

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 4th April, 2017

*The House met at the County Assembly Chamber,
Malindi Town, at 2:30 p.m.*

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

PRAYERS

MOTION

ADOPTION OF THE REPORT ON THE PROPOSED RE-PLANNING AND RE-DESIGNATION OF KIBAONI CAR
PARK

Hon. Muhambi: Asante sana Bw. Spika. Ningeomba utupatie mwelekeo kwa maana hapa kuna marekebisho sasa sijui tutaanza vipi.

The Speaker (Hon. Kahindi): Just proceed with the Motion.

Hon. Muhambi: Okay. I beg to move:-

THAT, this honourable House adopts the Report of the Sectoral Committee on Lands, Housing and Settlements on the proposed re-planning and re-designation of Kibaoni car park laid on the Table of this honourable Assembly on Monday, 3rd April, 2017.

I call upon hon. (Ms.) Sophie to second.

(Hon. (Ms.) Sophie seconded)

(Question proposed)

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion has been tabled for debate by Vice Chairperson of Lands, hon. Muhambi. The same has been seconded by hon. (Ms.) Sophie. I now propose that the same is ready for debate. Yes hon. (Dr.) Chitibwi you have...

Hon. (Dr.) Chitibwi: Mr. Speaker, Sir. I beg to move an amendment to this Report by recommending that recommendation number four be deleted and be replaced by “application for the lease by Kavenya Investment Limited be rejected”.

I call upon hon. Gambo to second.

(Hon. Gambo seconded)

(Question of the amendment proposed)

The Speaker (Hon. Kahindi): Hon. Members, subsequently, an amendment has been duly introduced to the previous Motion and I want to note that the same has been brought in good time by hon. (Dr.) Chitibwi and seconded by hon. Gambo. It is properly before the House and therefore I propose the same is ready for debate. It takes precedent of the original Motion until the determination of the amendment. It will give a way forward on how the original Motion was supposed to be. So what we have for now is to deliberate the amendment to the Motion which has been brought by hon. (Dr.) Chitibwi. Yes hon. Gambo.

Hon. Gambo: Thank you Mr. Speaker, Sir. I stand to second the amendment. I understand this Motion has come because we have realized that the said plot has a lot of conflicts and that is evident in the findings and recommendations of the Committee. In that area, we have Kibaoni car park which was found to be in existence. We have the jua kali garage and traders who are occupying the area. On the findings, these areas were not allocated and when we come back to their recommendation we find the Committee recommended that the lease application by Kavenya Investment Limited be revoked.

To my understanding, this word 'revoked' brings to my attention that the lease is existing which when this word is used, it will make Kavenya Investment Limited complain in future that there has been a lease and they are waiting for the other complainants to settle these people who have occupied the car park and the garage who are supposed to be removed. I stand to support the amendment to this Motion. Thank you.

Hon. Sadi: Thank you Mr. Speaker, Sir for giving me this opportunity. I stand to support the amendment to the Motion because in 1969 in Kilifi Town, part of Kilifi called Mtaani Kisumu Ndogo was planned and during planning process, the residential areas were identified and a car park so that lorries and pickups can have a place to park.

Now this car park is what Kavenya has requested to be allocated. Given that the Committee had realized that this car park was in existence in the plan and it was necessary for the County Government to implement the planning that was done initially, there is no point of saying that Kavenya's application should be set aside until underlying issues are sorted out so that he can come back later. No, this car park has to go back to being a public utility like the way it was designed since the beginning of everything. I stand to support the amendment to this Motion. Thank you Mr. Speaker, Sir.

Hon. Kenga: Thank you very much Mr. Speaker. I also rise to support the amendment to the Motion as tabled by the hon. Member. While going through the Report that was prepared by the Sectoral Committee on Lands, Housing and Settlement, one of the things that I am made aware of is the engagement that was done by the Kibaoni Jua Kali garage members of Kilifi and in a letter dated 1st August, 2016, the list is attached of so many people including their identification (ID) numbers and some of them had an opportunity to append their signatures and a copy sent to the County Clerk, the County CEC Member for Lands, the physical planner and the MCA Sokoni Ward and Kavenya Enterprises.

Mr. Speaker, Sir, the members had various reasons and one of the issues that is touchy is the fact that these people had an opportunity to stay in that area for more than 30 years and they sight some achievements that they have been able to have as a result of them being there through the issues of self employment in areas like mechanics, welding and electrical works that has employed a lot of people and this had led to the reduction of drug abusers and crime.

As a County Government, we are supposed to look into how best we can improve the livelihoods of people and this is going to disrupt the lives of a majority of people under the umbrella of Kibaoni Jua-kali garage of Kilifi who have had time to do their... Another reason is as given by hon. Lali Sadi that there was an area that was identified for such like activities and therefore it is for the good of the County Government and the people that we reject the application that was done so that this man does not set-up whatever he wanted.

Mr. Speaker, Sir, looking at the letter, this time it requires the Members to be very careful. I want to take Members to the last item on the letter dated 1st that ‘we are at your mercy, guide us’, that’s *wananchi* and we will guide you. We are just about to go to the general elections and the interests of the people are paramount. We therefore need to take care of these interests and make sure that as we close the term, we close it in a way that will bring hope to the people of Kilifi. Thank you very much Mr. Speaker, Sir. I beg to support the amendment to the Motion.

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. I rise to support the amendment. I think Kavenya Investment is seeking authority to have the car park under lease of 25 years as I read in the report. As to what hon. Lali Sadi said, this is a public utility and it should go back to the County Government who I am sure will have a lot of things to do with that plot rather than giving it to an individual and I am sure Kavenya Investment definitely has a catch. I do not think it is kind to our people to say that you want to lease that place and do development.

Mr. Speaker, Sir, I have cold feet. If I read this Report, again we might agree to give them the lease but 25 years is not a short time for this plot of land in other hands. So many people were looking for land in Kilifi. We have the Almadinas and the likes.

I think if this land is to be repossessed, it should go back to the County Government then there we are sure that this area is not going to go up for sale. I agree with hon. Lali Sadi that we have plans for this county and we should go by the plans. Once we allow the physical planning Department to keep on changing and using the County Assembly for that authority, then our grandchildren are going to blame us because this county will be upside down. I am going to expound further when I come back to discuss the Report. Thank you very much, Mr. Speaker.

Hon. Chai: Thank you very much Mr. Speaker, for allowing me to stand and support the amendment. I think I will first congratulate the Member who brought this amendment. When I read statement number four the words after “revoked” that “until all the underlying issues are effectively resolved.”

I thought maybe the Committee was going to recommend that Kavenya should acquire this place again and when I saw these amendments here, I was happy about it and I just wanted to stand and support it very actively and will be of meaning in the discussion of the whole Report. Thank you. I stand to support.

The Speaker (Hon. Kahindi): Yes hon. (Dr.) Chitibwi, can we have your submissions.

Hon. (Dr.) Chitibwi: Thank you very much hon. Speaker, Sir. I wish to congratulate and thank the hon. Members who have spoken on this amendment. It is a pity that at this time of the County Government of Kilifi we receive such proposals. This request speaks and smells of impunity. This request came to the House and when we received it, there was already an eviction notice for the people occupying that area to move out. In fact, the Assembly had not even received an application. It means that somebody was assuming that the Assembly was going to agree to what they wanted. It appears that somebody had done a lot of work and was sure that the people of Kilifi are so blind and so deaf that they would accept to sacrifice the public good for an individual’s good.

I wish to inform my fellow Members that that particular area we are talking about has been a subject of controversy to the residents of Kilifi and many other potential investors; hon. Lali Sadi knows. Very many people have wanted to occupy that area and we as residents of Kilifi have resisted. Right up to the time when it was the defunct Town Council of Kilifi and at one point the Town Council wanted to accept that but the people themselves resisted and said no! Why should we sacrifice the needs of the public for an individual?

So my main purpose for the amendment is the language that was here was rather worrying. The word 'revoked' means that somewhere they already owned that lease but it is being revoked and then it says until all the underlying issues are effectively resolved. Somebody is going to change this English or the meaning of this sentence. Somebody is going to make a lot of efforts to remove those who were there and place them somewhere else and say that the outstanding issues have been resolved so the applicant is now free to occupy that area.

Where we are now, we are going to transition period and even after that transition, somebody can easily twist the meaning of this and say after all the County Assembly accepted. The only condition was to resolve the underlying issues. So I wish to thank the Members who have contributed to this and I request this House accepts the amendments that are put forward. Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion has been moved for amendments to number four of the recommendations to the Report and the amendment was to replace the sentence number four which says, "The application for the lease by Kavenya Investments Limited be revoked until all the underlying issues have been effectively resolved." That was to be replaced with, "The application for the lease by Kavenya Investment Limited be rejected." I now put the question.

(Question, that the words to be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

Hon. Members after the passage of that amendment therefore, it now goes in record that the Committee Report paragraph four now reads, "The application for the lease by Kavenya Investment Limited be rejected." We will now refer to the original Motion having in mind that part four of the recommendation has been adopted through amendment.

(Question of the Motion as amended proposed)

The Vice Chairperson for Lands Committee had proposed that Report and hon. (Ms.) Sophie Chokwe had seconded. Can we hear from hon. (Ms.) Sophie.

Hon. (Ms.) Sophie: Asante mshemiwa Spika. Nashukuru kwa kukubaliana na Ripoti hii. Mimi nikiwa mmojawapo wa mwanakamati wa Ardhi na Makao, tulienda na tukazunguka katika ... ule wa Kilifi na kweli tulipata wafanyikazi mahali pale ambao wamefanya kazi kwa miaka zaidi ya thelathini (30). Kitu ambacho tuliona ni kwamba ijapo huyu Kavenya alitaka mahali pale ili aweke mradi wake wa *car park* ama kuegesha magari, tuliona wafanyikazi wale hawajapewa mahali maalum na ingekuwa sisi tunawatesa. Kwa hivyo, kwangu mimi nimeshukuru kwa vile ambavyo tumeweza kukubaliana kwamba mpaka wapate mahali ambapo wataweza kufanyia kazi.

Tukiangalia wengi wao wako pale, ni mahali wanaweza kupata riziki zao na itakuwa ni vibaya sana kama Bunge hili likikubali kukodishwa halafu ionekane watateseka. Kwa hivyo, ni vizuri tuone kwamba wale maofisaa tuliokaa nao waweze kutafuta mahali ama serikali hii yetu ya Kaunti kuwaweka wale pahali pazuri ambapo wanaweza kufanya kazi zao ambapo watajipatia mapato yao. Nakubaliana na Ripoti hii na nasema asante Bw. Spika.

The Speaker (Hon. Kahindi): Yes, you had pressed the microphone hon. (Ms.) Chiku. Yes, hon. (Dr.) Chitibwi.

Hon. (Dr.) Chitibwi: Thank you, hon. Speaker. Coming to this side, I think this request came as a blessing in disguise for the people of Kilifi. We have been making assumptions that our plans are safe. I am sure if this request had not come up, that wake-up call would not have been there now. I know Kilifi Town has got a very good plan. It was developed a long time ago although it has not been updated and very unfortunately, it is the public servants who have let the town grow without following that plan.

What is happening right now is that you are even finding houses being demolished to make way for roads, something that should not have happened. That is money that maybe somebody borrowed but now they have put that house down. It is very simple for now and for the future; if there is need to re-design the town, then let it be re-designed and let the people participate and accept the new plans. We should not do it haphazardly. Kilifi Town is the headquarters of Kilifi County. It is the face of Kilifi Town and if we are not careful, we are going to be the laughing stock of this country. We are also not going to be able to attract investors from outside.

The particular area that has been requested is in fact at the entry of Kilifi Town and I believe it had been set aside for a car park for good reasons. Many of us see how cars are parking in that town. So let it be re-done like according to the other recommendations. Let those occupying the car park be assigned another place and that car park be developed as a proper car park for the beauty of the town and also knowing that vehicular traffic is going to increase in the coming years. I now support the Report with amendments made. Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Yes, hon. Lali.

Hon. Lali: Thank you Mr. Speaker, Sir, for giving me this opportunity. May I first congratulate the Committee for a work well done. Hon. Speaker, the first plan of Kilifi was done in 1962 by the then colonial government. The colonial government had identified Kilifi Town as an administrative headquarters for the entire Kilifi District at that time. They had planned the town but they had indicated in the plan that these are government zones, public parks and residential areas but there were no finer details of the plan. The first finer detail plan of Kilifi Town was done in 1998 under the Mtaani, Kisumu Ndogo upgrading scheme.

The Mtaani Kisumu Ndogo upgrading scheme identified the residential areas, the public utility plots and among the public utility plots was the car park at Kibaoni. Why the car park at Kibaoni? The car park at Kibaoni was created simply because you will note that in the entire Coast, Kilifi Town is the biggest producer of building materials in the whole Coast region. In fact, most parts of the buildings in Mombasa were constructed with materials coming from Kilifi Town. You will find that there are so many lorries parked at Kibaoni opposite Pwani University gate that are doing business for building construction. These lorries were earmarked to be parked at the car park. Now the biggest problem is during the local authorities; they did not develop the car park so business people started invading the land. They invaded starting with a few and with time, quite a number came. We have garages and all sorts of businesses operating there but the original concept was to have a car park so that the lorries that we see at Kibaoni could be

relocated to that area. Anybody who wanted a lorry to ferry building materials could easily go there and find a lorry to do his or her business.

So, to revert this plan and give it to any individual was an insult to the people of Kilifi Town and I want to congratulate this House. Today you have done something that the entire Kilifi Town will be proud of because you have lifted their dignity. People wanted to have their lorries parked there so that they can be able to transact their businesses and not interfere with Kibaoni which is the main entrance of Pwani University. So, hon. Speaker, with these few remarks I wish to say that I support this Report with its amendments. Thank you so much.

Hon. (Ms.) Chiku: Thank you, Mr. Speaker, Sir. I rise to support this Report and I want to go on record that lorry parks in the County Government are run by the County Government itself and not by an individual. Why am I saying this? Before we came into devolution, I think Malaba Town Council was depending on the revenue received from the lorry parks only. This County Government is looking for revenue right, left and centre and we cannot afford to give such land to somebody to make business out of it.

I also rise as a Member of the Planning Committee in this County Assembly and I think for many years I have always asked for the blue print for Kilifi Town. I believe none of you has ever seen the blue print for the town that we are actually discussing. We do not know where the cemeteries area is supposed to be, we do not know where the housing estates should be. This is because right now we have notorious officers in the Planning Department who can put this town upside down even when there was a Committee of town planning and they took a lot of pains to come up with their plans.

Why am I saying this? At the moment there is an airstrip in this county which has now been turned into an estate and that is Kiwandani and that land belongs to the aerodromes. That mistake has been made and I know that one day, what happened to Syokimau in Jomo Kenyatta will happen at Kiwandani. Members let us be careful and let us try to correct the mistakes being made and plan Kilifi Town to be a modern town. Things are changing; I am sure in the long run we will have trains running from Lamu to Mombasa and so on.

Kilifi will not remain at a standstill; so our decisions here will contribute a lot to what we are doing here. Devolution does not mean building primary schools in Mikingirini, Bahati and Ngerenya and so on rather it also means changes. When I say changes, one day I expect to wake up and find this Kilifi Town like Mauritius. I think Mauritius started the same way as us; it was just a small place with few people, but they came up with brilliant ideas. So, Mr. Speaker and my fellow hon. Members, I ask you to let us change this town into Mauritius or into Singapore. I am sure all those who went to Singapore saw that but it all depends on us and the way we are going to handle it.

It is sad to see that our beaches today are flats. There should be no flats and apartments at the beaches at all. That is causing a lot of hue and cry at County 001 (Mombasa) we have seen it in the papers where it has come out like that; I do not want to repeat. So, when I retire; I want my great grand children not to regret, “*Nyanya* there was an airstrip here and you did nothing about it”. There is a lot we can do but if the Planning Department was also involved in this, I think we would have come out with a better thing. Thank you, Mr. Speaker, Sir.

Hon. Chai: Thank you very much, for allowing me to stand in support for the adoption of this Report together with its amendments. I will be very brief on my part. As we have heard from hon. Lali who has give us a brief history of Kilifi Town and from his vivid narration, it has prompted me to stand active in support of the adoption of this Report.

Number four from the Committee findings talks about the availability of an alternative land to resettle the traders. In my opinion, I would wish that this does not turn out to be a permanent solution. This is because in most times it happens that after resettlement of any group of people and re-developing their previous land, new individuals are welcomed and the indigenous people who once possessed the land are forgotten.

It will be wise to keep that in mind. We have received the signatures from the original traders as attached in this Report and I believe they should be given the first priority after the development of that parcel of land. I stand in support of the adoption of this Report.

The Speaker (Hon. Kahindi): Thank you. Hon. Muhambi, do you wish to make any submissions.

(Question that, the Mover of the Motion be now called upon to reply, put and agreed to)

Hon. Muhambi: Asante sana Bw. Spika. Mwanzo, wacha niwashukuru wale waheshimiwa wote ambao wamepata nafasi na kuchangia kuunga mkono Ripoti hii. Kilifi ni jiji ambalo linakua kwa haraka sana kwa hivyo itakuwa ni vizuri ile mipangilio ya mji ambao ilikuwa imepangwa iwe itafuatwa.

Wakati tukipata hii barua kuhusu mambo ya Bw. Kavenya, ni kweli tulienda kule Kilifi na tukatembelea na kupata kwamba kuna watu ambao wameingia pale ndani na wengine ni wachuuzi na wana vibanda na wale mafundi wa magari ambao wako pale wanafanya kazi kujitafutia riziki zao.

Tuliona kwamba itakuwa ni vizuri hawa *Chief Officers* wawe watatafuta sehemu zingine wale watu wataondolewa lakini sio ati kwa ajili awe atapatiwa Bw. Kavyena. Wale watu pale waondolewe kusudi ile mipangilio ambayo ilikuwa imepangwa, kama ni mambo ya kuegesha magari iwe itafuatiwa.

Jambo lingine, hawa *Chief Officers* walitunyeshwa sehemu ambayo wakiondoa wale watu pale wataenda kuwaweka sehemu hizo lakini tukawaambia itakuwa ni vizuri ikiwa watazitungezeza mpaka zikiwa tayari, ndio waondoe wale watu na kuwapeleka kule ili ile sehemu ipangwe na kuengeshwa magari.

Bw. Spika, naomba waheshimiwa tuiptishe Ripoti hii na ikipita, wakaaji wa Kilifi watakuwa na furaha. Asante sana Bw. Spika naunga mkono.

The Speaker (Hon. Kahindi): Thank you hon. Muhambi. Hon. Members, the Report has been presented before the House, the same has been amended as moved by hon. (Dr.) Chitibwi and after many deliberations, I now put the question.

(Question of the Motion as amended put and agreed to)

Hon. Members, passage of this Report with amendments therefore means that the application for the lease by Kavenya Limited is rejected by the County Assembly of Kilifi.

ADJOURNMENT

In the absence of any other business in the Order Paper, I now move to adjourn the House until tomorrow in the afternoon. Thank you.

The House rose at 3:11 p.m.

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