

## COUNTY ASSEMBLY OF TAITA TAVETA

### THIRD ASSEMBLY - THIRD SESSION

## THE HANSARD

Sitting no. 045

Wednesday, July 3, 2024

The House met at 3:05 p.m. in the County Assembly Chamber

*[The Acting Speaker (Hon. Anselm Mwadime) in the Chair]*

PRAYER

### QUORUM

**The Acting Speaker:** Hon. Members, I confirm that there is quorum to proceed with this Sitting. Clerks, read the Orders of the day.

### STATEMENTS

OWNERSHIP STATUS OF PARCEL OF LAND L.R. NO. 12905

**The Acting Speaker:** Chairperson of the Committee on Lands and Human-Wildlife Conflict Resolution.

**Hon. Anisa Mwakio (MCA, Nominated):** Thank you, Mr. Acting Speaker, Sir. I beg to give a response to the Statement sought by Hon. Brayson Mwambi on the ownership status of parcel of land L.R. no. 12905.

The Statement was sought on 24<sup>th</sup> April 2024, on the Floor of the House and a response was received from the County Executive Committee Member (CECM) for Lands, Physical Planning, Mining and Energy. The following concerns were raised in the Statement sought:

1. Who owns the said parcel of land?
2. Is it a freehold, leasehold, public, community or private land?
3. If under leasehold, how long is the lease, and is it valid or expired?
4. What is the boundary between the hived portion awarded to the private developer and the remaining part of the land?

The response was as follows:

1. Concerning the ownership status of the parcel of land;

The Land, reference number 12905 is owned by Kenya Game Sanctuaries Limited of P.O. Box 682, Voi. It was initially owned by Eliud Timothy Mwamunga, and transferred on 31<sup>st</sup> December 1997.

2. Concerning the Land Tenure System;

The land is under leasehold with a grant dated 1<sup>st</sup> May 1972.

3. Concerning the validity of the lease hold;

The term was 45 years from 1972. However, there was a request for an extension of lease dated 17<sup>th</sup> November 1998. The parcel of land in question is located between Voi and Maungu at a place known as White House.

The Committee reviewed the response provided and made the following observations:

1. The department did not provide proper details concerning lease as to whether the lease extension was approved or not since the lease expired in 2017 continued from the grant date.
2. The lands department did not address the issue of boundary of the parcel citing absence of the survey plan while it is the duty of the Lands, Physical planning, Mining and Energy department to source for the survey plans.

In conclusion, the Committee concluded that the Statement was not sufficiently responded to by the CECM as some of the questions raised in the Statement sought were not well addressed. The committee has requested for additional information in documentation from the department. The committee has also scheduled a fact-finding visit to the parcel of land. Thank you, Mr. Acting Speaker.

**The Acting Speaker:** Statement seeker, Hon. Brayson Mwambi, are you satisfied with the progress report?

**Hon. Brayson Mwambi (MCA, Sagalla):** Thank you, Mr. Acting Speaker, Sir. According to the report, the response is not sufficient and as the Chairperson for Lands and Human-Wildlife Conflict Resolution Committee said, we need more clarification and details from the department concerning the boundary and the validity of the current lease. Thank you, Mr. Acting Speaker.

**The Acting Speaker:** Chairperson for Lands and Human-Wildlife Conflict Resolution Committee, this is a progress report; when should we expect you to give a full response that will take care of the issues that were raised by the Statement Seeker?

**Hon. Anisa Mwakio (MCA ,Nominated) :** Thank you, Mr. Acting Speaker, Sir. I want to agree with the area MCA. In fact, I found the response to be more of a joke...

*(Loud consultations)*

**The Acting Speaker:** Hon. Members, kindly consult in low tones. Proceed.

**Hon. Anisa Mwakio (MCA, Nominated):** Thank you, Mr. Acting Speaker, Sir. I found the response to be more of a joke because if you send a reply to the County Assembly stating that the department has no access to the survey plans, does the CECM expect this Honorable House, the Committee Members or the Committee Chairperson to go out of their way to go looking for the survey plans? I want to agree with the Honorable Member for Sagalla Ward, Hon. Brayson Mwambi, that the response is not sufficient. It is more of a joke and we are giving them seven more days for a proper response. Thank you, Mr. Acting Speaker.

**The Acting Speaker:** Next is the general response to Statement sought by the Hon. Azhar Din on the ownership status of the Voi-Kariokor slaughterhouse plot.

#### THE OWNERSHIP STATUS OF THE VOI-KARIOKOR SLAUGHTERHOUSE PLOT

**Hon. Anisa Mwakio (MCA, Nominated):** Thank you, Mr. Acting Speaker, Sir. I beg to give a response to the Statement sought by Hon. Azhar Din on the status of Voi-Kariokor slaughterhouse plot on behalf of the Committee on Lands and Human-Wildlife Conflict Resolution.

On 9<sup>th</sup> May 2024, the Committee received a response from the Department and thereafter held a deliberative session to review and the department responded as follows:

Information Regarding the Voi-Kariokor Slaughterhouse Plot:

Reference is made to your letter Ref: TTCA/CS/7/22/VOL.2 (101), dated 23<sup>rd</sup> April 2024 on the above subject matter.

#### 1. Ownership of the plot

The Voi-Kariokor Slaughterhouse Plot is under the County Government of Taita Taveta according to the records.

#### 2. Development on the Plot

Currently, there are no ongoing developments on the said plot and the plot is fenced off and no approval has ever been granted.

3. Measures taken by the department

The parcel of land is currently protected, as it was fenced off by the County Government of Taita Taveta before to protect potential grabbers.

4. History of ownership of the plot

The area was used as a slaughterhouse before the area was planned with a slaughterhouse constructed at the site that exists at the moment. The slaughterhouse was relocated to Ndara upon issuance of statutory notices from public health office.

5. Applicable timelines for repossession

Currently, the department has not set timelines for repossession as it is still under the County Government as per the records. However, in case it happens that the area was allocated to individuals, the office will ensure proper measures are put in place to protect the parcel of land.

From the submission received, the Committee on Lands and Human-Wildlife Conflict Resolution resolves to conduct a site visit to Kariokor Slaughterhouse Plot with the department to ascertain its current state on the ground and hasten proper measures for repossession if allocated to individuals. Thank you, Mr. Acting Speaker.

**The Acting Speaker:** Statement seeker, Hon. Azhar Din, are you satisfied with the response?

**Hon. Azhar Din (MCA, Kaloleni):** Thank you, Mr. Acting Speaker, Sir. To me, the response is not sufficient, especially on the first two responses and the fifth one. The department should shed more light and give us more information from what we gave them on what we know is ongoing on that plot. Thank you, Mr. Acting Speaker.

**The Acting Speaker:** Chairperson of the Lands and Human-Wildlife Conflict Resolution Committee, would you give a timeline on when you are going to fully furnish the House on this matter?

**Hon. Anisa Mwakio (MCA, Nominated):** Thank you, Mr. Acting Speaker, Sir, for this opportunity. I want to agree with the area MCA that the response is not sufficient. If at all there are allocations or not, it is upon the Lands, Physical Planning, Mining and Urban Development Department to give us that information. If the reply is based on uncertainty, then who is going to prove this case that indeed the area has been allocated to private individuals or not. On the same, I would kindly request the committee to give us another seven days for proper fact finding. Again, we requested for a site visit on the same plot and this is subject for approval by the Liaison Committee. Thank you, Mr. Acting Speaker.

**The Acting Speaker:** Next Statement. Progress Report on the status of Voi Girls Education Complex in Tanzania. Chairperson for Early Childhood Development Education, Libraries and Vocational Training Committee.

STATUS OF VOI GIRLS EDUCATION COMPLEX IN TANZANIA, VOI.

**Hon. Kimuyu Daniel (MCA, Mahoo):** Thank you, Mr. Acting Speaker, Sir, for giving me this opportunity. I beg to respond to the Statement sought in this House by Hon. Anisa Mwakio, the Chairperson for Lands and Human - Wildlife Conflict Resolution Committee, on 18<sup>th</sup> June 2024 on the status of Voi Girls Education Complex in Tanzania, Voi under the Standing Order no. 42(2)(c), relating to Order no. 7, Statements.

The Department of Education, Libraries and Vocational Training liaised with the County Director of Education since secondary schools are handled by the National Government. The response given therefore, was as follows and we have resolved as a committee to give this response as per the question that was brought forward.

1. What is the ownership status of the former Voi Girls Education Complex?

The ownership of the former Voi Girls Education Complex was duly transferred to the Kenya Railways Corporation (KRC) and the Standard Gauge Railway (SGR) management in place of the new complex at the current location.

2. What is the ideal use of the facility now that the same is abandoned? The response was:

The office of the County Director of Education and Voi Girls Complex have no mandate for the use of the said abandoned facilities.

3. Steps taken to engage National Government and is it with an aim of the use of the same by the government. The response was:

Since the old premises was taken by KRC and SGR management, the office of the County Director of Education has no mandate to influence the KRC and the SGR management on its use and management.

From the Department of Education the response was somehow clear that the facility is still viable and was given back to the KRC and the SGR management and it is still there.

It is not being used and this House can give us directives on this, they can liaise with the Department of Lands, Physical Planning, Housing, Mining and Energy so that we can find a way to meet these two organizations and see how these premises can be put into use because currently they are not in use and since we are all serving Kenyans, we need advice from this House so that we can see how this facility can be used. That is the response. Thank you, Mr. Acting Speaker.

**The Acting Speaker:** Statement seeker, Hon. Anisa Mwakio, are you satisfied with the response?

**Hon. Anisa Mwakio (MCA, Nominated):** Thank you, Mr. Acting Speaker, Sir. I would say I am not satisfied. When the SGR was coming up with another line, all the reserves were taken over and some compensations were done. As I am sitting here, I do not know where the compensation for Voi Girls went to; because during the settlements, that land was part of Tanzania - Bondeni Settlement Scheme.

That institution is still on that land and I truly believe this can be reverted to Taita Taveta County Government for proper use. When requesting this Statement, I was trying to figure out how Taita Taveta can come up with its own rehabilitation center. We have had cases where our people are recommended for rehabilitation but unfortunately, it has never been an easy task for Taita Taveta citizens because most cases of rehabilitation have been referred to institutions which are far away from Taita Taveta County, and off course at a very expensive rate, which at times I feel is not affordable for our citizens.

I strongly believe if this conversation continues and the County Government sits with the SGR management and the facility is reverted to Taita Taveta County Government, we can sit as a government and propose to refurbish it and come up with our own rehabilitation center which will act as one the financial streams for Taita Taveta County. I want to believe, if it becomes an institution for this County, the rates that are going to be paid for the cases referred for rehabilitation will be cheaper than what is being charged outside the County. I believe if this conversation is enhanced, it can be reverted back to the County Government and come up with a better use for the facility, safe from what is there.

If you happen to cross over the SGR, vandalism is still on the rise. At the end of the day, I just see the walls because the roofs, doors and windows have been vandalized. If we do not take quick measure to contain what is happening there, we may end up having nothing. I kindly plead, let this conversation continue, and the Department of Education, Libraries and Vocational Training to engage further. Let the County Government take it upon itself and commence discussions between the County Government and KRC so that we take fast steps and save the situation and get this facility reverted to us. Thank you, Mr. Acting Speaker.

**The Acting Speaker:** Hon. Anisa Mwakio, this looks to be more or less of a Lands and Human-Wildlife Conflict Resolution Committee issue than of Early Childhood Development Education, Libraries and Vocational Training Committee from the response and the remarks that you have just made and which I have followed through.

Apparently, you are the Chairperson for Lands and Human-Wildlife Conflict Resolution Committee, and this question should be directed back to you as it concerns lands. We have seen there is a matter to do with Kenya Railways and SGR; so, it is an issue that can be pursued through the Lands and Human-Wildlife Conflict Resolution Committee or jointly because of the

institution that was there, and there is still some interest that needs to be finalized on that land in regard to structures that are there.

The Chair finds it prudent that, going forward the matter be pursued jointly and within 14 days and come back to the House with the progress report. So, Liaison Committee, these matters are almost overlapping with the Lands and Human-Wildlife Conflict Resolution Committee and considering that we are heading for a short recess, then priority should be given so that they can go and sort out these issues that have been raised and come back to the House with full information for the purpose of giving responses to the Statements raised. The Chair stands to guide. Next Order.

### COMMUNICATION FROM THE CHAIR

#### ADJOURNMENT FOR SHORT RECESS

**The Acting Speaker:** The House is headed for a short recess beginning tomorrow and we shall be resuming on 16<sup>th</sup> July 2024. It is expected that Members shall be going back to engage with the electorates now that there was public participation that was conducted across the County concerning the Budget. It is good that Honorable Members, get back to the electorates and inform them what the House adopted concerning specific Wards and apart from that, what was adopted for Taita Taveta in general.

On Committees, priority should be given to Lands and Human-Wildlife Conflict Resolution Committee so that they can sort out the matters that are so pressing on their table or in their in-tray so that when we resume from recess, they may be in a position to table to this House the responses that they have worked on.

Apart from that, let it be a reminder to the Membership of this House that we have not yet dispensed with two very important matters of interest; that is the Kasigau Petition and the Teita Estate matter. As soon as we resume from recess, now that the issues were committed to the Whole House, and the House is done with the budget approval process, the two matters should take precedent.

#### ADJOURNMENT

**The Acting Speaker:** Honorable Members, there being no other business, the House stands adjourned until Tuesday, 16<sup>th</sup> July 2024, at 9:30 a.m.

*(The House rose at 3:31 p.m.)*