi County

ODM

Hon. Ali Wario Guyo MP
Garsen Constituency

ODM

Hon. Omar Mwinyi, MP
Changamwe Constituency

ODM

Hon. Thaddeus Nzambia, MP
Kilome Constituency

WIPER

Hon. Anthony Kenga Mupe, MP
Rabai Constituency

PAA

1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Daniel Mutunga
Principal Clerk Assistant I/Lead Clerk

Ms. Angeline Naserian Lotuai
Clerk Assistant II

Ms. Dorothy Njagu
Clerk Assistant III

Mr. Sydney Bwire
Senior Legal Counsel

Ms. Audrey Ogutu
Legal Counsel II

Dr. Benjamin Ngimor
Senior Fiscal Analyst

Mr. Collins Namulen
Fiscal Analyst III

Mr. Salat Abdi
Senior Serjeant-at-Arms

Mr. Eugene Apaa
Research Officer II

Ms. Lydia Shalom
Research Assistant III

Ms. Brenda Michira
Research Officer III

Ms. Yasmin Hassan
Serjeant-at-Arms III

CHAPTER TWO

2 BACKGROUND INFORMATION

2.1 Legal Framework

6. Article 155 of the Constitution provides that:

155. (1) There is established the office of Principal Secretary, which is an office in the public service.

(2) Each State department shall be under the administration of a Principal Secretary.

(3) The President shall—

(a) nominate a person for appointment as Principal Secretary from among persons recommended by the Public Service Commission; and

(b) with the approval of the National Assembly, appoint Principal Secretaries.

(4) The President may re-assign a Principal Secretary.

(5) A Principal Secretary may resign from office by giving notice, in writing, to the President.

7. In light of this, H.E. the President nominated fifty-one (51) persons for appointment as Principal Secretaries to various State Departments. The President nominated Hon. Nixon Korir for appointment as Principal Secretary for the State Department of Lands and Physical Planning.

8. The Departmental Committee on Lands has been assigned the role of conducting the vetting of the aforesaid nominee.

9. The following Articles of the Constitution and statutes/provisions will be paramount to the Committee as it executes this mandate:

- i. The Public Appointments (Parliamentary Approval) Act No.33 of 2011;
- ii. The Public Service Commission Act (No. 10 of 2017) on recommendation for appointment of Principal Secretaries;
- iii. Article 10 of the Constitution on the national values and principles of governance;
- iv. Chapter 6 of the Constitution on leadership and integrity;
- v. Article 77 of the Constitution on restriction of the activities of State Officers;
- vi. Article 78 of the Constitution on dual citizenship;
- vii. Article 118 of the Constitution on public participation;
- viii. Article 232 of the Constitution on values and principles of public service;
- ix. The Leadership and Integrity Act (Cap. 182);
- x. The Public Service (Values and Principles) Act (No. 1A of 2015); and
- xi. The Public Officer Ethics Act (Cap. 183).

The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

10. Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides for issues which the relevant House of Parliament (in this case, the National Assembly) is supposed to consider in relation to any nomination. These issues include:

- i. *the procedure used to arrive at the nominee;*
 - ii. *any constitutional or statutory requirements relating to the office in question; and*
 - iii. *the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination being made.*
11. During the approval hearing, Section 6 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) provides THAT:
- i. An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (Section 6(7) of the Act);
 - ii. The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (Section 6(8) of the Act);
 - iii. Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (Section 6(9) of the Act); and
 - iv. A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (Section 6(10) of the Act).

The Public Service Commission Act (No. 10 of 2017)

12. Section 47 (2) of the Public Service Commission Act (No. 10 of 2017) provides qualifications that one must have so as to be eligible for appointment as a Principal Secretary. These are:
- i. be a citizen of Kenya;
 - ii. hold a degree from a university recognized in Kenya;
 - iii. has at least ten (10) years relevant professional experience, five (5) years of which should have been in a leadership position or at a top management level in the public service or private sector;
 - iv. possess general knowledge of the organization and functions of Government;
 - v. demonstrates an understanding of the goals, policies and developmental objectives of the nation;
 - vi. has demonstrable leadership and management capacity including knowledge of financial management and strategic people management; and
 - vii. meets requirements of Chapter Six of the Constitution.

Article 10(2) of the Constitution on national values and principles of governance

13. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized; good governance, integrity, transparency and accountability; and sustainable development.

Chapter 6 of the Constitution (Leadership and Integrity)

14. There are important provisions in Chapter 6 of the Constitution related to nomination to a State Officer. Article 73 of the Constitution provides that the authority assigned to a State officer (a Principal Secretary being a State Officer under Article 260 of the Constitution) is a public trust to be exercised in accordance to the Constitution, demonstrate respect for the people, bring honour to the nation and dignity to the office.

and promote public confidence in the integrity of the office. Also, the State officer shall have the responsibility to serve the people, rather than the power to rule them.

15. The guiding principles of leadership and integrity are listed as selection based on personal integrity competence and suitability, objectivity and impartiality in decision making, selfless service based solely on the public interest, accountability and discipline and commitment in service to the people.

Article 77 of the Constitution (Restriction on activities of State officers)

16. Article 77 of the Constitution provides that a full-time State Officer shall not participate in any other gainful employment and that any appointed State officer shall not hold office in a political party.

Article 78 of the Constitution on citizenship and leadership

17. Article 78 of the Constitution states that a person is not eligible for election or appointment to a State office unless the person is a citizen of Kenya. It also provides that a State Officer or a member of the defence forces shall not hold dual citizenship.

Article 118 of the Constitution on public access and participation

18. Article 118 of the Constitution provides that:

1. *Parliament shall:*
 - a) *conduct its business in an open manner, and its sittings and those of its committees shall be in public; and*
 - b) *facilitate public participation and involvement in the legislative and other business of Parliament and its committees.*
2. *Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.*

Article 232 of the Constitution on Values and Principles of Public Service

19. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

The Leadership and Integrity Act (Cap. 182)

20. The Leadership and Integrity Act provide a number of obligations to a State officer. These are, among others: to respect and abide by the Constitution and the law, public trust, performance of duties in an honest and accountable manner, professionalism, financial integrity, not to engage in activities that amount to abuse of office, not misuse public resources, accepting gifts that may compromise the officer's duties, wrongful or unlawful acquisition of property, conflict of interest, among others.

The Public Service (Values and Principles) Act

21. Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including, being honest; displaying high standards of integrity; transparency, accountability, respect to others, objectivity, patriotism, observance of rule of law. (Applies in future upon appointment)

The Public Officer Ethics Act (Cap. 183)

22. The Public Officer Ethics Act provides for obligations to be carried out by a public officer. These include professionalism, carrying out duties in accordance with the law, prohibition from unjust enrichment, avoiding conflict of interest, not using office as a venue for soliciting or collecting *harambees*; not acting for foreigners; care of property; political neutrality, not practicing nepotism or favoritism, giving impartial advice, conducting private affairs in a way that maintains public confidence, bar from sexual harassment, submission of declaration of income, assets and liabilities once every two years (Section 26). (Applies in future after appointment)

2.2 Qualifications for appointment as Principal Secretary

23. In conducting the approval hearings, the Committee was guided by Article 155 (3) (b) of the Constitution, Section 47 (2) of the Public Service Commission Act and the provisions of Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).

2.3 Message from H.E. the President

24. H.E. the President on **2nd November 2022** communicated the name of the nominee for appointment to the position of Principal Secretary for Lands and Physical Planning to the Speaker for approval by the National Assembly pursuant to Article 155 (3). The Speaker in his communication from the Chair issued on **Tuesday 3rd November 2022** and pursuant to Standing Order No. 42 referred the name to the Departmental Committee on Lands to conduct approval hearings and report within twenty-eight (28) days.

2.4 Speaker's Communication and Committal to the Committee

25. Pursuant to the provisions of Standing Order No. 42, the Speaker of the National Assembly on **Tuesday, 3rd November 2022** communicated to the House the message from H.E. the President regarding the nominee for appointment as Principal Secretaries for various State Departments. The Speaker informed the House that H.E. the President was seeking approval of the National Assembly on the said nomination before the nominee's appointment.
26. In accordance with Standing Order 45(1), the Speaker read the Message from H.E. the President and referred the name of the nominee, his curriculum vitae and report of the Selection Panel on the recruitment process to the Departmental Committee on Lands to conduct approval hearings.
27. While referring the matter to the Committee, the Speaker directed that the Committee undertake the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify

the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4th November 2022.

28. In addition, the Speaker directed that approval hearings should commence on Monday, 14th November 2022 and end on Friday, 18th November 2022. Thereafter, the reports should be tabled in the House not later than Tuesday, 22nd November 2022 so as to enable the House to consider the reports within the statutory timelines.

2.5 Notification to the Public

29. Section 6(9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides that “*any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated*”.
30. The Clerk of the National Assembly on **Friday, 4th November 2022** placed a notification in the print media informing the general public of the intention of the Committee to conduct approval hearings, as provided for by Article 118 (1) (a) (b) and (2) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), which allows public participation in committee proceedings. The notification gave provision for the submission of memoranda, by way of written statements on oath (*affidavit*) on the suitability or otherwise of the nominees, by **Friday, 11th November 2022 at 5.00 pm (East African Time)**. At the close of the submission deadline, the Committee had not received any memorandum for or against the suitability of the nominees.

2.6 Notification to the Nominee

31. The Clerk of the National Assembly vide an advert placed in the print media on Friday, 4th November 2022 and letters **Ref: NA/DDC/LANDS/VETT/2022/001 dated 7th November, 2022** informed the nominee of the nomination by H.E. the President and requested him to appear for vetting by the Departmental Committee on Lands on **Friday, 18th November 2022** in Committee Room 7, Main Parliament Building. The Clerk of the National Assembly further requested the nominee to bring with him his clearance certificates from the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI) and Office of the Registrar of Political Parties (ORPP).

2.7 Clearance Requirements

32. The Clerk of the National Assembly wrote to the following institution on 7th November, 2022: the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI) requesting for tax, education loans, integrity, affiliation to political parties and criminal record status of the nominees. The following institutions wrote back to the National Assembly clearing the nominees, KRA (letter Ref. KRA/5/1002/5(8179) dated 14th November, 2022); DCI (letter Ref. DCI/CRO/SEC/6/7/2/A/VOL.XI/208 dated 10th November 2022); EACC (letter Ref: EACC.7/10/5

VOL XXI (70) dated 11th November 2022); HELB (letter Ref. HELB/RR/112009/190 dated 10th November 2022); and ORPP (letter Ref: RPP/ORG/34 VOL. VI (41) dated 10th November 2022.

2.8 Report of the Selection Panel on the Nomination of Principal Secretaries

33. Pursuant to Article 155 (3) (a) of the Constitution, the Public Service Commission invited applications from suitably qualified persons for the position of Principal Secretary. The advertisement was published in the print media, Kenya Gazette No. 10536 and on the Commission's Website on 7th September 2022 with a closing date of 20th October 2022.
34. On 20th September 2022, the Commission extended the advertisement period by seven (7) days. The advertisement period lapsed on 27th September 2022 with a total of nine thousand one hundred and fifty four (9,154) persons submitting applications for consideration.
35. Four hundred and seventy-seven (477) candidates were shortlisted from 3rd to 6th October 2022 and further review done on 7th October 2022 to bring the shortlist to five hundred and eighty-five (585) candidates so as to cater for gender, marginalized/minority groups and PWDs pursuant to Article 232 (c) (h) of the Constitution. Interviews for the shortlisted persons were conducted from 12th to 22nd October 2022.
36. The Public Service Commission adhered to all provisions of the Constitution in the process of advertising, shortlisting and interviewing the candidates including, merit, and gender, ethnic and regional balance.

2.9 Memoranda from Members of the Public in respect of the Nominee

37. Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 which provides that "*any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold office to which the candidate has been nominated*", the Clerk of the National Assembly placed an advertisement in the print media on Friday, 4 November, 2022 (*Annexure 2*) inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominees in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011.

In this regard, by close of business on Friday 11th November, 2022 at 5.00 pm the Committee had not received any memoranda.

3.0 Committee proceedings

38. The Committee having received the names of the nominees was obligated to conduct approval hearings and make determination of the nominees' suitability or otherwise within twenty-eight (28) days as provided for in Section 8 (1) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
39. On 15th November, 2022 the Employment and Labour relations Court in Constitutional Petition No E18 of 2022 granted *ex parte* conservatory orders temporarily staying the vetting process with respect to

nominees for appointment as Principal Secretaries pending hearing and determination of Petitioner's application. However, on 29th November, 2022 the Court vacated the stay. Consequently, the Speaker issued a Communication on 29th November, 2022 directing Committees to resume the vetting exercise.

40. The Committee held one sitting during which it examined and reviewed the nominee's certificates, testimonials as well as conducted approval hearings.

CHAPTER THREE

3 APPROVAL HEARING

41. The Committee conducted approval hearing on the nominees on **Wednesday, 30th November 2022**. conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Public Service Commission Act and the Standing Orders.
42. The Committee examined the nominee using the guidelines in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committee also considered the following in vetting the nominee:
 - (a) Academic qualifications
 - (b) Employment record and work experience
 - (c) Professional association
 - (d) Public office, political activities and affiliations
 - (e) Potential conflict of interest
 - (f) Suitability to the position
 - (g) Tax compliance
 - (h) Vision and leadership
 - (i) Integrity
 - (j) Expectations and Key priorities

3.1 Hon. Nixon Korir

43. Hon. Nixon Korir was orally interviewed by the Committee and responded to questions during vetting as follows:

3.1.1 Date and place of Birth

44. The nominee is a male Kenyan born on 24th April, 1983 in Nakuru County. The nominee confirmed that he was a Kenyan citizen and did not hold any other citizenship.

3.1.2 Academic and Professional Qualifications

45. The nominee holds a Bachelor of Laws Degrees from the University of Nairobi.

3.1.3 Employment Record

46. The nominee has been in politics for the last five (5) years where he has served as a Member of Parliament for Lang'ata Constituency for one term between 2017 and 2022. The nominee was the founding Chairman of the United Republican Party (URP), in which he served as the Executive Director of the party's secretariat.

47. The nominee also served as the Secretary Youth Affairs in the Office of the Deputy President. His role included; oversight of youth related functions in government such as Uwezo Fund, Youth Enterprise Development the National Youth Service and the National Volunteer Programme.

48. The nominee, in 2011 served as an executive assistant to the then Eldoret North Member of Parliament (now His Excellency the President, Dr. William Samoei Ruto).

3.1.4 Income and net worth

49. The nominee estimated his net worth to be Kshs. 284,600,000 the sources of income being; salary and allowances, rental income, vehicles, farm income and businesses.

3.1.5 Potential Conflicts of Interest

50. The nominee declared that he currently does not have any persons or matters that would present a potential conflict of interest should he assume the position of Principal Secretary. Should a conflict of interest arise, the nominee stated that he would declare the interest in writing to the appointing authority in accordance with the law.

3.1.6 Integrity

51. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliamentary or any Commission of Inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

3.1.7 Professional Associations & Affiliations

52. Hon. Nixon Korir has no professional affiliations.

3.1.8 Clearance Requirements

53. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

3.1.9 Other issues under consideration

54. To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

On managing high public expectations

55. In the short term, the nominee undertook to conduct audits to address pending issues at the registries the challenges facing it. The nominee in the medium term assured the committee to ensure automation of National Land Information Management System. In the long term, the nominee devoted on full implementation of the National Land Information Management System to eradicate manual land transactions.

On measures to maximize the efficient use of taxpayers' funds and create the highest level of transparency and accountability in public finance management in line with Article 201 of the constitution

56. The nominee informed the Committee, that as the accounting officer if approved, he will prioritize proper utilization of public resources in conformity with the Constitution of Kenya, 2010 and the Public Finance Management Act.

On austerity measures to improve the performance of the public sector to keep the ballooning expenditure in check

57. The nominee assured the Committee on adherence to measures and guidelines put in place by His Excellency President during his first address to Parliament on avoiding expenditures that increase wastages.

On digitization of land transactions

58. The nominee informed the committee on the need to audit the records to follow up on where the records were transferred to. He also stated there is need to develop a proper management system for safe custody of documents. In addition, the nominee suggested the need for an integration of records system to ensure the different departments work together. He further, submitted the need for bar codes on title deeds to promote secure transactions.

The nominee buttressed on the issue of digitization and the Integrated Revenue System. He informed the committee that centralization of land registration and harmonization of registries at both county and national levels will contribute greatly in enhancing the digitization process.

On steps to address the ballooning of pending bills, especially those attributed to legal fees and court awards

59. The nominee informed the committee that the Ministry contributes about Ksh. 15,000,000,000 of revenue through charges, rents, rates and stamp duty hence there is need for additional allocation of resources by the treasury in comparison to the current allocation of Ksh. 5,000,000,000. He further stated on the need to liaise with the treasury and the Attorney General's office to settle pending bills. On matters decided by court on pending bills the nominee opined that they could be negotiated or appealed.

On measures to streamline collection of revenue received by the Ministry in the various regional offices so as to reduce losses due to leakages

60. The nominee informed the committee on the need to fully implement the integrated revenue collection system to ensure all land transactions are conducted digitally.

On historical land injustices

61. The nominee admitted to the committee that the issue on squatters especially at the coastal region has been an emotive issue due to lack of political goodwill. In his opinion, he suggested the need for proper land adjudication and sensitization on community land.

On corruption, fraud and illegality in land dealings

62. The nominee admitted that the recommendations of this report have stalled on implementation due to lack of political goodwill. He informed the committee that if approved by Parliament, he will ensure implementation of recommendations with approval by the House.

On Compulsory Land Acquisition and delayed/non compensation to land owners

63. The nominee submitted to the committee that the Constitution of Kenya, 2010 provides for prompt and just compensation in cases of compulsory acquisition at the actual value of land. He undertook to follow up on issues of uncompensated cases such as the Standard Gauge Railway among others.

On the “shamba system” and the ensuing public debate

64. The nominee informed the committee that there is need for coordinating with the Ministry of Forestry. If approved, the nominee undertook to forest land is secured from land grabbing and if need be the necessary licenses and permits are acquired for afforestation.

On the Internally Displaced Persons (IDP) issue

65. The nominee informed the committee on establishment of settlement and adjudication which was tasked to deal with settlement of internally displaced persons. He also stated that the Kenya Kwanza government had established a settlement fund, whose source of income included pension schemes, diaspora funding among others.

On the Uhuru Gardens land grabbing allegations

66. The nominee informed the Committee that he had legally set up a restaurant within the Gardens after winning a tender from the National Museums of Kenya under a five year lease and had paid rent dutifully for the period he run the business. It was not true that he had engaged in any illegal possession of the land or property in question as alleged by the bloggers and detractors.

CHAPTER FOUR

4. OBSERVATIONS AND FINDINGS

67. The Committee observations were guided by Article 155 of the Constitution, Section 47 of the Public Service Commission Act and Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:
- i. the procedure used to arrive at the nominee;
 - ii. any constitutional or statutory requirements relating to the office in question; and
 - iii. Suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is made.
68. The Committee having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following findings on his suitability for appointment as Principal Secretary;

THAT-

- a) In accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- b) He holds a Bachelor of Laws degree from the University of Nairobi.
- c) He is a State Officer having started his career as an executive assistant - Eldoret North Member of Parliament (now the President), became an executive director - United Republican Party Secretary Youth Affairs - Office of the Deputy President and progressively rose through the rank to the position of Member of National Assembly - Lang'ata Constituency.
- d) The nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) He has never been charged in a Court of Law in the last three years;
- f) as stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- g) The nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- h) The nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution;
- i) He has never been dismissed from office for contravention of the provisions of Articles 75(1) (conflict of interest), 76 (financial probity), 77 (restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

4.1 Hon. Nixon Korir, MP

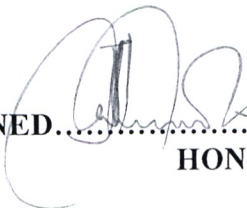
Having conducted the approval hearing in line with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act of 2011 and the National Assembly Standing Orders, the Committee made the following observations: -

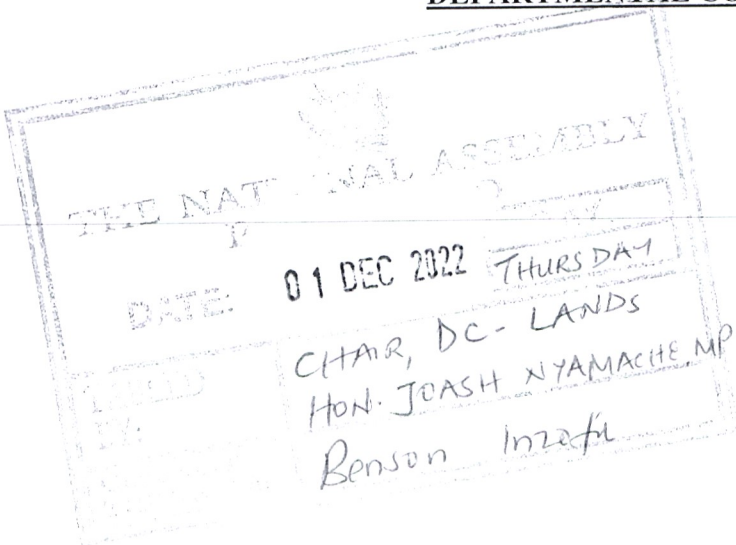
- i. Hon. Nixon Korir is a Kenyan citizen and does not hold dual citizenship as is stipulated under Article 78(1) (2) of the Constitution;
- ii. He holds a Bachelor Laws Degree from the University of Nairobi and therefore meets the requirements of Section 47(2) (ii) of the Public Service Commission Act, 2017;
- iii. He began his career as an executive assistant - Eldoret North Member of Parliament (now the President), became an executive director - United Republican Party; Secretary Youth Affairs - Office of the Deputy President and progressively rose through the ranks to the position of Member of National Assembly - Lang'ata Constituency. He therefore has been in leadership positions for more than five (5) years as required by Section 47(2) (iii) of the Public Service Commission Act, 2017;
- iv. The nominee, during the approval hearing demonstrated a good understanding of the plans and policies of the State Department for Lands and Physical Planning, Ministry of Lands and Physical Planning. Specifically, the nominee made feasible proposals on digitization and decentralization of the Land Registry. He also had plans on how to weed out corruption on land transactions as well as tackle historical land injustices. This was in line with the dictates of Section 47(2) (v) of the Public Service Commission Act, 2017; and,
- v. According to the information and records presented to the Committee, Hon. Nixon Korir had never been implicated in any issues that may lead to lack of integrity on his part and therefore meets the requirements of Chapter Six of the Constitution.

CHAPTER FIVE

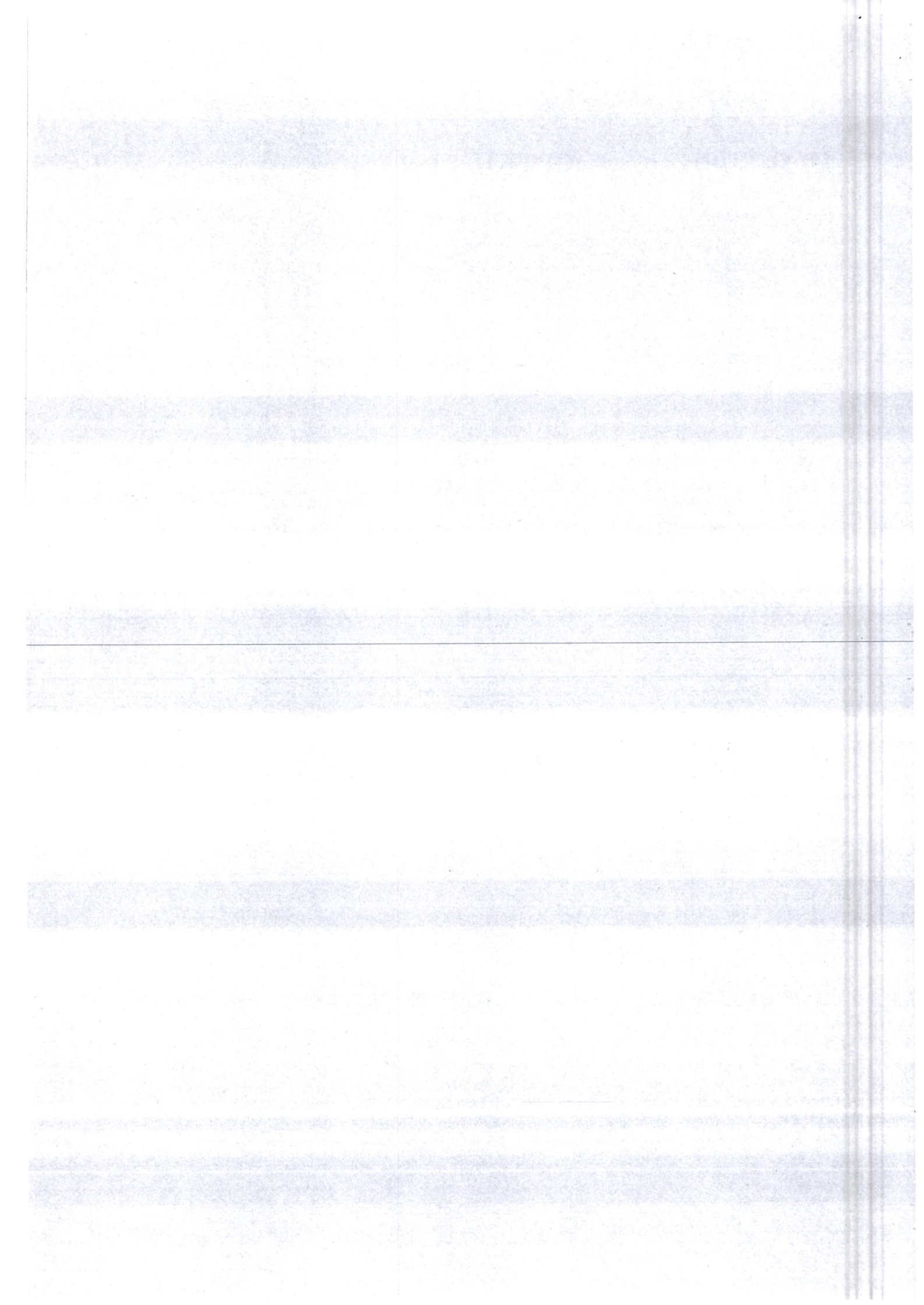
5. RECOMMENDATION

5.1 Having considered the suitability, capacity and integrity of the nominee and pursuant to the provisions of Article 155(3)(b) of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that the National Assembly **APPROVES** the nomination of Hon. Nixon Korir for appointment to the position of Principal Secretary, State Department for Lands and Physical Planning, Ministry of Lands and Physical Planning.

SIGNED.......... DATE 01/12/2022
HON. JOASH NYAMACHE NYAMOKO, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON LANDS



ANNEXURE 1: ADOPTION LIST





THE NATIONAL ASSEMBLY
13TH PARLIAMENT - FIRST SESSION (2022)
COMMITTEE ON LANDS
ADOPTION LIST

AGENDA: VETTING OF HON. GENERALI KORIR FOR APPOINTMENT AS
PRINCIPAL SECRETARY, STATE DEPARTMENT FOR LANDS AND PHYSICAL
PLANNING, MINISTRY OF LANDS AND PHYSICAL PLANNING

DATE: 30TH NOVEMBER, 2022

No.	MEMBER	SIGNATURE
1.	Hon. Nyamoko Joash Nyamache, MP	
2.	Hon. Kihara Jayne Wanjiru Njeri, MP	
3.	Hon. Dr. Rachael Kaki Nyamai, CBS, MP	
4.	Hon. Dr. Ogolla Gideon Ochanda, MP	
5.	Hon. Shimbwa Omar Mwinyi, MP	
6.	Hon. Robi Mathias Nyamabe, MP	
7.	Hon. Passaris Esther Muthoni, MP	
8.	Hon. Gitari Joseph Gachoki, MP	
9.	Hon. Guyo Ali Wario, MP	
10.	Hon. Nzambia Thuddeus Kithua, MP	
11.	Hon. Ndung'u George Koimburi, MP	
12.	Hon. Mupe Anthony Kenga, MP	
13.	Hon. Katana Paul Kahindi, MP	
14.	Hon. Joseph Hamisi Denar, MP	
15.	Hon. Lelmengit Josses Kiptoo Kosgey, MP	

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ANNEXURE 2: MINUTES



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT - FIRST SESSION, 2022

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 5TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON WEDNESDAY 30TH NOVEMBER, 2022 IN THE MINI CHAMBER 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 5.00 PM

MEMBERS PRESENT

1. Hon. Joash N. Nyamoko, MP - **Chairperson**
2. Hon. Jayne Kihara, MP - **Vice-Chairperson**
3. Hon. Rachel Kaki Nyamai, CBS, MP
4. Hon.(Dr.) Ochanda Gideon, MP
5. Hon. Paul Katana, MP
6. Hon. Joseph Hamisi Denar, MP
7. Hon. Anthony Kenga Mupe, MP
8. Hon. Josses Lelmengit, MP

ABSENT WITH APOLOGY

1. Hon. Shimbwa Omar Mwinyi, MP
2. Hon. Mathias N. Robi, MP
3. Hon. Ali Wario, MP
4. Hon. Joseph Gachoki Gitari, MP
5. Hon. Esther Passaris, MP
6. Hon. (Eng.) Thuddeus Nzambia, MP
7. Hon. George Koimburi, MP

**IN-ATTENDANCE - NATIONAL ASSEMBLY
SECRETARIAT**

- | | | |
|------------------------|---|-----------------------------|
| 1. Mr. Daniel Mutunga | - | Principal Clerk Assistant I |
| 2. Ms. Naserian Lotuai | - | Second Clerk assistant |
| 3. Ms. Dorothy Njagu | - | Third Clerk Assistant |
| 4. Mr. Sydney Bwire | - | Senior Legal Counsel |
| 5. Ms. Audrey Ogutu | - | Legal Counsel II |
| 6. Ms. Brenda Michira | - | Research Assistant III |
| 7. Ms. Lydia Shalom | - | Research Assistant III |
| 8. Ms. Yasmin Hassan | - | Assistant Serjeant-at-Arms |

MIN/NO./NA/DC-LANDS/2022/022: PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past five o'clock. A prayer was said. He welcomed the Members back to the meeting and informed that the agenda before the Committee was to consider and adopt the report on the approving hearing on the nominee for the State Department for Lands and Physical Planning, Ministry of Lands and Physical Planning.

MIN/NO./NA/DC-LANDS/2022/023: CONFIRMATION MINUTES

Minutes of the 4th Sitting of the Committee were confirmed as true records of the deliberations after having been proposed by Hon. (Dr.) Ochanda Gideon, MP, and seconded by Hon. Joseph Hamisi Denar, MP

MIN/NO./NA/DC-LANDS/2022/024: MATTERS ARISING

There were no matters arising under this item.

MIN/NO./NA/DC-LANDS/2022/025: CONSIDERATION AND ADOPTION OF THE REPORT ON THE APPROVAL HEARING OF HON. NIXON KORIR, MP

Having conducted the approval hearing in line with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act of 2011 and the National Assembly Standing Orders, the Committee made the following observations: -

- i. Hon. Nixon Korir is a Kenyan citizen and does not hold dual citizenship as is stipulated under Article 78(1) (2) of the Constitution;
- ii. He holds a Bachelor Laws Degree from the University of Nairobi and therefore meets the requirements of Section 47(2) (ii) of the Public Service Commission Act, 2017;
- iii. He began his career as an executive assistant - Eldoret North Member of Parliament (now the President), became an executive director - United Republican Party; Secretary Youth Affairs - Office of the Deputy President and progressively rose through the ranks to the position of Member of National Assembly - Lang'ata Constituency. He therefore has been in leadership positions for more than five (5) years as required by Section 47(2) (iii) of the Public Service Commission Act, 2017;
- iv. The nominee, during the approval hearing demonstrated a good understanding of the plans and policies of the State Department for Lands and Physical Planning, Ministry of Lands and Physical Planning. Specifically, the nominee made feasible proposals on digitization and decentralization of the Land Registry. He also had plans on how to weed out corruption on land transactions as well as tackle historical land injustices. This was in line with the dictates of Section 47(2) (v) of the Public Service Commission Act, 2017; and,
- v. According to the information and records presented to the Committee, Hon. Nixon Korir had never been implicated in any issues that may lead to lack of integrity on his part and therefore meets the requirements of Chapter Six of the Constitution.

Having considered the suitability, capacity and integrity of the nominee and pursuant to the provisions of Article 155(3)(b) of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommended that the National Assembly **APPROVES** the nomination of Hon. Nixon Korir for appointment to the position of Principal Secretary, State Department for Lands and Physical Planning.

The Committee thereafter adopted the report on the approval hearing of Hon. Nixon Korir for appointment to the position of Principal Secretary, State Department for Lands and Physical Planning.

On managing high public expectations

In the short term, the nominee undertook to conduct audits to address pending issues at the registries the challenges facing it. The nominee in the medium term assured the committee to ensure automation of National Land Information Management System. In the long term, the nominee devoted on full implementation of the National Land Information Management System to eradicate manual land transactions.

On measures to maximize the efficient use of taxpayers' funds and create the highest level of transparency and accountability in public finance management in line with Article 201 of the constitution

The nominee informed the Committee, that as the accounting officer if approved, he will prioritize proper utilization of public resources in conformity with the Constitution of Kenya, 2010 and the Public Finance Management Act.

On austerity measures to improve the performance of the public sector to keep the ballooning expenditure in check

The nominee assured the Committee on adherence to measures and guidelines put in place by His Excellency President during his first address to Parliament on avoiding expenditures that increase wastages.

On digitization of land transactions

The nominee informed the committee on the need to audit the records to follow up on where the records were transferred to. He also stated there is need to develop a proper management system for safe custody of documents. In addition, the nominee suggested the need for an integration of records system to ensure the different departments work together. He further, submitted the need for bar codes on title deeds to promote secure transactions.

The nominee buttressed on the issue of digitization and the Integrated Revenue System. He informed the committee that centralization of land registration and harmonization of registries at both county and national levels will contribute greatly in enhancing the digitization process.

On steps to address the ballooning of pending bills, especially those attributed to legal fees and court awards 59. The nominee informed the committee that the Ministry contributes about Ksh. 15,000,000,000 of revenue through charges, rents, rates and stamp duty hence there is need for additional allocation of resources by the treasury in comparison to the current allocation of Ksh. 5,000,000,000. He further stated on the need to liaise with the treasury and the Attorney General's office to settle pending bills. On matters decided by court on pending bills, the nominee opined that they could be negotiated or appealed.

On measures to streamline collection of revenue received by the Ministry in the various regional offices so as to reduce losses due to leakages

The nominee informed the committee on the need to fully implement the integrated revenue collection system to ensure all land transactions are conducted digitally.

On historical land injustices

The nominee admitted to the committee that the issue on squatters especially at the coastal region has been an emotive issue due to lack of political goodwill. In his opinion, he suggested the need for proper land adjudication and sensitization on community land.

On corruption, fraud and illegality in land dealings

The nominee admitted that the recommendations of this report have stalled on implementation due to lack of political goodwill. He informed the committee that if approved by Parliament, he will ensure implementation of recommendations with approval by the House.

On Compulsory Land Acquisition and delayed/non compensation to land owners

The nominee submitted to the committee that the Constitution of Kenya, 2010 provides for prompt and just compensation in cases of compulsory acquisition at the actual value of land. He undertook to follow up on issues of uncompensated cases such as the Standard Gauge Railway among others.

On the “shamba system” and the ensuing public debate

The nominee informed the committee that there is need for coordinating with the Ministry of Forestry. If approved, the nominee undertook to forest land is secured from land grabbing and if need be the necessary licenses and permits are acquired for afforestation.

On the Internally Displaced Persons (IDP) issue

The nominee informed the committee on establishment of settlement and adjudication which was tasked to deal with settlement of internally displaced persons. He also stated that the Kenya Kwanza government had established a settlement fund, whose source of income included pension schemes, diaspora funding among others.

On the Uhuru Gardens land grabbing allegations

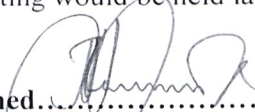
The nominee informed the Committee that he had legally set up a restaurant within the Gardens after winning a tender from the National Museums of Kenya under a five year lease and had paid rent dutifully for the period he run the business. It was not true that he had engaged in any illegal possession of the land or property in question as alleged by the bloggers and detractors.

MIN/NO.NA/DC-LANDS/2022/020: ANY OTHER BUSINESS

Members were informed that at the time of conducting the approval hearing, the Committee had not received any Memorandum for or against the nomination of Hon. Nixon Korir for the position he had been nominated to.

MIN/NO.NA/DC-LANDS/2022/0010: ADJOURNMENT

There being no other business, the meeting was adjourned at twenty minutes noon. The next meeting would be held later in the afternoon, Wednesday, 30th November, 2022 at 4.00 pm.

Signed.....

**HON. JOASH N. NYAMOKO, MP
(CHAIRPERSON)**

Date..... 07/12/2022



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT - FIRST SESSION, 2022

DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE 4TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON WEDNESDAY 30TH NOVEMBER, 2022 IN THE MINI
CHAMBER 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.00 AM**

MEMBERS PRESENT

1. Hon. Joash N. Nyamoko, MP - **Chairperson**
2. Hon. Jayne Kihara, MP - **Vice-Chairperson**
3. Hon. Rachel Kaki Nyamai, CBS, MP
4. Hon.(Dr.) Ochanda Gideon, MP
5. Hon. Paul Katana, MP
6. Hon. Joseph Hamisi Denar, MP
7. Hon. Josses Lelmengit, MP

ABSENT WITH APOLOGY

1. Hon. Shimbwa Omar Mwinyi, MP
2. Hon. Mathias N. Robi, MP
3. Hon. Ali Wario, MP
4. Hon. Joseph Gachoki Gitari, MP
5. Hon. Esther Passaris, MP
6. Hon. (Eng.) Thuddeus Nzambia, MP
7. Hon. George Koimhuri, MP
8. Hon. Anthony Kenga Mupe, MP

**IN-ATTENDANCE - NATIONAL ASSEMBLY
SECRETARIAT**

- | | | |
|-------------------------|---|-----------------------------|
| 1. Mr. Daniel Mutunga | - | Principal Clerk Assistant I |
| 2. Ms. Naserian Lotuai | - | Second Clerk assistant |
| 3. Ms. Dorothy Njagu | - | Third Clerk Assistant |
| 4. Mr. Sydney Bwire | - | Senior Legal Counsel |
| 5. Ms. Audrey Ogutu | - | Legal Counsel II |
| 6. Ms. Noelle Chelagat | - | Media Relations Officer II |
| 7. Mr. Collins Namullen | - | Fiscal Analyst III |
| 8. Ms. Brenda Michira | - | Research Assistant III |
| 9. Ms. Lydia Shalom | - | Research Assistant III |
| 10. Ms. Yasmin | - | Serjeant-at-Arms III |
| 11. Ms. Christine Maeri | - | Audio Officer III |

MIN/NO./NA/DC-LANDS/2022/016: PRELIMINARIES

The Chairperson called the meeting to order at five minutes past nine o'clock. A prayer was said. He welcomed the Members to the meeting and informed that the sole agenda for the meeting was to conduct approving hearing on the nominee for the State Department for

Lands and Physical Planning, Ministry of Lands and Physical Planning. The Agenda of the meeting was adopted after having been proposed by Hon.(Dr.) Ochanda Gideon, MP and seconded by Hon. Paul Katana, MP.

MIN/NO./NA/DC-LANDS/2022/017: CONFIRMATION MINUTES

Confirmation of Minutes of the previous Meeting of the Committee were deferred to the next Sitting.

MIN/NO./NA/DC-LANDS/2022/018: MATTERS ARISING

There were no matters arising under this item.

MIN/NO./NA/DC-LANDS/2022/019: APPROVAL HEARING ON HON. NIXON KORIR, MP

The Committee conducted approval hearing on Hon. Nixon Korir and was informed that: -

The nominee is a male Kenyan born on 24th April, 1983 in Nakuru County. The nominee confirmed that he was a Kenyan citizen and did not hold any other citizenship. He holds a Bachelor of Laws Degrees from the University of Nairobi.

The nominee has been in politics for the last five (5) years where he has served as a Member of Parliament for Lang'ata Constituency for one term between 2017 and 2022. The nominee was the founding Chairman of the United Republican Party (URP), in which he served as the Executive Director of the party's secretariat.

The nominee also served as the Secretary Youth Affairs in the Office of the Deputy President. His roles included; oversight of youth related functions in government such as Uwezo Fund, Youth Enterprise Development, the National Youth Service and the National Volunteer Programme. In 2011 served as an executive assistant to the then Eldoret North Member of Parliament (now His Excellency the President, Dr. William Samoei Ruto).

The nominee estimated his net worth to be Kshs. 284,600,000 the sources of income being; salary and allowances, rental income, vehicles, farm income and businesses.

The nominee declared that he currently does not have any persons or matters that would present a potential conflict of interest should he assume the position of Principal Secretary. Should a conflict of interest arise, the nominee stated that he would declare the interest in writing to the appointing authority in accordance with the law.

The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliamentary or any Commission of Inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Hon. Nixon Korir has no professional affiliations.

The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

Other issues under consideration

To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas.

MIN/NO.NA/DC-LANDS/2022/026: ANY OTHER BUSINESS

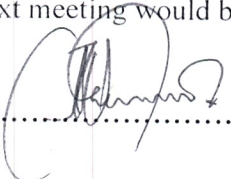
There was no other business under this item.

MIN/NO.NA/DC-LANDS/2022/027: ADJOURNMENT

There being no other business, the meeting was adjourned at ten minutes after six o'clock.

The next meeting would be convened on notice.

Signed.....



**HON. JOASH N. NYAMOKO, MP
(CHAIRPERSON)**

Date.....

07/12/2022



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT - FIRST SESSION, 2022

DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE 2ND SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON TUESDAY 8TH NOVEMBER, 2022 IN THE COMMITTEE ROOM
7, MAIN PARLIAMENT BUILDINGS AT 3.00 P.M**

MEMBERS PRESENT

1. Hon. Joash N.Nyamoko, MP - **Chairperson**
2. Hon. Jayne Kihara, MP - **Vice-Chairperson**
3. Hon.(Dr.) Ochanda Gideon, MP
4. Hon. Mathias N. Robi, MP
5. Hon. Ali Wario, MP
6. Hon. Joseph Gachoki Gitari, MP
7. Hon. (Eng.) Thuddeus Nzambia, MP
8. Hon George Koimburi., MP
9. Hon. Paul Katana, MP
10. Hon. Josses Lelmengit, MP
11. Hon. Anthony Mupe, MP
12. Hon. Shimbwa Omar Mwinyi,MP

ABSENT WITH APOLOGY

1. Hon. Esther Passaris, MP
2. Hon. Joseph Hamisi Denar, MP
3. Hon. Mulyungi Gideon Mutemi, MP

IN-ATTENDANCE -NATIONAL ASSEMBLY

SECRETARIAT

- | | | |
|-------------------------|---|-----------------------------|
| 1. Mr. Daniel Mutunga | - | Principal Clerk Assistant I |
| 2. Mr. Sydney Bwire | - | Senior Legal Counsel |
| 3. Ms. Audrey Ogutu | - | Legal Counsel II |
| 4. Ms. Naserian Lotuai | - | Second Clerk assistant |
| 5. Ms. Dorothy Njagu | - | Third Clerk Assistant |
| 6. Ms. Noelle Chelagat | - | Media Relations Officer II |
| 7. Mr. Collins Namullen | - | Fiscal Analyst III |
| 8. Ms. Brenda Michira | - | Research Assistant III |
| 9. Ms. Lydia Shalom | - | Research Assistant III |
| 10. Ms. Christine Maeri | - | Audio Officer III |

MIN/NO./NA/DC-LANDS/2022/005: PRELIMINARIES

The Chairperson called the meeting to order at eight minutes past three o'clock and said a prayer.

MIN/NO./NA/DC-LANDS/2022/006: CONFIRMATION MINUTES

The minutes of the 1st sitting was confirmed as true records of the deliberations and it was proposed by Hon George Koimburi, MP and seconded by Hon. Joseph Gachoki Gitari, MP.

MIN/NO./NA/DC-LANDS/2022/007: MATTERS ARISING

Under MIN/NO.NA/DC-LANDS/2022/003 ANY OTHER BUSINESS: The name **Arthisasa** was corrected to read **Ardhisasa**.

MIN/NO./NA/DC-LANDS/2022/008: BRIEF ON PRE-VETTING OF HON.GENERALI NIXON KORIR AS A NOMINEE FOR THE POSITION OF PRINCIPAL SECRETARY,STATE DEPARTMENT FOR LANDS AND PHYSICAL PLANNING

The Committee was briefed on the general preparations for the vetting, that the advert had been published in the mainstream media in fulfilment of the following: notification to the public of the time, date and venue of the Approval Hearings (Section 6(4) of the PAPA Act) & S.O. 45(3); notification to the nominee on the time, date and venue of the Approval Hearing (Section 6(7) of the PAPA Act) S.O. 45(3).

The Committee was also informed that the following letters have been written and dispatched: a letter to the nominee inviting him for the vetting at least 7 days before the exercise as well as calling for submission of Memoranda by the public for or against the nominee (Section 6(9) of the PAPA Act).Letters to Agencies written and dispatched on 7.11.22 (KRA – tax compliance; HELB – loan repayment; DCI – good standing; EACC – integrity; Political Parties Registrar on whether nominee holds a leadership position in a political party); Parliament – due diligence conducted on whether candidate has ever been adversely mentioned in a Committee report.

On criteria for Vetting/ Filling of Questionnaire the Committee was told that Section 6(8) of the Public Appointments (Parliamentary Approval) Act provides for the criteria to be used by a Committee as specified in the Schedule of the Act. The nominee is required to fill a Questionnaire detailing his/her personal details (contacts and family background), educational background and work experience, net worth, political affiliations, pro bono/charity work, publications written, etc. Once filled the nominee is required to return the Questionnaire to the Committee for determination on whether the said candidate is suitable to hold the office they have been nominated to.

The Committee was informed that on the day of approval hearings, the meeting will be guided by vetting Questions, fielding of Questions from Chairperson, Vice Chairperson & Members in that order (Chairperson to ask nominee to state net worth, whether he/she has ever been convicted in a court of law or if he/she has ever been adversely mentioned in a

Parliamentary Committee Report, etc); Members to ask pre-pared Questions and any other supplementary/follow-up Questions.

The meeting was also informed that the Report writing retreat & Adoption – Saturday 19th – Monday 21st November, 2022. Tabling and notice of Motion – Tuesday 22nd November, 2022. Debate and adoption by the House – Wednesday 23rd November, 2022

Legal Framework

The Legal Counsel briefed the Committee on legal provisions for vetting of the Principal Secretary, as follows: THAT

On qualifications for appointment as a Principal Secretary the President nominated the nominee among persons recommended by the Public Service Commission after verifying that the nominee met the following criteria: is a citizen of Kenya; holds a degree from a university recognized in Kenya; has at least ten years relevant professional experience, five years of which should have been in a leadership position or at a top management level in the public service or private sector; possesses general knowledge of the organization and functions of Government; demonstrates an understanding of the goals, policies and developmental objectives of the nation; has demonstrable leadership and management capacity including knowledge of financial management and strategic people management; and meets the requirements of Chapter Six of the Constitution.

On Thursday 3rd November, 2022, the Speaker of the National Assembly tabled a Message from the President on nomination Hon. Nixon Korir for appointment to the office of Principal Secretary to the State Department for Lands & Physical Planning, Ministry of Lands, Public Works, and Housing & Urban Development. His name was committed to the Departmental Committee on Lands for consideration within 28 days.

On Friday, 4th November, 2022, the Clerk of the National Assembly notified the nominees and the general public of the time and place of holding the approval hearings by placing an advert in daily newspapers of national circulation and the Parliamentary Website. The vetting hearing will be held on Friday, 18th November, 2022 at 2.30pm and the Committee should table its report in the House by Tuesday, 22nd November, 2022.

On consideration by the National Assembly in relation to the nomination the Committee is expected to adhere to Section 7 of the Public Appointments (Parliamentary Approval) Act, Chapter 136 (PAPAA), on the; the procedure used to arrive at the nominee; any constitutional or statutory requirements relating to the office in question; and the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made. The Committee may establish this information by way of a report from the Public Service Commission.

The Issues for consideration in conducting the approval hearing were also presented in pursuant to Section 6 of the Public Appointments (Parliamentary Approval) Act provides that: an approval hearing shall focus on academic credentials, professional training and experience, personal integrity and background of the nominee (PAPAA). The committee

may pose questions that relate to academic credentials, professional training and experience, personal integrity and background of the nominee. The Committee may evaluate matters relating to academic credentials, professional training and experience, personal integrity and background of the nominee by considering clearance certificates from: the Higher Education Loans Board; the Kenya Revenue Authority; the Directorate of Criminal Investigations; the Office of the Registrar of Political Parties; and the Ethics and Anti-Corruption Commission.

The Committee was also informed that a person may **contest** the suitability of a candidate to hold the office to which the candidate has been nominated prior to the approval hearing by providing the Clerk with evidence by way of a written statement on oath by Friday, 11th November, 2022. It shall examine any memoranda submitted by the public to determine the suitability of the nominee.

Upon completion of the hearings the Committee may make three decisions; to approve the nominees; to reject the nominee or where the committee fails to act on the nomination, which shall be deemed as an approval. And the Committee shall prepare its report for tabling in the house.

Committee Resolution

After lengthy deliberations the committee made the following resolutions:

- i. That there is need for the Committee hold another meeting to consider vetting questions prior to vetting of the nominee.
- ii. It was agreed that members should not deviate from the questions but can ask relevant ones.

MIN/NO.NA/DC-LANDS/2022/009 ANY OTHER BUSINESS

- i. On induction of members, the Committee was informed that there are arrangements for members to be inducted in January 22nd 2023.
- ii. The Supplementary Estimates for Financial Year 2022/2023 to table at any moment for consideration. The Committee to be briefed on the current budget estimates.
- iii. There is need for a Consultative meeting with stakeholders such as the Ministry of Lands and Physical Planning and the National Land Commission on matters of land.
- iv. Issues should be isolated from the exit reports for consideration by the Committee before induction.
- v. While preparing the Committee work plan the upcoming activities such EALA sports should be put into consideration.

MIN/NO.NA/DC-LANDS/2022/0010 AJOURNMENT

There being no other business, the meeting was adjourned at ten minutes to five O'clock. The next meeting to be convened on notice.

Signed.....

HON. JOASH N. NYAMOKO, MP
(CHAIRPERSON)

Date.....

15/12/2022