



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY –THIRD SESSION

THE HANSARD

Tuesday, 3rd December 2019

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

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

PRAYERS

PAPERS

FIRST QUARTER REPORT FOR THE DEPARTMENT OF DEVOLUTION, PUBLIC SERVICES AND DISASTER
MANAGEMENT FOR THE FINANCIAL YEAR 2019/2020

Hon. Mwayaa: Thank you Mr. Speaker, Sir. I am holding brief for the Leader of Majority. I wish to lay on the Table of this House the First Quarter Report for the Department of Devolution, Public Services and Disaster Management for the financial year 2019/2020. Thank you.

The Speaker (Hon. Kahindi): Next! Chairperson Delegated.

THE KILIFI COUNTY MICROFINANCE MBEGU FUND REGULATIONS, 2019

Hon. Jana: Mr. Speaker, Sir, today being Tuesday, 3rd December 2019, I wish to lay on the Table of this House the Report on the Select Committee on Delegated County Legislation on the consideration of the Kilifi County Microfinance Mbegu Fund Regulations, 2019. Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Thank you.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

STATEMENT

LACK OF TOILETS AT THE MARIAKANI SUB-COUNTY OFFICE

Hon. Mwayaa: Thank you Mr. Speaker. I have a Statement directed to the County Executive Committee Member (CECM) in charge of Devolution, Public Services and Disaster Management through the Chairperson Labour, Administration and Social Services on toilets at the Sub-County office at Mariakani:-

Whether, the CECM in charge of Devolution, Public Services and Disaster Management is aware that Mariakani Sub-County office has no toilets for some years now making the working environment not conducive for the staff.

If yes, what measures is the CECM in charge of Devolution, Public Services and Disaster Management taking to ensure that the said Sub-County office has toilets for use? Signed by hon. Alphonse Mwayaa. Thank you.

MOTION

ESTABLISHMENT OF NGOMENI AND KIBOKONI SAND HARVESTERS COOPERATIVES

Hon. Kiraga: Thank you so much Mr. Speaker, Sir. I would wish to move the following Motion:-

AWARE THAT, the Constitution of Kenya, 2010 and the Fourth Schedule Part 2 (7) (e) mandates the County Government functions and powers of cooperative societies;

AWARE THAT, sand harvesting in Ngomeni and Kibokoni in Magarini Sub-County is one of the main sources of revenue to the County;

CONCERNED THAT, there exists no cooperative society for the sand harvesters in both Ngomeni and Kibokoni thus making the residents of both places prone to exploitation, low bargaining power, bias, child labour, abuse and other health risks due to abandonment of the quarries;

NOTING THAT, cooperative societies will bring so many benefits to the residents of Ngomeni and Kibokoni including but not limited to higher bargaining power to bias financial benefits to members in form of dividends every year end, rehabilitation programs of the land and sand harvesting, economic empowerment and capacity building;

This hon. Assembly urges the CECM in charge of Trade, Tourism and Cooperatives to initiate measures for establishment, registration and empowerment of both Ngomeni and Kibokoni sand harvester's cooperative societies for enhanced revenue for the county and improved livelihoods for the residents of Ngomeni and Kibokoni in Magarini Sub-County.

Mr. Speaker, before I give a chance for this Motion to be seconded, I have the following submissions; in Magarini Sub-County, there exists one cooperative known as Magarini Sand Cooperative Society; this cooperative society has been there for over 30 years getting sand from Mjanaheri area. Mjanaheri area is in Magarini Ward and Ngomeni is in Gongoni Ward, Kibokoni is in Sabaki Ward.

Currently, there is no sand in Mjanaheri area that is in Magarini Ward. Now, the existing sand which is available for harvesting is found in Ngomeni and Kibokoni. Magarini sand has

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

been enjoying monopoly of this business and it has been very hard for other areas to form cooperative societies to manage their resources.

A recent incident where Ngoemeni residents were on the verge of establishing their own sand cooperative; there is a law from Magarini sand cooperative resisting Ngomeni residents from forming their own cooperative, thus we saw a young man stoned to death on that material day and some house torched.

Magarini sand cooperative has been using tycoons to frustrate the efforts of other areas to form cooperatives. On behalf of the residents of Ngomeni and Kibokoni, I must say that Magarini sand cooperative has done more harm than good to the residents of Magarini Sub-County. First, if you visit Mjanaheri area, you will see some open areas where sand has been scooped and no land reclamation has taken place; what has been left are shallow wells making breeding points for malaria causing mosquitoes in the areas.

Mr. Speaker, we have also witnessed kids dropping out of school in the nearby schools so as to engage in the sand scooping business to fill the lorries and these issues have not been addressed by the cooperatives which is mandated to take care of these issues.

Mr. Speaker, we have also seen county projects like roads, which have been damaged due to sand harvesting. There are no measures which the cooperatives are taking to curb the same. Again, we have also seen sand being sold at throw away prices for instance a heavy truck being filled with sand at a mere Kshs500! That is really low! The levels of poverty are very high despite the people having engaged in that business for over 30 years. Residents cannot manage themselves because of the high levels of poverty.

It is with this view that the residents of Kibokoni and Ngomeni would wish to have their own cooperative societies so that they can manage their own resources. That way, they can have their own bargaining power for their own resources. As we are speaking, Kibokoni area which had also been denied license, business people are paying Magarini sand cooperative two million shillings per year just to use their license. We have also seen tycoons frustrating their efforts in making sure they have their own cooperative. It is my humble request that the County Government of Kilifi initiates measures that the residents of Ngomeni in Gongoni Ward and the residents of Kibokoni in Sabaki Ward are given an opportunity to form their own cooperative societies. With those few remarks and submissions, I call upon hon. Mumba from Mwawesa Ward to second me. Thank you so much.

The Speaker (Hon. Kahindi): Thank you hon. Kiraga.

(Hon. Mumba seconded)

(Question proposed)

Hon. (Ms.) Carol: Thank you very much Mr. Speaker. I stand to support this Motion on the establishment of the Ngomeni and Kibokoni Sand Harvesters Cooperatives. It is very sad to hear that Magarini sand harvesters have been enjoying monopoly for over 30 years yet we have a Department of Trade and Cooperatives that is there to assist any groupings that would want to come up with any cooperative. It is so unfortunate to find out that the residents of Ngomeni and Kibokoni yearn to come up with their own establishment, their own cooperatives yet they receive lots of frustrations from the so called tycoons of this kind of monopoly that is trying to take charge.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

We have heard from hon. Albert Kiraga that this has caused lots of negative effects, especially when it comes to child labour and abuse. This can also affect the levels of education in Magarini. So, the Department of Trade and Cooperatives should hasten the process and listen to the voices of the people of Ngomeni and Kibokoni so that they can come up with their own cooperatives; they can also stand on their own and this will improve in the issues of revenue, economic empowerment and also capacity building.

He talked about the road infrastructure; it is so unfortunate that even after the quarries don't have sand anymore, the roads have been left impassable and these quarries have been left open, and this can cause a very serious damage to the residents of Magarini. I would urge the Department of Trade, Tourism and Cooperatives to go ahead and listen to the voices of the residents Ngomeni and Kibokoni and make sure that a cooperative is formed so that they can enjoy the fruits of development in the County Government of Kilifi. Thank you, Mr. Speaker.

Hon. Ziro: Thank you very much, Mr. Speaker. As the Chairperson for Trade and Tourism, I wish to add weight to this Motion. First, I want to congratulate the Member for Gongoni for bringing this Motion. It is very sad that the people of Sabaki Ward have no cooperative that can help them in coming up with policies that will guide them when harvesting sand. As noted from the Mover of the Motion, the area is prone to insecurity; he talked about a situation where people started fighting until one young man lost his life. This is very sad because it brings in the element of insecurity in the area and this is being caused by lack of provisions and policies that will guide the behavior and the manner in which the sand is being harvested in that area. Tycoons have been given a free environment including hiring of goons to come and cause problems in that area and I think coming up with such policies to guide the harvesting of sand allowing the people to have their own cooperatives will assist in controlling such acts that are being funded by the tycoons.

The other issue that I have noted here is that there is no reclaiming of the land that has been used to harvest the sand. As you go to Mombasa, there is an area in Bamburi where Bamburi Cement used to get raw materials from. The area has been reclaimed and is now a park with a hotel; a place where people can go and refresh themselves. The area in Mjanaheri is full of big holes where even goons can hide. It is like a security hazard to the residents of Gongoni and Mjanaheri. It is very important that even as we ask the County Executive to allow the formation of cooperatives, policies are also formed so that we can have those areas reclaimed after sand harvesting.

I also want to talk about the roads; they are left in a very bad state. I was there with the Trade Committee and realized even homes and houses are in danger because they harvest sand near the house; you will find a house on top of a hill and there is a very big hole. This is a disaster in waiting.

I also want to concur with the Mover of the Motion that this House compels the county government to come up with policies and allow these people to form their cooperatives without problems because every time they have attempted to form a cooperative, the tycoons go to court, pay a lot of money to goons and try to make sure that these cooperatives are not formed. I wish to conclude and urge this House to support this Motion so that it can be of help to our people in Magarini Sub-County. Thank you, Mr. Speaker.

Hon. Chiriba: Thank you Mr. Speaker for giving me this opportunity. I am also in support of the passage of this Motion as brought by the able Member for Gongoni Ward. This Motion is touching on three wards that have these activities being carried on. Going through the Motion, I can see great benefits for our residents if at all the room to form cooperatives will be

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

welcomed. The laxity that is seen from the existing cooperative is because there is no competition. In as much as the existing cooperative would want to comply, we have seen after harvesting the sand, there is no refilling so that the land can create a good environment for the livelihood of the people.

If we could have more cooperatives, the competition would be high with good service delivery then it will bring revenue. If they do not, it will mean that the cooperative can be denied the opportunity to run its activities. I am seeing a great loss for the people of Kibokoni who have to pay about two million shillings a year to Magarini Cooperative. This money could be saved if the people of Kibokoni had their own cooperative. It is my humble prayer that as a House we join hands with the Member for Gongoni and have this Motion passed more so the Committee on Implementation can move with speed to make sure that this issue is addressed immediately for the benefit of our people. Thank you, Mr. Speaker.

Hon. Gogo: Asante mheshimiwa Spika kwa fursa hii. Mimi sitoki maeneo ya Magarini lakini kulingana na vile ambavyo mjumbe huyu wa wodi alivyosimama na kuleta Hoja hii kwetu, Katiba ya Kenya kipengelee cha kwanza kinasema nguvu imepewa mwananchi; kwa hivyo, ikiwa wananchi wa Ngomeni na Kibokoni wanataka kuunda chama cha ushirika, nafikiri hakuna sheria ambayo itawakataza wananchi hawa kujiunga katika hivi vyama. Tunafahamu ya kwamba misaada mingi inayokuja hapa kwetu Kenya inakuja kwa wananchi wakati wameungana na kuingia katika vyama vya ushirika.

Pili, mkiwa katika vyama vya ushirika kuna sheria ambayo inatumika na ikiwa ni hii kazi ya uchimbaji wa michanga pia itazuia. Mara nyingi watoto wetu wa shule wanapokuwa likizo wengine wanaacha kusoma kwa sababu wanaenda kuingia katika biashara hizi. Lakini wakati kuna hivi vyama vya ushirika kuna sheria ambayo itakuwa inawalinda ili kazi hii ifanyike katika mipangilio ambayo ni mizuri zaidi. Kwa hivyo, nasimama pamoja na mjumbe huyu kusema kwamba wawaruhusu ndugu zetu hawa wa Ngomeni kuunda chama chao cha ushirika. Asante sana.

Hon. (Ms.) Koki: Thank you Mr. Speaker, Sir. Before I continue to support this Motion, let me take this opportunity to congratulate and welcome hon. Reuben Katana officially to this House. I was not here when you were sworn in; I was on an official trip. Welcome *mheshimiwa*. Ganda people are looking up to you to serve them. As a Party we did a lot; we promised a lot and we hope you will deliver to the people of Ganda. Welcome.

I stand to support the Motion that has been moved by hon. Kiraga on Ngomeni and Kibokoni sand harvester's cooperatives. Cooperatives help in uplifting the livelihoods of people. In these cooperatives, members will be able to even get loans as well as get trained on financial literacy and know how they can be able to better their livelihoods. It is sad to hear that a life had to be lost just because people are fighting over cooperatives.

Again, if people of Ngomeni and Kiboni can be able to pay for somebody else's license for over two million shillings, then these are people who can really make a lot of money and they can help each other to move themselves from the standards of living that they are in right now to something else. I have seen many cooperatives working and as I sit in the Trade and Tourism Committee; as my Chairperson has said, I think this should move fast so that the people of Ngomeni and Kibokoni can get their right.

They are not requesting and if you are talking of eradicating poverty, what other better way than people who are willing to come together to form a cooperative which can help them improve their livelihoods? When we are talking about empowerment, what are we doing if we cannot help our people with such things? When these cooperatives are formed, the youth, women

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

and men will also get employed, thus create a source of employment. So, I urge this House to pass this Motion and the Committee on Implementation should follow it up with speed so that the people of Ngomeni and Kibokoni can get a new year's present by being allowed to form their own cooperative. Thank you.

Hon. Maitha: Thank you Mr. Speaker for giving me this opportunity. I rise in support of the Motion. I have listened carefully to the Mover of the Motion and we have all reasons to pass this Motion. We have realized that most of the sand harvesters, especially the cartels are now running away from Magarini Sub-County to other wards. We have sand harvesting in Ganze and Jaribuni. So forming such cooperatives will set the pace for other wards to copy and emulate the same. I rise in support of this Motion and insist that the guidelines from NEMA (National Environment Management Authority) which were passed around 2017 should be followed. The guidelines are very clear and the larger community of Kilifi County can benefit from sand harvesting. Thank you Mr. Speaker. I rise in support.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Kahindi): Hon. Members, in the absence of any other business in the Order Paper, I move to adjourn the House until this afternoon. Thank you very much.

The House rose at 10.02 a.m.