

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
THE HANSARD

Monday, 22nd October, 2018

*The House met at the County Assembly Chamber,
Malindi Town, at 2.00 p.m.*

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

MEMBERSHIP OF BOARDS OF KILIFI AND MALINDI MUNICIPALITIES

The Speaker (Hon. Kahindi): Hon. Members, the County Assembly is in receipt of a letter from the Office of the County Secretary dated 11th of September, 2018 containing names and curriculum vitae (CVs) for individuals who will constitute the Boards of Malindi and Kilifi Municipalities respectively. Pursuant to Section 13 of the Urban Areas and Cities Act, 2011, I commit this to the Sectoral Committee on Land, Physical Planning and Urban Development for approval within 21 days.

HON. DELE'S RELEASE FROM CUSTODY

The second communication is that I want to communicate to the House that today we secured the release of hon. Dele from custody and he wanted me to pass his message of appreciation to all of us who stood with him during his very trying moment. I have allowed him to take some rest because he smelled in a way that we would not want him around here. So I told him to go home and freshen up.

KILIFI GOVERNOR'S ADDRESS

I also want to communicate that the sitting of the Governor was postponed last week. For those who were in Kilifi; we were there with the Governor. There was no way we could have left our brother in custody and come to the Chamber. So, I have received a call from the Governor and he has communicated that the same shall be done this Wednesday. All the arrangements that were done last week could be done this week. I am informed that the House Business Committee was not aware of the same, so I wish to convene a special session of the House Business Committee tomorrow so that then we can re-allocate the Business of Wednesday to another date and leave the day open for the speech. Thank you.

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STATEMENTS

BUSINESS FOR THE WEEK COMMENCING MONDAY, 22ND OCTOBER, 2018

Hon. (Ms.) Maneno: Thank you Mr. Speaker, Sir. Pursuant to provisions of Standing Order No. 41 (2) (a), I wish to present and lay on the Table of this House a Statement regarding the Business of the House for the week commencing Monday, October 22nd 2018, as follows;

Monday at 2.30 p.m., that is today; the Business is (a) Motion on Adoption of the Report of the Committee on Water, Environment and Natural Resources on the Kilifi County Forest Policy, 2018. (Resumption of the Debate).

On Tuesday at 9.30 a.m., 23rd October, 2018, the Business of that day shall be (a) Papers One; Tabling of the First Quarter Report (July to September FY 2018/2019) for the Department of Agriculture, Livestock Development and Fisheries by the Leader of Majority. Two, Tabling of the First Quarter progress Report (July to September FY 2018/2019) for the Department of Finance and Economic Planning which will be done by the Leader of Majority.

Tuesday at 2.30 p.m., that will be 23rd October 2018 (a) Statements; Statement sought by hon. Thomas Mumba Chengo from the CECM in charge of the Department on Roads, Transport and Public Works. Statement sought by hon. Thomas Mumba Chengo from the CECM in charge of the Department of Roads, Transport and Public Works. Statement sought by hon. Thomas Mumba Chengo from the CECM in charge of the Department of Trade, Tourism and Cooperative Development.

The Business for 24th of October which has already been communicated by the Speaker, was supposed to be on Wednesday at 2.30 p.m. was supposed to be (a) Statement; Statement sought by hon. Peter Ziro from the CECM in charge of the Department of Health Services. Response to a Statement sought by hon. Samuel Ndago from the CECM in charge of the Department of Roads, Transport and Public Works.

Thank you, Mr. Speaker.

MOTION

ADOPTION OF THE REPORT ON THE KILIFI COUNTY FOREST POLICY, 2018

THAT, this House adopts the Report of the Committee on Water, Environment and Natural Resources on the Kilifi County Forest Policy, 2018, laid on the Table of this honourable House on Tuesday, 16th October, 2018.

(Hon. Hassan on 16.10.2018)

(Resumption of Debate interrupted on 16.10.2018)

The Speaker (Hon. Kahindi): Resumption of Debate. The Motion was moved by hon. Hassan. It was seconded by hon. Shaban and then hon. Pascal moved a Motion for Adjournment. Hon. Members, I now propose that the same is ready for debate. Yes hon. Shaban.

Hon. Shaban: Asante sana mheshimiwa Spika. Nimesimama kuunga mkono Mjadala huu wa sera ya misitu mwaka wa 2018. Itakuwa ni mara ya kwanza kwa Kaunti yetu kupata hii

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sera ya misitu na itatusaidia ili kuweza kuthibiti mambo ya misitu katika Kaunti yetu ya Kilifi. Sera hii pia inazungumzia jinsi ambavyo watu watakuwa wanahifadhi misitu na pia kuangalia vile ambavyo ikiwa mtu amekata mti aweze pia kupanda miti mingine ili kuhakikisha misitu yetu inalindwa vilivyo.

Itatusaidia pia kuboresha zile *botanical gardens* na mfano mzuri ni pale Mazeras ambapo kuna *botanical garden* nzuri sana ambayo imepandwa miti vizuri na watu wanaweza kuja kustarehe na kupumzika. Mfano mwengine ni pale Mombasa sehemu ya *Treasury Square* na *Uhuru Gardens* kwenye barabara ya *Moi Avenue*; kumepandwa miti mizuri ambayo imehifadhiwa na watu wanaweza kupumzika kwenye kivuli. Kwa hivyo, hii itatusaidia kuboresha misitu yetu. Mimi naomba waheshimiwa wenzangu tupitishwe sera hii ya misitu ya mwaka 2018 kwa manufaa yetu hapa Kaunti ya Kilifi. Asante sana mheshimiwa Spika.

The Speaker (Hon. Kahindi): Yes hon. Pascal. Hon. Mwamtsi, do you have a Point of Order? Where are you? Just press the mic button. The system is fully functional unless you have a Point of Order, then you press intervention. Yes hon. Pascal, proceed.

Hon. Pascal: Thank you Mr. Speaker for giving me this opportunity to also support this discussion that we suspended the other time. Kilifi County has been rated as an Arid and Semi-Arid Land (ASAL) meaning that drought has eaten into the entire County. It has also hampered development in so many ways. This is because Kilifi has operated without a proper Forest Management Policy and that is why we are seeing that forests are depleted almost every day. I support this Policy because it has commented on many important areas that will actually solve the problem of management of forests.

In this Policy, I managed to go through some of the pages and I realized that the proposals in this Policy, Mr. Speaker, will go a long way into addressing the deforestation problem that we have. In this Policy, there is a proposal that forest management will also be taken to the communities around there. We have seen it in many areas where the communities have been left out; they are not taken through programmes of protecting the forest. When the communities living around are not involved, they turn against the forest and go into the forest during odd hours and start harvesting the forests prematurely and without care that is why we are seeing a lot of charcoal burning. We are seeing desertification is almost affecting all the areas that still have forests.

In this Policy there is a proposal that members of the public are enlightened on the alternative use of energy. As we speak, many of the communities in Kilifi depend on charcoal as one of their sources of energy; the other source of energy can be gas which will protect the use of charcoal.

Mr. Speaker, Sir, the harsh weather conditions that we have witnessed as a county is as a result of the depletion of forests. There is a proposal here that members of the public will be enlightened on how they will do afforestation. The communities will be given seedlings and techniques on how they will take care of the forest and how they will plant trees as my fellow hon. Member has put it. If we adopt this Policy, we will be doing a kind move into addressing drought management. I call upon hon. Members to support the passage of this Policy so that we can control and have a proper management of the forests that we have. Thank you very much.

The Speaker (Hon. Kahindi): Thank you hon. Pascal. Hon. Mwayaa.

Hon. Mwayaa: Asante mheshimiwa Spika. Nimesimama kama mmoja wa Kamati iliyoketia hii sheria ambayo tunataka ipitishwe katika Bunge hili. Mimi natoka sehemu ambayo kuna msitu mkubwa sana wa Kayafungo. Kwa hivyo, sheria hii ikipita kutakuwa na sheria ya

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kuhifadhi ule msitu. Tukipitisha sheria hii, ukataji wa kuni na miti utakuwa unafanywa na wale ambao wanapanda. Kwa mfano, kama kuna makundi fulani ambayo yanapanda miti wao ndio watakaoruhusiwa kukata kuni ama makaa. Hali hiyo itasaidia kuhifadhiwa misitu yetu hapa Kilifi.

Ukataji miti ndio umefanya mara ingine tunakosa mvua ya kutosha. Tukiwa na msitu pia mvua hunyesha. Naomba tupitische sheria hii ili misitu yetu ihifadhiwe; tupate mvua kwa wakati unaofaa na pia uchomaji wa makaa usiwe kiholela ili kwamba hata zile bidhaa zingine tunazopata kutokana na miti kama asali na vipepeo kuvutia utalii viwe vinaweza kupatikana. Naunga mkono sheria hii ipitishwe na Bunge hili ili tupate manufaa kwenye misitu yetu ya Kilifi.

The Speaker (Hon. Kahindi): Thank you hon. Mwayaa. Hon. Mwamtsi.

Hon. Mwamtsi: Mr. Speaker, I stand to also give my support to the Motion. As you are aware, Kilifi County has a forest cover of 7.6 percent meaning the other 93.4 percent is not covered by forest. We all know how important the forests are to the climate. The deliberation of this Motion today and its passage will contribute to a large extent to issues that affect climate and ensuring that we safeguard the ozone layer that has been depleted by the gasses that are produced by the industries. This also contributes to global warning in regard to climate change. When I look at what is written in this Motion, there are a number of objectives that have been targeted which include research on matters forest, education, technology as well as ensuring that there are ways of resolving conflicts among counties that are neighbouring and use forests as a shared resource; all that is covered in this Report.

Mr. Speaker, also in the formulation of policy, we realized we have trees called eucalyptus trees. We know we have agencies that have come to stimulate its growth like KOMAZA and we know they have been planted in many areas over land but some of the eucalyptus trees take their water deep underground. If the species are not taken care of and rather than them helping in solving environmental issues they become themselves sources of environmental deprivation by killing other trees around them.

That aspect has been resolved in this Policy because this it gives guidelines on the type of trees that will be researched to ensure that as we plant them, those that have the potential to deplete our environment will be able to be checked. We all know that we depend on tourism as an economic activity but when we look at tourism, we have the mangrove forests along our shores. If these mangrove forests are not taken care of, then their depletion will also affect the tourism sector and as we can see this Policy has also put those types of trees in consideration. So Mr. Speaker, I urge my fellow hon. Members to also stand in support of this Motion, Thank you.

The Speaker (Hon. Kahindi): Thank you very much. Hon. (Ms.) Auma Messo.

Hon. (Ms.) Messo: Thank you Mr. Speaker. I stand to support the Motion. I support it because since I am the Vice-Chairperson of the Agriculture Committee, if we adopt it, agriculture will do very well in Kilifi because of the soil fertility and erosion control. I beg this House that we adopt this Motion. Thank you so much Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Thank you very much. Hon. Kiraga.

Hon. Kiraga: Thank you so much Mr. Speaker. I also rise in support of the Adoption of this Report. Before I put my submissions, may I take this opportunity to thank the Committee for what they did and produced this good Report. Everyone is aware of the benefits of having a well managed forest, the climate regulations, water regulations, erosion control and also disease

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regulations. If you look at this Report on page four, it has outlined the overall goals of the Policy and as highlighted here, the overall goal of this Policy is, ‘sustainable development, management, utilization and conservations of forest resources and equitable sharing of accrued benefits for the present and future generations of the people of Kilifi.’

If you look at this Policy goal, if this Policy goal is to be taken care of, it will address most of the challenges as captured in Chapter two of this Policy. When I talk of Chapter two, it is found on page three of this Report. Here, there are challenges and opportunities in forest development. As you know, Mr. Speaker, we have not had good management of our forests as far as well managed forests in this County are concerned which is in line with the Constitution and that is why the Committee came up with this Policy to address some of these challenges.

Some of these challenges are found on page three and if I can read a few; we have the unsustainable fuel wood and charcoal productions in forests and woodlands, especially areas North of Sabaki and part of areas in Magarini which are venturing much in charcoal production, un-coordinated forest management and protection activities. So these are some of the challenges; if we adopt these policies, will be addressed by this Policy. I also urge my fellow Members to support the adoption of this Committee Report so that we can have the Policy in place which can address most of the challenges we have been having as far as forest conservation is concerned. Thank you very much Mr. Speaker.

The Speaker (Hon. Kahindi): Thank you. Hon. Ziro.

Hon. Ziro: Asante mheshimiwa Spika kwa nafasi hii. Nami nasimama kuunga mkono Hoja hii ambayo iko mbele ya Bunge. Wakati nilipojua Hoja hii inakuja leo, kwanza nataka kushukuru kwa vile iliahirishwa. Nimepata wakati mzuri wa kuweza kufanya utafiti ili nijue umuhimu wake na ubaya wake. Na nimejaribu kufanya utafiti nikaona kwamba kwanza ukosefu wa misitu umesababisha tamaduni zetu za Kimijikenda zimeanza kudidimia.

Katika utafiti wangu, nimetembea sehemu za Watamu na nikapata hawa watu ambao wanaitwa waganga wa kienyeji. Zamani walikuwa wakifanyia mambo yao katika misitu ama kwenye miti ile mikubwa mikubwa lakini sasa kwa sababu imefika mahali kwamba ile misitu imeisha, imebidi wajenge vibanda vya makuti ili waweze kufanyia shughuli zao katika hivyo vijumba ambayo sasa ni kinyume na itikadi za Kimijikenda. Watu wengi wanapoenda huko, imani zao zinakuwa ni kana kwamba zile dawa zao haziwezi kufanya kazi. Kwa hivyo, ikiwa hii misitu itatunzwa vizuri na miti ipandwe, itatusaidia kuweza kuregesha ile hadhi ya hawa waganga wa kienyeji katika Wamijikenda...

The Speaker (Hon. Kahindi): Yes hon. Stanley Kenga, what is your Point of Order?

Hon. Kenga: Mheshimiwa Spika, nasimama kwa Hoja ya nidhamu kwamba mjumbe wa Garashi anadai kwamba maswala ya misitu ama uharibifu wa misitu yamechangia kudidimiza kwa utamaduni wa Kimijikenda lakini anapeana mfano wa uganga.

Sidhani kwamba uganga ni utamaduni wa Kimijikenda. Uganga hauwezi kuwa utamaduni. Ukienda kwa kila kabila mheshimiwa Spika, maswala ya uganga yanapatikana katika kila kabila ndani ya Taifa letu la Kenya. Kwa hivyo, tuseme imedidimiza uganga lakini si utamaduni wa Mijikenda. Anataka kuonyesha picha ya kwamba sisi Wamijikenda ni watu ambao tunahusudu sana mambo ya uganga na sivyo. Bw. Spika; naomba aweze kutoa hilo.

Hon. Ziro: Mheshimiwa Spika, nafikiri mnenaji ambaye ametoka kuzungumza sasa hivi hata yeye mwenyewe ni shahidi kwamba kwao uganga umekithiri na mheshimiwa Spika ni sehemu ya tamaduni zetu kama Wamijikenda...

The Speaker (Hon. Kahindi): Hon. Ziro, I thought you are a Bishop or you put the cross away now? You do not have it any more?

(Laughter)

Hon. Ziro: Msalaba bado niko nao msheshimiwa Spika na nimeubeba tena vizuri sana lakini sasa hapa kuna jambo ambalo limetokezea mbele yetu ambalo mpaka tulizungumze vizuri...

The Speaker (Hon. Kahindi): Okay, proceed. You are well understood.

Hon. Ziro: Kwa hivyo, msheshimiwa Spika, hiyo ndio *point* nilikuwa nataka kuweka wazi. Halafu lingine ni kwamba katika tamaduni za Kimijikenda, wakati nilipokua mtoto mdogo niliwahi kushikana na babu yangu kwa sababu kulikuwa kuna ukosefu wa mvua na babu yangu akaniambia, wakati mvua imekosekana, watu huenda msituni wakaingia huko, wakapiga ngoma wakachinja mbuzi, wakala na wakaomba Mungu ndani ya msitu.

Wakati huo nashukuru kwa sababu nilikuwa sijaokoka; sijabeba msalaba. Kwa hivyo ikanibidi niende nihakikishe na nione kwamba mambo kama haya yanaweza yakafanyika. Na kweli, wakati ngoma zilipigwa huko msituni na watu wakala mbuzi, baada ya siku tatu mvua ikanyesha. Kwa hivyo, ni kuonyesha ya kwamba hii misitu iko na umuhimu katika jamii zetu za Kimijikenda.

Msheshimiwa Spika, mimi nimesimama kuunga mkono hii Hoja kwamba waheshimiwa wenzangu wasimame na tuseme misitu iweze kutunzwa ili tamaduni zetu kama wamijikenda zisiweze kupotea hata kama tumepata dini za Kikristo lakini tuko na tamaduni za Kimijikenda ambazo mpaka tuzilinde. Misalaba tumeibeba lakini utamaduni tunao. Asante msheshimiwa Spika.

The Speaker (Hon. Kahindi): Proceed hon. Mwadena (Mae).

Hon. Mae: Asante sana msheshimiwa Spika. Kwanza, ningependa kumshukuru Maulana na pia kukupa kongole na heko kwa kazi nzuri ambayo umeifanya kutoka juzi kuhusiana na Mwenyekiti wangu katika ile Kamati ya Ardhi msheshimiwa Dele mpaka kufikia leo kwamba ameweza kuwa huru. Mimi nasema asante sana kwa niaba ya ile Kamati ya Ardhi na Mwenyezi Mungu akuzidishie palipo pungua. Hatuna kikubwa cha kukuregeshea ila ni kukulimbikizia dua zetu kwa Mwenyezi Mungu ili azidi kukupa nguvu na kibali katika kazi yako.

The Speaker (Hon. Kahindi): Thank you.

Hon. Mae: Vile vile, tukirudi katika mada yetu ya leo, mimi naunga mkono. Kama tunavyojua, sekta ya misitu ni sekta ambayo inapitia changamoto nyingi. Wananchi wanatutegemea sisi ili tuweze kuweka michakato sawa kuweza kuitetea. Unavyopita na gari ama unapoendesha gari kutoka Malindi kwenda Kilifi, utapatana na magunia ya makaa yamepangwa humo njiani; swali kubwa unajiuliza haya magunia ambayo kila siku yanunuliwa na haishi yanatoka wapi? Yanatoka kwenye miti gani? Kwa hivyo, ina maana kwamba kila siku kuna miti inakatwa na watu wanachoma makaa na hawapandi miti.

Msheshimiwa Spika, mimi naomba wenzangu tuweze kushirikiana kupitisha sheria hii kwa sababu sheria hii ni muhimu sana. Sisi Kilifi ni wakulima na katika zile nchi ambazo zimestawi msheshimiwa Spika, utapata msitu ndio umebeba asilimia kubwa ya nchi. Hivyo kwamba, mvua inapatikana kwa wingi na mvua inapopatikana kwa wingi, hili baa la njaa pia nalo linaenda kupungua. Hapa Kilifi kama tunavyojua kuna sehemu nyingi ambazo mvua mara nyingi huwa inakua ni haba.

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Ukiangalia kwa mfano sehemu zile za Bamba...na juzi katika ile Kamati ya Kilimo, mheshimiwa wa Bamba aliweza kupewa kama mbinu mbadala na akaambiwa badala sisi tukupatie mbegu za mahindi waonaje tukupatie mbegu za pojo kulingana na yale mazingira ya kule? Lakini mheshimiwa lile wazo alilipokea vibaya akasema, “kwa nini mtupe pojo na sisi tunataka mahindi? Nyinyi nafikiri mna mbinu ya mimi niweze kuanguka kisiasa.” Kwa hivyo, ni maswala ya kwamba Kamati inajaribu kuzingatia kile kiwango cha mvua kinachopatikana sehemu kama zile. Tukirudi kwa Mada yetu, mimi ningependa kuwaomba waheshimiwa wenzangu ili tuweze kupitisha kwa pamoja Hoja hii ili tuweze kuokoa Kilifi yetu. Asante sana.

The Speaker (Hon. Kahindi): Thank you. Hon. Stanley (Kenga)

Hon. Kenga: Thank you very much Mr. Speaker. I am rising to demonstrate my support for the Motion that is before the House but Mr. Speaker, my support is very different from the contributions made by the Member for Garashi. Why I support this Motion Mr. Speaker, I have gone through the key Policy objectives of this Report and one of the key Policy objectives is to increase and maintain tree and forest cover of at least ten percent of the land area of Kilifi County.

If you look at the Fourth Schedule of the Constitution Mr. Speaker, item 10 that; one of the key functions and responsibilities of the County Government is on the implementation of specific National Government Policies on Natural Resources and Environment Conservation including forestry. Mr. Speaker, the overall Policy of the country as regards the issues of forestry is to make sure that at least 10 percent of the Kenyan land is put under forest cover. Mr. Speaker, the County Government is coming this time with the same Policy; making sure that we are able to implement what has already been provided as a Policy by the National Government in making sure that at least 10 percent of the land area in Kilifi County is put under forest cover.

Again, one of the key guiding principles is on the issue of public participation and on the issue of public participation, again, on the Fourth Schedule of the Constitution item number (14) is ensuring and co-coordinating the participation of communities and locations, governance at the local level under sitting communities and location to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level. I am looking at the issue of public participation Mr. Speaker as being something that is very key. That we have had communities in the areas of Marafa, Garashi and in the areas of Adu where the issue of charcoal production Mr. Speaker has been a concern to members of the public but the most important guiding principle is on the issues of participatory approaches in forestry conservation and management that will be enhanced to ensure that the relevant Government Agencies, County Government, Private Sectors, Civil Societies and Communities are involved in planning, implementation and even in the issues of decision making.

If you go to principle number (J) on livelihood enhancement, where livelihood improvement with a focus on fighting poverty shall be a major consideration for all strategies and programmes in forestry sector development, Mr. Speaker, again, we are looking at the classifications on the issues of sustainable management of forests where we have the indigenous forest and there is a Policy Statement regarding the issues of indigenous forests on plantations, on urban forest and road side tree planting. The Policy Statements that the County Government will promote the establishment and management of amenity belts of appropriate tree species along road reserves, establish and maintain arboretum, green zones, botanical gardens, recreational parks and urban forests for aesthetic and recreational values and so many issues that have been addressed in this Policy document.

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Therefore, I wish to support and even urge the leadership of the House and especially the wing from the Government side to be very aggressive in making sure that this Motion is adopted and approved by this Assembly. I beg to support and I think I have made myself very clear that my contributions are very much different from the contributions as given by the Member for Garashi. Thank you.

Hon. Mbura: Thank you Mr. Speaker. I also stand to support the adoption of this Motion. First, I strongly support it because it gives an opportunity for the community in the establishment and the management conservation and even on the use of the end product of the forest. Secondly, the community being the people we focus on when it comes to destruction of forests and since is directly involved in all steps from the establishment to the end use of the final product, this Policy framework will give us very high hopes in the conservation and even on all aspects of management.

Again, the Policy also outlines how the County Government will establish more conservation sites that are increasing the forest cover within the county. These new conserved sites will give an opportunity for even our cultural believes to participate in such areas of conservation.

Again, I can see it talks about forest establishment as a business. It promotes the carbon business as we can see. It has been an international business and if it is encouraged in our County, it means our local farmers who are going to practice small scale plantation will also benefit from the carbon business.

We can also see from the Policy that it also gives an opportunity for the small farmers to establish own farm forests of which these own farm forests which will give the local farmers raw materials like firewood and charcoal that will make them or will be restricted from entering these conserved sites as well as conserve our forests at large.

There are so many things that have been highlighted and good that will really give us an opportunity to increase our forest cover and at the same time accrue the benefits of conservation. Finally, I want to urge the Committee concerned on implementation to take a step to ensure these Policy frameworks are implemented within our County. With those few remarks, I stand to support this Motion. Thank you.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Kahindi): Hon. Members, in the absence of any other Business, I move to adjourn the House until tomorrow morning. Thank you.

The House rose at 3:40 p.m.