



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 2:30 p.m.*

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

PRAYERS

STATEMENTS

CREATION OF BUFFER ZONES FOR SALT FIRMS IN GONGONI WARD

The Speaker (Hon. Kahindi): Hon. Albert Kiraga requested for a Response from the Chairperson Water, Environment and Natural Resources. I see the Chairperson is not in. Yes, hon. Dickson Kelvin Shaban, please respond to hon. Kiraga.

Hon. Shaban: Thank you Mr. Speaker, Sir. I am standing on behalf of the Chairperson. I want to respond to the Statement sought by hon. Kiraga and the Statement reads as follows:-

Whether the CECM (County Executive Committee Member) in charge of Water, Environment and Natural Resources is aware that Malindi Salt and Kensalt firms have not created buffer zones with the local residents in Kinyaule, Kibaoni and Jambiani villages in Gongoni Ward thus causing harm to the environment leading to the dying of crops like palm trees and roads being submerged by water from the water harvesting pans. If yes, what measure is the Department putting in place to ensure a buffer zone is created to separate the salt firms and residents farms and villages?

The Response is as follows; the Department is aware both Malindi Salt and Kensalt have not created a buffer zone between them and residents of Kinyaule, Kibaoni and Jambiani villages

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and have instructed the salt companies to not only create a buffer zone but also establish a perimeter dyke between them and the village.

A visit to the village and salt company also established the following; One; an old village exists at the boundary between the creek and the salt company ponds. Two; the villages have no access roads hence use dykes to access the roads. The dykes are between the salt ponds and within the company land. Three; the villages have no land ownership documents with salt company claiming they are on their land as squatters.

There is need for the Department of Lands, the company and the villagers to agree on how an access road can be created from the main road down to the villages.

A multi-disciplinary task force composed of relevant national and county agencies led by the regional Commissioner has been in the forefront in resolving the issues surrounding the salt firms. It will be advisable if these issues are again re-visited by this task force. However, the Department will continue to address all the issues that lie within its jurisdiction to ensure a peaceful environment to the investors and the community. Regards; Mwachitu Kiringi, CECM for Water, Environment, Natural Resources, Forestry and Solid Waste Management. Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. Kiraga.

Hon. Kiraga: Thank you so much Mr. Speaker. This Statement was drafted on the 18th August 2020. From their response, I believe since that time up to date something could have been done on the ground. I do not know how best we can approach it because it seems that nothing has happened on the ground. Was there an advisory or a request from the Department to the salt companies or was it something mandatory for them to do, because nothing has happened on the ground?

If you look at the first paragraph Mr. Speaker, the Department is aware that both Malindi salt and Kensalt have not created a buffer zone between them and the residents of Kinyaule, Kibaoni and Jambiani villages and has instructed the salt companies to not only create a buffer zone but also establish a perimeter dyke between them and the villages; and that was on 18th August 2020 and that has not been done.

The Speaker (Hon. Kahindi): What I do not understand is whether this Department has people who go out in the field or these Members seek to do these Reports without consulting the people on the ground because the only way we can handle this, hon. Kiraga, is by letting them come here.

On every matter that is not responded to, let them appear before the Whole House because the trend clearly shows that we have a CEC Member who is responding in theory but in practice he does not know what is happening on the ground.

I do not know if they do not have vehicles with fuel that allows them to move around to see the projects. Ideally, once a question has been raised, one is supposed to go to the ground unless you have a better explanation. Hon. Shaban.

Hon. Shaban: Thank you Mr. Speaker. I was appealing if the Committee on Environment can visit that place so that when the CEC comes for the General Oversight meeting we will have information. So, I beg you direct the Committee to go for a visit. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): That is a good suggestion.

Hon. Mumba: Thank you Mr. Speaker. I have been following keenly on the responses that have been brought before this House and I am really worried if this is the trend, in future we

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will not be very sure if we are going to seek for Statements from the Departments because from the look of things and how they respond to this House, it is as if they take this House so lightly.

So, I do not know through your direction that we are opting for General Oversight meeting, how are we going to handle future cases coming? Shall Members be requesting from the same Departments? I am seeing a very bad picture in this House in future in terms of how we can streamline how the Departments will be co-operating. Thank you, Mr. Speaker.

COMMUNICATION FROM THE CHAIR

SUMMONING CEC MEMBERS ON INADEQUATE RESPONSES TO STATEMENTS SOUGHT

The Speaker (Hon. Kahindi): You know the law does not place a limit on how many times a CEC Member can appear before the Committee on General Oversight. In fact, the CEC Health can be here today, tomorrow, the day after tomorrow or the whole week, but I know what will happen if we call them.

At this rate hon. Members, you will have no answers to tell your electorate because it seems there is nothing happening on the ground. People are busy preparing for the next term and abandoning the same duties they took an oath to do. It is tiring now that you can get a Response from a CEC Member who has not gone to the ground to check. I thought the ideal thing when you have been asked a question is to get your facts right by going to the ground to see what is happening.

I tell you the most effective way is have the members appear before this House. It is ok for a Committee to go and do investigations, but that is purely for purposes of you to know as a Committee what is happening, but if the Member who comes from the area has confirmed it is not happening, then what difference is it making if you go there? It won't make any difference. So in as much as I would advise Members to go out, but these questions are raised by Members who come from those wards and the reason why they raise those questions is because they have seen something is not happening.

There is no way hon. Kiraga will come and say a facility is not functioning where that facility is functioning; is it not in his best interest that the facility is functioning?

So, rather than waste time, when a Member puts a Statement, it means that there is an observation of some facts and materials from the ground; it is enough to call the CEC Member to come and explain. So all those questions let us now engage them with the Committee on General Oversight because that way by the time a CEC Member leaves this house, he will know his wrong-doings and therefore they can start working.

The only way we can get them to be accountable is when we have a one on one interrogation. So, hon. Kiraga you have a very busy schedule ahead of you. I know you are a busy man being the Chairman Budget, but let me tell you, the only way to get answers to these questions is when you follow procedure and get those Members sitting before us here. Let them lie to you on your face and then we can put them to shame. Otherwise, without summoning them here we are playing the Tom and Jerry kind of games and time is not on our side.

So, my ruling still stands. Let all those matters and I hope this time also Members you take it upon yourselves that you do your job. I have a file of questions in the course of next week for approval so that we give these Members two weeks to prepare and appear before us here and then let the fireworks begin because what are you going to tell your electorate?

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STATEMENT

The Speaker (Hon. Kahindi): There is another Response that has been sought by hon. Kiraga from the same Department. Yes hon. Shaban, proceed.

ENVIRONMENTAL HAZARDS POSED BY SAND HARVESTING IN NGOMENI AND MJANAHERI

Hon. Shaban: Thank you Mr. Speaker. I am sitting briefly on behalf of the Chairperson Water. The Statement sought by hon. Kiraga on sand harvesting reads as follows:-

Whether the County Executive Committee Member (CECM) in charge of Water, Environment and Natural Resources is aware that sand harvesting in Ngomeni and Mjanaheri has created open ditches which have now been filled with water thus creating breeding grounds for mosquitoes and harmful bacteria which pose health hazards in the areas.

Whether he is further aware that the sand harvesting is also done near county roads and other roads thus eroding the roads.

If yes,

- 1) When shall rehabilitation of these ditches be done?
- 2) What measures shall the Department put in place to ensure that sand harvesters do not harvest sand near roads and residential areas?

Mr. Speaker, I would wish to respond as follows: Response to the County Assembly Statement of 18th August 2020 on sand harvesting in Ngomeni and Mjanaheri. I would wish to respond to the Statement dated 18th August 2020 as follows: The Department is aware of the rampant illegal sand harvesting in Ngomeni and Mjanaheri with the detrimental effects it has brought including open ditches and the threat to our roads.

Random visits have been done by the Department on the sand harvesting sites with stop orders issued. The Department still plans to undertake the following activities as well to address this issue completely.

S/NO.	ACTIVITY	TIME FRAME
1	Awareness and capacity building of land owners through <i>barazas</i> on sustainable sand harvesting ways and illegalities involved.	Immediately
2	Development of land owner led rehabilitation plan with the land owner being responsible.	Immediately
3	Liaise with the Department to ensure patrols on illegal sand harvesting sites i.e. near roads and houses.	Two weeks
4	Liaise with the Department of roads to initiate buck filling of ditches along our roads.	Two weeks
5	Ad hoc sand harvesting Committees to have local administrator, ward administrator, office of the MCA, County enforcement Department , NEMA (National Environment Management	Two weeks

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	Authority) and the Department of Environment.	
6	Ensure we have a sand harvesting act or guidelines	6 months

All these measures will go a long way in addressing the issue of sand harvesting in the area.

Hon. Kiraga: Thank you so much Mr. Speaker. The Department tried very much to answer the prayer of the Statement but again if you look at those time frames which were given and bearing in mind that this Statement was read on 18th August 2020 up to date still nothing has taken place. If you go to Ngomeni and Mjanaheri where sand harvesting is taking place, you will be amazed and the biggest problem is that the County Government is taking cess from those areas and nothing has been done when it comes to land reclamation or environmental conservation on the areas.

I also wish to dispute that there is a Statement where the Department is saying it is aware of the rampant illegal sand harvesting. Mr. Speaker, sand harvesting in those areas is not illegal; those people have licenses in harvesting sand. In fact, what we are not crying for is after harvesting the sand and having given out cess from those areas, what is the County Government doing to make sure that we have probably those ditches ...and they have clarified very well here but you see their clarification and time frames has not been honoured. So, I do not know whether the CECM can appear together with the other CECM's before the General Oversight Committee. Thank you so much.

ADJOURNMENT

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

The House rose at 2:56 p.m.