



**REPUBLIC OF KENYA**

**COUNTY ASSEMBLY OF KILIFI**

**SECOND ASSEMBLY – FIFTH SESSION**

**THE HANSARD**

**Wednesday, 21st April 2021**

*The House met at the County Assembly Chamber,  
Malindi Town, at 2.30 p.m.*

*[The Deputy Speaker (Hon. Kenga) in the Chair]*

**PRAYERS**

**MOTION**

ADOPTION OF THE REPORT ON THE LOCAL PHYSICAL PLANS FOR  
MKWAJUNI, CHUMANI AND MARAFA TRADING AREAS

**Hon. Dele:** Thank you hon. Speaker for granting me this opportunity to urge this hon. House to adopt this from the Sectoral Committee on Lands. I beg to move:-

THAT, this House adopts the Report of the Sectoral Committee on Lands, Energy, Housing, Physical Planning and Urban Development Plans (LPDPs-Mkwajuni, Chumani and Marafa) laid on the Table of this House on Wednesday, 14<sup>th</sup> April 2021. I would wish to call hon. Reuben to second the Motion. Hon. Speaker, some Members do not have the Report on their tables.

*(Hon. Reuben seconded)*

*(Question proposed)*

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**The Deputy Speaker** (Hon. Kenga): Hon. Dele, kindly take your seat. The Report was laid on the Table of this House on Wednesday, 14<sup>th</sup> April 2021 that should have been last week and during the Tabling of the Report, copies were given to Members, so we expect all Members who are present today to have the copy of the Report. Kindly proceed.

**Hon. Mumba:** Hon. Speaker, it is not a matter of going against your ruling but with all due respect as you can see the House is not full. It means there are Members who are not present today and I believe the same happened last week. So there are Members who were not there last week and are present today. We have not received copies so for us to deliberate on a Report we have not set our eyes on. I think it will not be fair.

**The Deputy Speaker** (Hon. Kenga): Hon. Member for Tezo, are you one of them who were not present? Let it be treated as...

*(Loud consultations)*

Order Members! The Report was given out to Members and I want to believe if you go to your pigeon holes, the Report should be there. Hon. Chiriba.

**Hon. Chiriba:** Thank you Mr. Speaker. If I can echo the sentiments the hon. Member is making that is very evident from the first concern that has been raised from the Chairperson of Lands Committee because during the time this Report was submitted, he was absent. You have also heard from him that the Members do not have the Report. Yes, they were submitted but Members do not have it. If Members had the Report, you would not be hearing these concerns because this is a very important Report.

**Hon. Hassan:** Asante mheshimiwa Spika kwa kunipatia hii nafasi. Wajua mimi huwa nashangazwa na baadhi ya hawa Waheshimiwa. Kukosekana kwako si kwamba kutazulia hili Bunge kuendelea na wala havihusiani. La kushangaza, utaona kitabu kile tunatia saina kimejaa na huwa baadaye mtu anaenda wapi? Nasikitika kuzungumza hivi na wakati mwingine mtu akiongea kama hivi, itabidi kile kitabu kinaletwa hapa tufatimize moja baada ya mwingine. Asante.

**The Deputy Speaker** (Hon. Kenga): Thank you very much Member for Matsangoni. The House on Wednesday was properly constituted to carry out the business of the Assembly and that is why the Assembly was able to proceed with the business of the day. Therefore, for those who were absent, it was their responsibility to make sure that they were able to know what was deliberated and what was tabled so that we are able to move as a House. The Motion has already been moved by the Chairperson and the same has been seconded so we need to proceed.

**Hon. Reuben:** Thank you Mr. Speaker for this noble opportunity so that I can air my views regarding this Report on Lands. Indeed as it has been earlier stated by the hon. Chairperson, I would like to thank the Chairperson of the Committee and the Members for having tirelessly deliberated on this Report. It was tiresome but Members made sure that we have this Report. I would also like to extend my sincere appreciation to the Office of the Speaker and the Clerk for extending their logistic support to make sure that this Committee worked smoothly toward coming up with this Report. We went across all these mentioned areas where these trading centre plans were crafted and before that we had a retreat of four days at Sunrise Hotel Mombasa, with the Department of Lands, at least for us to be kept up to speed with these plans.

We went through these plans and after that, we had to go to the ground from one trading centre to the other. There were challenges that we met. However, we managed to find out that Mkwajuni, Chumani and Marafa trading centres were so successful. There was public

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participation and even the Planning Committee that was presiding said that their proposals were captured in those plans during the public participation exercise. In the other trading centres like Msabaha and Kakuyuni, the Committee that was presiding over said their views were not captured and they rejected the Report. With those few remarks, I urge the House to adopt this Report. Thank you very much Mr. Speaker.

**The Deputy Speaker** (Hon. Kenga): Thank you very much Member. The honourable Member for Matsangoni, hon. Hassan.

**The Deputy Speaker** (Hon. Kenga): Kindly make your request and proceed.

**Hon. Hassan:** Asante sana mheshimiswa Spika. Nami pia nimesimama kuunga mkono Hoja hii na swala ambalo ni muhimu kabisa limenifanya kuunga mkono kwa sababu zifuatazo. Mheshimiwa Spika, huu wakati wa ugatuzi tunashukuru ya kwamba vijiji vyetu vinakua; watu wanaongezeka na vijiji vinapanuka. Kwa hiyo, hii ni moja ya sheria kikatiba katika kupanua hii miji.

Vile vile, utaungana na mimi sababu hata wewe ni mmoja wa wale waathirika. Hawa machifu ambao tuliokuwa nao walikuwa hao ndio wamechukua uongozi katika hii miji. Kwa hiyo kuna umuhimu sisi kama Bunge tuyapitishie na haya maeneo yatimizike kisheria.

Mheshimiwa Spika, nikikupa mfano wa eneo la Chumani, ilitengenezewa ramani yake ya kwanza mwaka wa 1964. Kwa hivyo, sasa inabidi tuwe ni watu wa kweli na tufanye vitu kwa vitendo baada ya kuzungumza. Mimi nimesimama kuunga mkono huu Mswada na pia nawaomba Waheshimiwa wenzangu waliunge mkono hili swala la *trading centres* ili tuweze kukuza hii miji yetu. Asante.

**Hon. Baya:** Asante sana mheshimiwa Spika kwa kunipa nafasi hii. Mimi pia nasimama kuunga mkono Mswada huu. Kwanza kabisa ni pongezi kwa Mwenyekiti na Kamati ya Ardhi kwa kushughulikia jambo hili kwa umakini hadi leo wameleta Ripoti hii. Miji yetu mingi sana imekumbwa na utata na imekuwa na hizi changamoto kwa kipindi kirefu sana. Kwa mipango ya mipangilio ya michoro lakini kwa wakati huu, kitengo kile cha Ardhi kupitia kwa Kaunti ya Kilifi imeweza kuja na michoro ya ile miji na kuweka miji katika mpangilio mzuri.

Mheshimiwa Spika, naomba Bunge hili twende tukaunge mkono Hoja hii maanake itakuwa suluhu katika zile changamoto tulizo nazo. Miji mingine imeweza kuathirika kwa sababu ya wanabiashara walaghai wameweza kutumia vibaya mwanya kwa kupokonya watu ardhi. Na mara zingine kutumia ardhi ya umma kinyume cha sheria, lakini kwa mpangilio huu utasaidia miji hii itakwenda kutumika kulinga na mujibu wa sheria. Na pia kuna watu wamepoteza hata maisha kwa sababu ya changamoto hizi za mambo ya ardhi katika hii miji yetu na zile sehemu za umma. Ombi langu ni kwamba Bunge hili liweze kupitisha Hoja hii na tupitishie hii Ripoti. Asante mheshimiwa Spika.

**Hon. Karisa:** Asante sana Muheshimiwa Spika kwa nafasi hii. Mimi nasimama kwanza kupongeza Kamati hii husika kwa kazi waliyoifanya. Mheshimiwa Spika, utakubaliana na hii miji ambayo inaanza kupanuka kwa sasa hivi bila mipangilio. Huenda siku zijazo hata nyumba ikishika moto gari la moto haliwezi kupata njia na kuokoa maisha na bidhaa. Hoja hii itawezesha miji iweze kupangika vyema ili siku za usoni kunapotokea mikasa, barabara ziweze kujengwa na kuepuka mambo kama hayo.

Kwa hivyo, mimi naunga mkono sana Hoja hii na ningeomba Kamati hii izidi kuendelea na kazi hii maanake kuna vijiji vingine vimepanuka zaidi na vitahitaji Mswada kama huu ili viweze kunufaika.

**Hon. (Ms.) Elina:** Asante mheshimiwa Spika kwa kunipa nafasi hii kuunga mkono na kumpongeza Mwenyekiti wa Kamati hii. Kusema ule ukweli, kuna ile miji ya zamani kama mji

wa GIS. Ni mji ambao umepangwa na tungeliomba hivi vitu vifanywe kwa haraka sana, kama GIS imekua mbio. Mambrui kama unavyojua saa hii kutoa mgonjwa kati kati ya mji ni vigumu kwa sababu njia zote zimefungwa na wale waliofanya mji kujengwa vibaya. Kwa hivyo, ningeliomba hii Kamati badala ya kufikiria kwa nini Chumani na Marafa wajua kuna vijiji vinavyokua haraka sana wazungumze na Wizara ambayo inahusika waweze kuviangalia vijiji kama vile Marereni saa hii inakua mbio sana kwa sababu ya upanuzi na vile watu wanavyojenga. Ningependa vijiji vyote viwekwe kwenye *plan* ili watu wajenge kwa mipangilio kwa maana kama tutawaachilia...

*(Hon. Elina spoke off record)*

...mtaa pale Mjanaheri unaitwa *rich land*. Hiyo *rich land* saa hii haiwezi kutoa hata barabara ncha moja maana kila mtu aliyeingia hapo anasema ni shamba lake amezuia na hawataki kusukuma hata miguu miwili ili waweze kupata barabara.

Kwa hivyo, jambo hilo lazima tulifanyiye mipango ndio tuzione *trading centres* kuzipanga ili iwe miji mizuri. Kwa hivyo, naunga mkono Kamati hii na pongezi sana kwa kazi nzuri lakini mtengeze miji mingine pia iweze kufanywa kama hii. Asante sana.

**Hon. Mumba:** Thank you Mr. Speaker for this opportunity. Again Mr. Speaker, though you have given your ruling, I feel disturbed that I had not seen the Report but from the prayer of this Motion, I can see there are only three villages that are considered. I want to acknowledge that this is a very good job for the three villages but looking at Kilifi County, this is a vast county and there are so many villages that are coming up. For us now to deliberate on three villages when we are leaving out so many villages out of this Report, I think the speed is too low because I am not sure how long we are going to take to reach these villages.

Places like Tezo and Mtondia to be precise; Kilifi CBD (Central Business District) has extended itself to Mtondia and Tezo that is why the municipality covers all the way to Tezo. If we can have a village like Mtondia which is growing very fast but it has not been captured, I think the time you will be capturing it, it will be disastrous with how people are building and constructing without proper planning. As people are really investing a lot, there are lots of constructions going on, so we want to see a Report whereby so many upcoming towns will be captured to avoid such problems in future.

As much as we embrace the Report today, my concern is to urge the Committee to move with speed and make sure all these upcoming towns have been captured and planning has been done so that we can have a clear road map in future to avoid any calamities that may befall Kilifi County.

Thank you Mr. Speaker and I want to say thank you to the Chairperson for the Report and make sure next time we are supplied with these Reports for us to give you proper insights because even the Speaker was not there last week. Thank you.

**The Deputy Speaker** (Hon. Kenga): Thank you the Member for Tezo. You should realize that though I was not available for the session, I am informed and up to date on what transpired and that is why even during the session for House Business Committee, Members had time to deliberate and allocate time for the debate of this business.

**Hon. Kiraga:** Thank you so much Mr. Speaker as I also rise in support of the adoption of this Report. Mr. Speaker, it is evident that the Committee really did a good job and I really appreciate their work. I also wish to echo the sentiments given by hon. Mumba from Tezo Ward that at least the Committee with the relevant Department to move with speed so that we can have

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as many villages as possible for the planning process. I would also wish when the Chairperson is making submission, there are some concerns I am learning from this Report which you should be able to give some highlights on.

If you look at Msabaha Trading Centre, the findings which probably led to not considering Msabaha as one of those villages to be approved today was that the draft plan presented to the Committee did not correspond with what was on the ground. Another one is that the proposals of the Planning Committee were not captured in the proposed plan. Mr. Speaker, I think the Chairperson could also shed light on what really transpired. If the draft plan does not correspond with what was on the ground, what happened? I think the Chairperson is in a better position to explain that to us.

Again, the issues of the proposals by the Planning Committee were not captured. These are problems which probably when they are highlighted nicely...

*(Hon. Kiraga spoke off record)*

...can also as Members when this exercise is being handled in our villages be available and join hands with the Committee and any relevant Government agents to see into it that in the near future we have as many villages as possible.

Mr. Speaker, I would also wish to echo what hon. Elina Mbaru said. You see if you go to other villages, there have been building day in day out without proper plans and there are so many challenges which are seen. I also wish to stress that if you look at Gongoni Township, it is also pathetic even the drainage system is now a challenge. I urge the Committee to move with speed so that in the near future and if possible this year, we have as many villages as possible but I highly appreciate the work the Committee did under the leadership of hon. Dele and his team. Thank you so much.

**Hon. (Ms.) Ngari:** Asante mheshimiwa Spika kwa hii nafasi nami kuungana na wenzangu kwa hii Hoja ambayo iko mbele yetu. Kwanza niseme pongezi kwa Kamati kwa jitihada walizozifanya na mheshimiwa aliyeunga mkono. Hii hoja ambayo iko mbele yetu kusema ukweli ugatuzi umesukuma maendeleo kwa kasi ndio maana unapata miji mingi inainuka kwa kasi sana.

Nataka kuungana mkono na wenzangu waliosema kwamba Kamati ikiungana na Wizara kuna haja kwamba miji ile ambayo inainuka kwa kasi iweze kupangwa. Kupangwa kwa miji kunaongeza maendeleo, barabara zitapatikana ambazo zitarahisisha usafiri na majengo yakijengwa kwa usalama yataepusha changamoto za kuporomoka kwa mijengo ile. Kwa hivyo, mimi naunga mkono sana hii kupangwa kwa miji. Kamati ikiungana na Wizara na kama sijasahau tulipitisha kile kipengele cha kuhamasisha jamii.

Najua kupangwa kwa miji kuna utata lakini hata hivyo kuna haja ya wananchi ambao wako katika miji inayoinuka kwa kasi, wapate hamasa waelezwe umuhimu wa kupanga miji ndio maendeleo yaweze kupatikana zaidi. Nafasi za kazi ziweze kupatikana na ushuru wa Kaunti uweze kuongezeka. Kwa hivyo, mimi naunga mkono moja kwa moja nikipongeza Kamati na naomba mjitahidi muongeze maeneo ambayo yameinuka yaweze kupangwa. Asante sana.

**Hon. Mwayaa:** Asante mheshimiwa Spika kwa kunipa hii nafasi. Kwanza nichukue nafasi hii kupongeza Kamati kwa kazi nzuri. Mheshimiwa Spika, ugatuzi ulikuja ili kwamba ufanye kazi maendeleo yaweze kufika. Wacha kwanza nipongeze Kamati kwa kupangilia vijiji vyetu vya Kilifi Kaunti.

Pia vile vile, tunataka Kamati hii iweze kupangilia tuone ya kwamba zile *Sub-County* saba za Kilifi Kaunti, kama kule ninakotoka Kayafungo kuna kama vijiji vinne; Kibaokiche, Gotani, Tsangatsini na Ndatani. Hivi ni vijiji ambavyo vinainukia kwa kasi na navyo pia vinastahili kujulikana kama miji inayoinuka na viweze kupangiwa. Kufikia hapo, napongeza Kamati kwa kazi nzuri. Asante na naunga mkono.

**The Deputy Speaker** (Hon. Kenga): Can we have the Hon. Chairperson make his final contributions.

**Hon. Dele:** Asante sana mheshimiwa Spika. Kwanza kabisa, nachukuwa nafasi hii kutoa shukrani zangu za dhiti kwa Waheshimiwa wote ambao wametanguliza hapa kunena na kuunga mkono Ripoti hii iliyotengenezwa na Kamati ya Ardhi. Vile vile, nachukuwa fursa hii kuunga mkono waheshimiwa wote ambao wako katika Kamati hiyo, kuwapongeza na kuwaambia wasife moyo maanake kazi bado.

Nataka kujulisha Bunge hili kwamba safari hii vile tulifanya sisi kama wanakamati, tulianza kazi hii tarehe 20 Agosti, 2020. Tulijizatiti kuzuru miji kumi na moja (11) na mji wa kwanza tulioanza kuzuru ni mji wa Mkwajuni *Trading Centre* ambao uko Wadi ya Mnarani, na kila mji tuliofika tuliweza kumjulisha Mwakilishi wa huko ambaye yuko kwa Bunge hili na pia wale hawamo katika Bunge hili ili waweze kuhamasishwa na waweze kufika na tuweze kujadiliana kwa usawa.

Jukumu kubwa ya hii Kamati ni kuhakikisha...

*(Hon. Dele spoke off record)*

...manake, hii Kamati imeundwa kisheria, ilikuwa kwanza kuhakikisha Sheria imefatwa.

Pili ni je, hii *plan* ni ya usaidizi, na ikiwa kweli iko na faida kwa mwananchi na je yule mwananchi mwenyewe alipokea ki vipi? Tatu, je, mwananchi alihusishwa kutengenezwa kwa Ripoti ile? Haya ndio mambo yaliyompeleka mwanakamati kule.

Tulipofika katika ile miji mitatu niliyoitaja hapa, nitaongea kwa ujumla, mfano mzuri nitautoa ni katika Wadi ya Marafa. Kama Kamati tulipofika hapo sisi tulifunzwa kuhusu hiyo *map* na wananchi wa Kamati. Kuonyesha kwamba walikuwa pamoja wakitengeneza na ofisa kutoka *Executive*, kuonyesha ya kwamba ni kitu ambacho wanakipenda walikiunga mkono. Kwa hivyo, tulikuwa hatuna budi ila ya kuleta hii Ripoti hapa Bunge ije ipitishwe na waweze kunufaika.

Tulipoenda kwengine, kati ya ile miji mitatu niliyoitaja hapa, mambo yakawa hayo, lakini utapata kati ya kumi na moja, ni tatu peke yake iliyopitisha Ripoti zile. Sisi kama Kamati tulizileta Bunge zipitishwe, lakini zile nyengine zilianguka.

Nashukuru mheshimiwa Kiraga ambaye ni Mwakilishi wa Wadi ya Gongoni na Mwenyekiti wa Kamati ya Fedha. Alikuwa hapo akasema kwamba Mwenyekiti anapochangia aongee mambo kidogo kama ya Msabaha. Tulipofika Msabaha kama Kamati na ile michoro pamoja na afisa kutoka *Executive* ambao walitoka kwa Idara ya Ardhi, na cha kushangaza zaidi ni kwamba kilichochorwa sicho kilichoko kwa ardhi. Walichora vitu vyao tofauti.

Pia, niliona hakuna ushirikiano mwema baina ya ile Kamati ya Msabaha na *Ward Administrator*, kwa hivyo itabidi *Department* ya Ardhi warudi tena wachore upya na wahusishe viongozi. Halafu sisi tutarudi tena kuongea na wananchi kama wamehusishwa na kama wanajua kitu gani kinaendelea na kina manufaa gani kwao.

Tulipofika Wadi ya Adu mji wa Marereni, kulikuwa na kazi yenyewe na mpaka leo kuna kibarua. Na sio kwamba wananchi wana shida, tulipata Idara ya Ardhi upande wa *Executive* ya

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wale wananchi wanasema wanakubali hapo wakirudi ofisini wanachora mambo yao ndio mvutano unaingia hapo.

Lakini sisi kama Kamati tunaingilia kati tuhakikishe kwamba hayo yote yanatatuliwa tena kwa wakati mwafaka ili tuweze kupitisha ile Ripoti hapa na ile michoro iweze kutumika. Michoro ya miji ni kitu muhimu kwa sababu pasipokuwa na michoro ya miji, maendeleo yanakuwa ovyo. Yatakuwepo lakini hayatakuwa na misingi ndio maana tunasema kwamba hata zile sehemu nyingine ambazo pengine katika hizi kumi na moja (11) nimesema hapa hatujazitembelea. Shughuli tulizokuwa nazo zilikuwa ni za kutembelea miji kumi na tisa (19) lakini tukajaribu miji kumi na moja (11) na katika ile miji 11 tulipata tatu peke yake kwamba ndio ziko sawa. Zile zengine zote *Executive* walikuwa hawakujizatiti vizuri walifanya kazi ambayo sio nzuri na tumewaregeshea wazirekebishe ili tuweze kuzipitisha pia.

Kuna zile zingine nane ambazo tumbakisha; tumeandika *schedule* na tutaendelea nazo tutazikagua kulingana na mwananchi mwenyewe na kamati ambayo iko huko nyanjani, pamoja na mheshimiwa ambaye ni mwakilishi wa eneo hilo ili tuhakikishe kwamba tunachokifanya kiko sawa. Huwezi *amend plan* baada ya miezi mitano; ina muda mrefu. Tunataka tufanye kitu ambacho kina uhakika ili kiweze kumfaidi yule mkaazi wa hapa Kilifi. Kwa hayo machache au mengi, mimi nashukuru na twawaombeni tuweze kupitisha hizi tatu na zile nyingine tutahakikisha kwamba Kamati inafwatiliza. Asanteni sana.

**The Deputy Speaker** (Hon. Kenga): Thank you very much hon. Dele for your contributions towards this Motion. From the contributions from Members, it is highly evident that Members would wish to see their villages or towns put into plans. I want to say provide resources to the Department because it is through the budgeting process and allocation of sufficient process that the Department will be able to carry out the plans for the various towns within our county.

So we are within the budget making process. The Executive have already given out a notice on the public participation exercise collecting views from Member of the public for the financial year 2021/2022. Therefore, make sure you mobilize your people to say it loud and clear that they need to have their villages planned and when it comes to allocation of resources, we need to see more resources going to the Department of Lands so that we can plan our villages. Thank you.

*(Question put and agreed to)*

## ADJOURNMENT

**The Deputy Speaker** (Hon. Kenga): There being no other business to transact, this sitting remains adjourned. Thank you.

**The House rose at 3:13 p.m.**