



## REPUBLIC OF KENYA

### COUNTY ASSEMBLY OF KILIFI

#### THIRD ASSEMBLY-SECOND SESSION

##### THE HANSARD

**Tuesday, 24<sup>th</sup> October 2023**

*The House met at the County Assembly Chamber,  
Malindi Town, at 9:30 a.m.*

*[The Speaker (Hon. Mwambire) in the Chair]*

##### PRAYER

##### QUORUM

##### QUORUM CALL AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Mwambire): Yes Clerk, do we have a Quorum?

**Clerk at-the-Table:** No, we do not have a Quorum Mr. Speaker, Sir.

**The Speaker** (Hon. Mwambire): Ring the Bell for ten minutes.

*(Quorum Bell was rung for ten minutes)*

**The Speaker** (Hon. Mwambire): Yes, Clerk is there Quorum?

**Clerk at-the-Table:** No, we have no Quorum Mr. Speaker, Sir.

**The Speaker** (Hon. Mwambire): Let the bell ring for an extra five minutes.

*(Quorum Bell was rung for five minutes)*

**The Speaker** (Hon. Mwambire): Yes, Clerk, do we have quorum?

**Clerk at-the-Table:** Yes, we have quorum, Mr. Speaker, Sir.

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## COMMUNICATION FROM THE CHAIR

### AUDITOR GENERAL'S REPORTS

**The Speaker** (Hon. Mwambire): Hon. Members, I have a Communication to make; Pursuant to Article 229(7) of the Constitution of Kenya, 2010, the County Assembly is in receipt of:

1. Reports of the Auditor General on the financial statements of the Kilifi County Emergency Fund for the year ended 30<sup>th</sup> June 2022.
2. Report of the Auditor General on the financial statements of the Kilifi-Mariakani Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June 2022.
3. Report of the Auditor General on the financial statements of the Malindi Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June 2022.
4. Report of the Auditor General on the financial statements of the receiver of revenue-revenue statements for the year ended 30<sup>th</sup> June 2022 County Government of Kilifi.

Pursuant to Article 229 (8) of the Constitution of Kenya, 2010, I hereby commit the Reports to the Committee on the County Public Investments and Accounts Committee for consideration and later report back to the House within 90 days. Thank you.

## PETITION

### PETITION AGAINST THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR WATER AND THE MEMBER OF COUNTY ASSEMBLY KAYAFUNGO WARD BY KAYAFUNGO WARD SOCIAL ACCOUNTABILITY FORUM

**The Speaker** (Hon. Mwambire): Hon. Members, I am in receipt of a Petition: -

The undersigned petitioners Jackson Maundu, Andrew Mzinga, Keith Kalama, Kadzo Kitsao and William Mbui are the committee members representing Jimba Mission residents draw the attention of the Assembly to the following:

1. That the community leaders of Jimba mission have had a long-standing dispute with the leadership of ACK Canon Lugo Gore Church on a piece of land measuring 500 acres.
2. That the Church Commissioners for Kenya are the appointed trustees to hold the land belonging to the Anglican Church of Kenya (ACK) in a letter dated 19<sup>th</sup> March 2009 and addressed to the provincial Lands Officer, Coast Province.
3. We very well know that the Church owns 13.79 acres out of the total 500 acres, the rest of which belongs to the residents of Jimba Community.
4. That this matter has been a subject of deliberation by the Kaloleni Land Dispute Tribunal which gave its finding on 19<sup>th</sup> June 2009 and the same verdict adopted by the Kaloleni Court through land award case No. 27 of 2009 on 1<sup>st</sup> December 2009 in favour of Jimba residents.
5. That we do confirm that efforts have been made to have the matter addressed by the resident's relevant bodies and they failed to give a satisfactory response.

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6. This matter is well known by the officials of the lands office in Kilifi but have been dragging their feet with reasons best known to them thus denying the residents of Jimba the right to own land contrary to Chapter 5 of the Constitution, Article 60 (1) (a) (b) (c) and Article 63 (2) (d) (3) Laws of Kenya.
7. That we do confirm that the issues in respect of which the Petition is made are not pending before any court of law or constitutional body.

Therefore, your humble petitioners pray that the Assembly:

1. Intervenes and the 13.79 acres be excised and given to the Church. Further, the Church and the primary school should be given within the 13.79 acres' separate title deeds commensurate with their needs.
2. That, the request of the church to be allocated the remaining 486.21 acres be quashed and instead the formerly conferred to Jimba mission residents.
3. That, the 486.21 parcel of land be surveyed, and the title issued to the committee of Jimba mission residents.
4. That, the 486.21 acres which will now be administered by Jimba mission resident's committee propose to do the following:
  - a) Expand the existing Jimba Primary School.
  - b) Expand the existing Jimba Secondary School.
  - c) Set aside land for the proposed Jimba Vocational Institute.
  - d) Set aside land for the proposed dispensary or health centre.
  - e) Have a commercial area.
  - f) Identify the families who have squatted on that land for many years and formerly settle them each on a need and standard basis.

We humbly request that our matter be dealt with expediently and urgently as it deserves to be put to rest. This long-standing dispute which its current state verges on historical land injustice on the part of Jimba residents denying them development for lack of title deeds. The petitioner Jackson Maundu is the Chairman, and his ID number is 11497161. He has given his telephone number and address and signed.

Andrew Mzinga who is the Assistant-Chairman, identification card number 8459578; he has given his mobile phone number address and signed. Keith Kalama is the Secretary, he has given his ID number, which is 9474743, he has given his mobile number, postal address, and signature. Kadzo Kitsao, who is the Vice-Secretary, has given the ID number 9113301 and her mobile number is given, and their identical address is 53, Mazeras. All of them have P.O. Box 53 Mazeras. William Mbui who is the Treasurer his ID number is 11762320 has given the mobile number as well as the address which is the same and signed.

Hon. Members, I take this matter will be handled by the Committee on Lands at the County Assembly. Thank you.

### PAPERS LAID

**Hon. Tete:** Thank you, Mr. Speaker, for giving me this opportunity. I beg to lay the following Papers on the Table: -

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1. The First, Second, Third and Fourth Quarter Reports for the Department of Trade, Tourism and Cooperative Development.
2. The First Quarterly Report for the Financial Year 2023/2024 for Public Works, Roads, and Transport.
3. The Fourth Quarter Report for the Financial Year 2022/2023 for Public Service, Special Programmes and Disaster Management.

*(Hon. Tete laid the documents on the Table)*

**The Speaker** (Hon. Mwambire): The relevant committees will handle those Reports as required and bring back the Reports.

#### BENCHMARKING REPORT TO NAKURU COUNTY ASSEMBLY

**Hon. Mkadi:** Thank you, Mr. Speaker, I beg to lay the following Paper on the Table: -  
A Report from the Sectoral Committee on Transport and Public Works on the benchmarking visit to Nakuru County Assembly. Thank you.

*(Hon. Mkadi laid the document on the Table)*

#### REPORT ON THE STATUS OF THE NARIGP PROJECTS WITHIN KILIFI COUNTY

**Hon. Mkadi:** I am holding brief for the hon. Chairperson for Agriculture. I also beg to lay the following paper on the Table: -  
A Report on the Sectoral Committee of Agriculture, Livestock and Fisheries on the status of the NARIGP (National Agricultural and Rural Inclusive Growth Project) Project within Kilifi County. Thank you.

*(Hon. Mkadi laid the document on the Table)*

### NOTICES OF MOTIONS

#### ADOPTION OF THE REPORT ON THE STATUS OF THE NARIGP PROJECTS WITHIN KILIFI COUNTY

**Hon. Mkadi:** Thank you, Mr. Speaker. I beg to give notice of the following Motion: -  
THAT, this House adopts the Report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the status of NARIGP Projects within Kilifi County laid on the Table of this House on Tuesday, 24<sup>th</sup> October 2023.  
Thank you.

#### ADOPTION OF THE REPORT ON THE STATUS OF COUNTY ROADS FOR THE YEAR 2021/2022

**Hon. Mkadi:** Again, I beg to give a notice of the following Motion: -

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THAT, this House adopts the Report of the Sectoral Committee on Transport and Public Works on the status of roads for the year 2021/2022, laid on the Table of this House on Monday, 23<sup>rd</sup> October 2023.

Thank you.

### STATEMENTS

**The Speaker** (Hon. Mwambire): Hon. Members, both the Chairperson and the Member who were supposed to receive the Response have given messages to my Office that they want this matter to be taken back to the House Business Committee for re-allocation when they are available. So, these issues will be handled on another day.

RESPONSE TO A STATEMENT SOUGHT BY HON. MORGAN KUBO REGARDING THE LUTSANGANI  
DISPENSARY WATER SHORTAGE

RESPONSE TO A STATEMENT SOUGHT BY HON. MORGAN KUBO REGARDING THE UPGRADING OF  
RIBE DISPENSARY

*(Statements deferred)*

### ADJOURNMENT

**The Speaker** (Hon. Mwambire): Hon. Members, there being no other business, this House stands adjourned until 2.30 p.m. today. Please, make sure you avail yourselves at that time.

The House rose at 9:48 a.m.

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