



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY –FIFTH SESSION

THE HANSARD

Wednesday, 17th March 2021

*The House met at the County Assembly Chamber,
Malindi Town, at 11:00 a.m.*

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

PRAYERS

PAPER

THE KILIFI COUNTY FISCAL STRATEGY PAPER, 2021

Hon. Mwayaa: I am holding brief for the Leader of Majority Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Proceed.

Hon. Mwayaa: Pursuant to Section 117 (1) of the Public Finance Management Act, 2012 and Standing Order No. 207 of the County Assembly Standing Orders, I wish to lay on the Table of this House, the Kilifi County Fiscal Strategy Paper, 2021. Thank you.

(Hon. Mwayaa laid the document on the Table)

STATEMENTS

COLLAPSED MASHETA BRIDGE

The Speaker (Hon. Kahindi): Response to a Statement sought by hon. Ronald Kazungu Mbura, is he present? From the Department of Transport and Public Works, Chairperson Roads, hon. Mwamtsi or the Vice-Chairperson? Who is the Vice-Chairperson, Roads? Any other Member from the committee because this is a response and I am sure it just needs somebody to

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read it. Hon. Victor Gogo, you are a Member of the Committee on Roads? Please, can you make sure that you give the Response to the question raised by hon. Ronald Mbura.

Hon. Thaura: Thank you Mr. Speaker for this opportunity. I wish to read a Response to a Statement raised by the hon. Member for Chasimba, hon. Kazungu Mbura and the Statement is as follows:-

Whether the County Executive Committee Member (CECM) in-charge of Roads, Transport and Public Works is aware that Mwamkura-Ziani road has been impassable for more than six months now due to a collapsed bridge at Mesheta that connects Kwamwamkura and Ziani.

If yes, what steps is the CECM taking to ensure that the bridge is reconstructed to make the roads passable?

Then Mr. Speaker here is the Response:- We are aware that in the process of rehabilitation of the Mwamkura - Ziani Road, the bridge at Meshata on this road collapsed as a lorry loaded with murrum was crossing. The Department of Roads, Transport and Public Works on different dates assigned a team of County engineers and also invited a team of KeRRA (Kenya Rural Roads Authority) engineers to assess the extent of damage on the bridge and hence give recommendations.

Recommendations were received from both teams. Due to limitations of funds allocated to the Department, we opted to seek for assistance from the Cabinet Secretary, Ministry of Transport, Infrastructure, Housing and Urban Development through a letter dated 11th August 2020. We are yet to receive official response.

The Meshata Bridge is a steel (bailey) bridge and the Ministry normally has such bridges in stock to use in case of emergencies. The Department is still making a follow-up to have the bridge rehabilitated so that citizens can use the access roads. Sincerely yours, Prof. Joshat Mwatela, the CECM Roads, Transport and Public Works. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): Hon. Kazungu Mbura, are you satisfied with the Response or do you seek further clarification? And who is doing the repairs now, is it KeRRA or the County?

Hon. Mbura: This bridge is for KeRRA. In every financial year, they bring money to the county. What is being claimed here is; the bridge is a steel bridge and the county cannot do a steel bridge. So, it is for them to request the National Government to do the repair but KeRRA decided to do a BQ (Bill of Quantity) for a cement and concrete bridge. I am still waiting for a feedback from them in terms of that bridge.

The Speaker (Hon. Kahindi): So, in other words you are handling this matter personally. It seems you are not getting the help that you need from the Department.

Hon. Mbura: Yes, I am not getting the help. This is because first there was a Kshs 20 million allocation which was later removed while it was enough to do the job.

The Speaker (Hon. Kahindi): If the CEC Member says now that it is a National Government job, why did they allocate Kshs 20 million in the first place?

Hon. Mbura: It is a National Government job but we normally do repairs on the bridge. What the Department is stating is that they normally do repair of roads of not more than ten million shillings based on the donor funding requirement.

The Speaker (Hon. Kahindi): I am trying to figure out how I can be able to submit on this one. This is because you seem to have better information than whatever has been given on the Statement. So, you are pursuing the matter through KERRA?

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Hon. Mbura: Yes, exactly.

The Speaker (Hon. Kahindi): Okay fine. So, hon. Kazungu (Mbura) says that he is following it up through KERRA because...

(The hon. Speaker spoke off record)

...now we have hon. Stanley who had requested a Statement. Hon. Pascal, you wish to say something?

Hon. Pascal: Thank you Mr. Speaker. I had something small on my...

The Speaker (Hon. Kahindi): Sorry it seems your requests are coming really slow on my side. They are taking a bit more time.

Hon. Pascal: I just wanted to respond to what the hon. Member has just spoken and I want to say that the Roads Department is something that we also need to take care of as the oversight wing of the government.

Mr. Speaker, besides the Mwamkura Bridge, we had an arrangement with the Department to fix another bridge that connects Chasimba and Mwanamwinga. We had gone to a very advanced level. Then somehow these funds were reallocated to other projects all together and the CEC Member has been working on promises only. I think we need to be serious as a government. This is because if we promise the people that a certain bridge will be fixed then there should be seriousness in the management of such affairs.

As we speak here, there are Statements that we made to the Executive which they promised but the timelines that they put have not been achieved; time has elapsed and nothing is happening. So, I am actually seeking your indulgence on what we need to do because they have promised and nothing is happening on the ground and the people are still waiting for the services. Kindly give direction on that. Thank you.

The Speaker (Hon. Kahindi): Yes hon. Stanley you have a Point of Order?

Hon. Kenga: Mr. Speaker, I do not know the kind of guidance you will give, given that the work that was being done was work that was contracted by the County Government. So, in the process of doing the Mwamkura road, the bridge was damaged in the process. Now, I know of cases where when the County Government has contracted somebody to do work for instance like building a road and then there are water pipes that have been damaged in the process. Then it is upon the contractor who is supposed to take full responsibility.

So, I do not know what position this matter is supposed to take because as we say, as hon. Members we have lost faith in the Department and the CEC Member then we are helpless and therefore we may not be able to even push the issues of the common *mwana* in the Department. So, we need to be very careful and see the best way to handle this and help the Member and his people. Thank you.

COMMUNICATION FROM THE CHAIR

ADDRESSING UNSATISFACTORY RESPONSES TO STATEMENTS SOUGHT

The Speaker (Hon. Kahindi): Let me just say this and probably it will address all other issues. It seems that we are heading on the grounds where no responses are forth coming and even those that are coming are in a manner that is dissatisfying. Let me tell you one thing. You

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will never solve the problem unless you document it and you call that person to appear before us; again that is your responsibility. The only way we can be able to know which side is biting us the most is when you have the concerned parties appear before us. The instruments of power bestowed upon you allow you to do that; to call those people to appear before you here.

Probably the Chairperson of Roads who has just walked in; these are matters that require dialogue and people to sit down and discuss. The only way to do that... it is also worrying me to see that you have given up. It is true as you have said that you have followed up and nothing is happening while the information you are given is not reflecting the reality on the ground. So, now you are devising your own ways to make things work.

That is not the way the system should work. People are supposed to be accountable for their actions and the only way to do that is to use the same Standing Orders that we passed which therefore is you own a Statement now and you feel that you are not satisfied, do not throw it into the dustbin. Coin them in terms of questions that these members to appear before the Committee on General Oversight.

I am sure there is another Member that has an issue on roads the same way we have realized on the issues of health. So, if that is the position therefore, come together and do a question so that we can address the matter as a Whole House then we get the facts on the case. We can only do so if you prompt us to do so because the Standing Orders as they state is that "A Member may write a question and that the Office of the Clerk is there to assist". If you do that, you will not be only helping yourself but you will also be helping the people who elected you. As for the House then, we will be able to get answers on what is happening on the ground.

Clearly it is coming out that most of these things that are being responded here, the respondents have no idea of what is happening on the ground. Apparently, MCAs are the people who live on the ground; you are there because you will use that road so nobody can lie to you. What I am seeing as a trend is that you have a CEC Member who has absolutely no idea of what is happening on the ground. You cannot lie to the House that a hospital is complete and running and the hospital is just next to where the MCA lives. The MCA is in this House and he confirms that it is not running. Clearly there is disconnect and the only way now is to bring them here so that we can be able to interrogate them.

Let them lie to our faces now because they have been lying on the documents. Let them lie on our faces that these projects are being completed. Like what hon. (Ms.) Elina Mbaru has said that it seems even the Governor is being lied to. If he is being advised that this project is completely done and the MCA who comes from that ward says it is not done. Of course there will be no reason why an MCA would lie that a project is done that is not done; this tells you there is a problem. That problem can only be sorted out by you; by following due process.

Okay, so hon. Member I do not want to put you in a point of despair. I want you to be assisted and for you to be assisted, can you just walk into the Office of the Clerk, have this Statement re-configured into a question to come before the Committee on General Oversight. I want to have an opportunity to interrogate them. So, then therefore, we can be able to know who is doing what and who is not doing their part well. My advice to you is that you get the facts properly and let us have it so that we can try. With me, I think he needs to appear before us ...Chairperson; do you have anything to say? I do not know whether you have had time to look at it.

Hon. Mwamtsi: Thank you Mr. Speaker. The issue of Mwamkura Bridge I think the honourable Member has done his part. I am aware of the case. We held meetings with the

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relevant people and now that he has not been assisted, I think he needs the House as the last resort. So, like the Members have said, just give guidance on how that matter can be settled.

The Speaker (Hon. Kahindi): Hon. Mbura, this is where you are getting the point. Why we are saying Members are supposed to be Ministers because you could have been done with this? You go begging to somebody who is not giving you answers. If a Minister is sitting next to you would immediately hold him accountable and ask him what is happening but you see the trouble that you are going through.

You go to KeRRA and all those offices and yet there is somebody who sits in an office who is not doing his job. So, what I will direct further is for this matter which the Chairperson concurs with, please walk to the Office of the Clerk and let him put a question for you; draft it for you. The Assembly will facilitate you to do that. Then let me have it in my office for approval the earliest possible. In details we can have the CEC Member Roads, CEC Member Health appear before the House.

CONVERTING KAMALE HOLDING GROUNDS TO RESETTLEMENT SCHEME

The Speaker (Hon. Kahindi): We have hon. Kenga on Committee of Agriculture, Livestock and Fisheries Department, who is the Chairperson on Agriculture? Vice-Chairperson?

Hon. Mwambire: Thank you Mr. Speaker and the vice Chairperson for allowing me to hold brief in reading the Response from the CECM, Agriculture. Attached please find the Department of Agriculture, Livestock and Fisheries Statement;

One; The Kamale Holding Ground exists in Adu Ward. Response: Yes, the Kamale Holding ground is in Adu Ward stretching from Kanagoni Bridge to the boarder of Kilifi and Tana River County covering a distance of 7.29 kilometres. From the bridge to the West, it stretches a distance of 2.28 kilometres while from the Tana River border it stretches 2.5 kilometers to the West. The whole area of the holding ground is 2,735.29 acres equivalent to 1,106.95 hectares.

Two; That Kamale holding grounds is home to several public institutions namely Mtoroni, Thulu, Vuga and Timboni Primary Schools, Mtoroni Dispensary, several religious institutions as well as several sports grounds. Response: The Department is aware of the existence of the named primary schools within the holding ground. Vuga Primary School is however outside the holding ground and was surveyed and erroneously had a portion of the holding ground surveyed as part of the primary school. All schools indicated have also received support from either the County Government or NG-CDF (National Government Constituency Development Fund) and are at different levels of development. The Department is also cognizant of the availability of religious institutions and sports grounds within the holdings ground.

Three; That a very big population lives on Kamale Holding Ground. Response: The Department is aware of the existence of a very big population squatting on the holding ground making it difficult for the Department to fully operationalize its mandate in livestock disease control.

Four; That Members of the community had requested the County Government through the relevant National Government Ministry to initiate the process of negotiation to have Kamale Holding Ground revert back to the County Government for resettlement of people living within. Response: The Department is not privy to that request but would have advised accordingly if such a request would have been received.

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Conclusion; Livestock holding ground plays a key role in control of livestock movement into the County which is necessary for development of the livestock sub-sector. With land adjudication going on within the Ward, it would be prudent to ensure the holding ground was protected. However, in the event that evicting the squatters will prove challenging, then an alternative area bordering Tana River to be identified and set aside for holding ground and future agricultural development.

Attached, the CEC Member confirms that he visited that area for the purpose of follow up as per the Statement in question raised. We have the attached photos of how the area is. Thank you.

The Speaker (Hon. Kahindi): Hon. Kenga, do you seek any further clarification or you are satisfied with the Response?

Hon. Kenga: Thank you Mr. Speaker. I am not satisfied with the Response that I have received. We are talking of over 200 acres of land where people have settled. There are several public institutions and I gave examples of the public institutions; Timboni Primary, Mtoroni Primary School, Vuga Dispensary and quite huge population, quite a number of people who are also residing in that area. Mr. Speaker, this is a matter that I started pursuing with the late Former CECM Mazurui before Dadu came in now we have Maureen Mwangovya.

The last time I did this Statement if you look at the last page of the proceedings for today, it was addressed to the Department of Lands and I had wanted to know how far the process had gone because this is something that I had engaged the Department for quite some time in the first term of devolution. Mr. Speaker, the Response that the Department of Lands gave to this House after having engaged them for quite a long period of time was that the holding ground was not under the Department of Lands but it is under the Department of Agriculture and therefore Agriculture was better placed to pursue the matter.

The Department of Agriculture CECM has acknowledged all that I had raised in the Statement but you see I did not want him to acknowledge. What I wanted is how best can they now pursue the process to have the land get back to the County Government so that the county can now re-settle the people who are there so that they are not squatters anymore? But they are settled with documents of ownership to the area, Mr. Speaker.

She has gone further to even say that currently there is an adjudication that is ongoing in the area and looking at the needs for a holding ground, then if the adjudication process is ongoing and then there is land then it is just that simple that as a Department, as the County Government now because that is community land they can identify land if at all there is need for the holding ground though the holding ground has been there for so many years and we have not seen anything holding anything that purpose to be relevant to a holding ground. So that they can have an alternative land somewhere and have this land where people have already settled with all the public institutions, dispensaries, the primary schools that are there to have the people settle in that area. Now, it is not for us as a House, it is not for the Committee but it is for the Department.

If they felt that this was not something to be handled by the Department of Lands and therefore Agriculture was supposed to be looped in, then the County Executive Committee meetings, during their sittings that was the time they were supposed to sit and now as a government to come up with the direction that they should take to handle the matter but the Response they have given does not in any way solve the question and therefore the people are meant to be squatters in their own land where they were born and they have always known that to be their home. This is not the way a government should operate. If a problem has been raised

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by the representatives of the people, that problem must be able to come up with the concrete steps that they will take to solve this problem.

Governor Kingi will do his 10 years in office and the other Governor who will come if at all we shall be having CECs who respond this way then we shall not have any solutions to the problems. So we shall have these problems throughout and the people shall suffer. So we need to get direction on the best way forward so that we can have these people settled.

The Speaker (Hon. Kahindi): You raised a question that they verily understood...

(The Speaker spoke off record)

Even though they have acknowledged that yes that is the problem but where is the solution? Yes, hon. Pascal.

Hon. Pascal: Thank you Speaker. I think there is something we need to know from the Statement which I feel we are obliged to know as an Assembly. Who made this land, according to the Statement, who made it the holding ground? Was it by the National Government or the County Government in the first place?

Hon. Kenga: Thank you Mr. Speaker. It should be the National Government.

COMMUNICATION FROM THE CHAIR

ENGAGING THE EXECUTIVE TO PRODUCE WELL RESEARCHED RESPONSES TO STATEMENTS

The Speaker (Hon. Kahindi): The issue I am getting with these responses is that there is failure to communicate by the CECMs. Now, it is either one has not done his homework well or they do not know what they are responding to. For us to be able to establish between the two, we need to sit with them here and interrogate them.

You would realize in some cases the answer could be there but it is not well researched and people assume that the MCAs will just have the answers and go home but it gets to a point where you are frustrated and that is the point where now that matter is supposed to come before the Whole House and that is the direction we need to take. We can then be able to interrogate and get the facts from them.

Otherwise the Statements are too shallow; you cannot deduce anything from the Statements. You are supposed to read a Response but the Response leaves you with even more questions than the ones you had raised earlier on. The best thing is to engage them one on one.

ADJOURNMENT

The Speaker (Hon. Kahindi): There being no other Business in the Order Paper, this House stands adjourned.

The House rose at 11:35 a.m.

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