



REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
SECOND ASSEMBLY –FOURTH SESSION

THE HANSARD

Wednesday, 15th July 2020

*The House met at the County Assembly Chamber,
Malindi Town, at 3:30 p.m.*

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

PRAYERS

STATEMENTS

NON-OPERATIONAL PALAKUMI-MWIJO PIPELINE

Hon. Shaban: Thank you Mr. Speaker, Sir. I am standing on behalf of the Chairperson and I am also a member of the Water of Committee. I wish to respond to a Statement sought by hon. Pascal Jacob Thuva that was made on 3rd June 2020 on the Palakumi-Mwijo Pipeline.

The Department is aware that access to clean and safe water in adequate quantities is one among the six economic and social rights enshrined in the Constitution of Kenya, 2010.

The problem that occasioned to have the pipeline non-operational for some time has been because of technical problems with the air valves and the section valves. However, as at now the project is functional between Palakumi booster station and the Kwa Demu tanks.

The Department is working very closely with the service provider (Kilifi Mariakani Water and Sewerage Company) to ensure the remaining stretch between Kwa Demu to Mwijo is operational.

The Department is determined to ensure that water service provision in the area will be reinstated soonest possible so that the people can have access to clean water especially putting into consideration the current pandemic we are in of Covid 19. Thank you.

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Hon. Pascal: Thank you Mr. Speaker for this opportunity. I stand to accept part of the Response that has been given. This pipeline as indicated has been able to serve Ganze and Kaloleni but for the past six months it has not served its residents well. The Response that has been given here is that it is operating but the truth of the matter is that it is operating halfway and that the reasons that brought its stallment is that the line that serves it from Palakumi junction is a small one and has been advised to upgrade that pipeline.

So I think the CEC Member has not been conclusive in his reply. What I had needed was the timelines of the areas that they had indicated they will upgrade because Mariani tank is filled by a four inch pipeline and then it exits with a six inch and that already is a hitch. You cannot fill a tank with a four inch and then exit with a six inch bigger pipeline.

The hitch has been that we had wanted to upgrade the pipes from Palakumi junction to where Maruani water tank that is Kwa Mebo and Mwijo areas. So the CEC Member needs to highlight more on the upgrade so that the people of Bamba on the other side and Kaloleni can get served with this pipeline. I think if he is able to seek this problem then we will be better placed to see improvement. Otherwise as we speak, a part of that pipeline is serving well. Thank you.

DISPOSAL OF WASTE AT KADZENGO SWAMP BY PWANI OIL LIMITED

Hon. Shaban: Thank you Mr. Speaker, Sir. I am again standing on behalf of the Chairperson and also being the Member for the Water Committee. This is a Response to hon. Victor Gogo that was raised on 3rd June, 2020 on the disposal of waste at Kadzengo swamp.

The Department is aware that Pwani Oil Product Limited (Ltd.) is discharging waste water to the environment. The company has an affluent discharge license from NEMA allowing them to do the same under conditions outlined in the license.

Pwani Oil products Ltd. release the waste water within their compound; however most of it finds its way to Kadzengo swamp during rainy seasons due to storm water. This situation is worsened by the fact that some of the storm water stagnates along the road causing bad odor after sometime.

The Department has been undertaking the following to ensure that the company does not release contaminated waste water to the environment hence causing environmental pollution;

1. Compelling the company to treat the waste water before discharging it,
2. Monitoring waste water treatment,
3. Compelling the company to undertake water quality analysis,
4. Advising the company to plant eucalyptus trees and,
5. Encouraging the company to undertake water recycling so as to save the water resource which is already scarce in the county

Attached are the copies of the recent water quality analysis undertaken by the company and affluent discharge license for your reference. There is need however for the relevant agencies to work on the drainage system in Kikambala to prevent stagnation of the storm water.

The Department will continue to monitor compliance on environmental management and protection by the company and advise them accordingly.

Hon. Ndago: Mheshimiwa Spika, nashukuru kwa nafasi hii ambayo nimeipata pia nifike hapa na nisikie majibu ya Wizara hii ambayo imeletwa kwa Bunge hili. Nataka niseme kikatiba nimechaguliwa na wananchi kuwawakilisha ndani ya Bunge hili na ninaposimama kuleta *Statement* kwa Bunge huwa ni kwamba kuna mambo huwa yamekoseka kule chini. Nimesoma

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hiyo barua ya NEMA (National Environment Management Authority) na kila kitu lakini nataka niseme ya kwamba kwa Kadzengo Kikambala harufu imekuwa ni mbaya sana. Majibu ya Waziri amekubaliana ya kwamba kwa sababu maji hayatembe ni kweli kuna mvundo ambao ndani ya wadi yetu ya Mtepeni haipendezi.

Ukiangalia ile mikakati ambayo wizara inasema imefanya kuona kwamba uchafu ule haufikii wananchi lakini katika majibu yao sioni barua ambayo inaonyesha wizara yetu ya maji wana kithibitisho ya kwamba wao nao pia wamenda wakaangalia hayo maji ambayo yanasimama hayana uchafu ya vitu ambao vinatoka kwa ule mtambo wa Pwani Oil.

Mimi ningeomba tu kikatiba uipatie ruhusa Kamati yetu ambayo ina Mwenyekiti mzuri sana Mheshimiwa Hasana, watembelee mtambo ule na pia watembele wananchi wangu kuwauliza maswali ili wapate kuona vile wananchi wanapata matatizo kulingana na ile harufu ambayo inatoka na ule uchafu ambao kampuni ya Pwani Oil inaachilia wakati mvua inanyesha. Asante.

The Speaker (Hon. Kahindi): The Committee on Environment go and investigate on the issues that have been raised and while you are there, kindly invite hon. Ndago to work with you all through the process.

(Hon. Ziro stood on a Point of Order)

Hon. Ziro: Thank you Mr. Speaker. I am rising to air an observation that I have seen in this Chamber for the past four months. If you look at the door here there is one of the handles that has been hanging like that for quite some time and as I was walking out, I almost fell down and I thought maybe it is better you get informed because you might not be aware of this since when you are coming in the Sergeant-at -Arms always opens the door for you. So I just wanted to bring it to your attention, thank you.

MOTION

TRANSFER OF FUNCTIONS AND TECHNICAL PERSONNEL TO KILIFI AND MALINDI MUNICIPALITIES

Hon. Pascal: Thank you Mr. Speaker, yet again for giving me an opportunity to present before this House a Motion that is directed to the County Secretary and the Motion is about transfer of functions:-

THAT, Aware that Section 9 (1) of the Urban Areas and Cities Act, 2011 provides that the County Government may on the resolution of the County Assembly confer the status of municipality on a town that meets the criteria set out in Sub-Section (3) by a grant of charter in the prescribed form,

FURTHER AWARE, that the County Assembly clear resolution made in a plenary sitting of Tuesday 9th October 2018 conferred to the status of a municipality on Kilifi and Malindi Towns,

RECOGNIZING THAT, H.E. the Governor pursuant to Section 20 of the Urban Areas and Cities Act, 2011 and Article 5 of the Kilifi and Malindi Charters, the County Executive Committee through the Kenya Gazette Notice Numbers 790 and 791 dated 22nd November, 2019 respectively delegated the functions to be undertaken by the two municipalities.

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FURTHER RECOGNIZING THAT, through Kenya Gazette Notice Numbers 790 and 791 the concerned Departments were supposed to transfer or second technical personnel to Kilifi and Malindi for effective and efficient service delivery with effect from 21st December, 2019 but some of the Departments are still withholding the functions and the resources,

COGNIZANT OF THE FACT THAT, resources should follow functions; now therefore, this House urges the County Executive through the County Secretary to fully transfer to Kilifi and Malindi municipalities the Gazetted functions, the required technical staff and the resources necessary for effective and efficient performance of the functions in the next financial year.

Thank you Mr. Speaker Sir, I call upon hon. (Ms) Sidi to Second the Motion. Thank you.

(Hon. (Ms.) Sidi seconded)

(Question proposed)

Hon. Pascal: Thank you hon. (Ms) Sidi for Seconding the Motion. Mr. Speaker, before she contributes, allow me to make some highlights and contributions toward the same.

Mr. Speaker, as the Motion has indicated, it is close to two years since that some very critical functions should have been transferred to the municipalities that we passed in this Assembly. Devolution was meant to bring development closer to the people and that is why we as a House allowed the two municipalities Malindi and Kilifi; because we wanted development to come closer to the people of Kilifi.

As we speak, there are some functions that are still held up in Departments for example garbage collection, which is meant to be properly done by the municipalities is still hinged in the Department of Environment. The issues to do with staff, these municipalities when they came to present before the Committee on Budget, they are still working with skeleton workforce and do not have autonomy Mr. Speaker.

Therefore, I urge hon. Members to support this Motion so that these functions can be sent to the ground and see the municipalities working. I call hon. (Ms) Sidi as the Seconder to make her contribution and call hon. Members for effective service delivery. Thank you, Mr. Speaker.

Hon. (Ms.) Sidi: Thank you Mr. Speaker. I also rise to Second and support the Motion. If you recall last year, the Governor and the stakeholders for the initiation for municipalities were here and gave their presentation and the whole House was pleased with that.

The Assembly looked forward to passing the policy for the same municipalities to be formed. The essence of devolution of municipalities was to make sure that provision of quality urban services which will promote environmental sustainability in the municipalities was done independently with the financial of the municipality boards. The municipality boards were formed for both Malindi and Kilifi functions and even the service charter are out.

Some of the functions of the municipalities are ranging from; garbage collection, street lighting, maintenance of parking in the towns, animal control and the maintenance of oceans among others.

All these functions cannot be done without resources, the municipalities Charter has a lot of functions which the Boards are not be able to do because these functions are not able to do because these functions are not under the municipality Boards. I am urging hon. Members to support this Motion, so that we can see these Boards up and running. Thank you, Mr. Speaker.

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Hon. Mwambire: Asante sana Mheshimiwa Spika kwa kunipa nafasii hii wa kuchangia madaa hii. Tukiingia kwa mambo ya *municipality*, yako na jukumu kubwa sana kuchangia mambo ya uchumi wetu, mbali na haya majukumu, *municipality* ni vitengo muhimu sana ambyao yanaweza kuchangia mapato ya Kauni kwa njia tofauti. Tunapo ithinisha Msawada huu ni kwamba uadilifu utaonekana kwa njia mbali mbali. Kwa hivyo, na simama kuunga mkono Mswada huu.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Kahindi): There being no any other business to transact, the sitting is adjourned until 3rd August 2020.

The House rose at 3:55 p.m.

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