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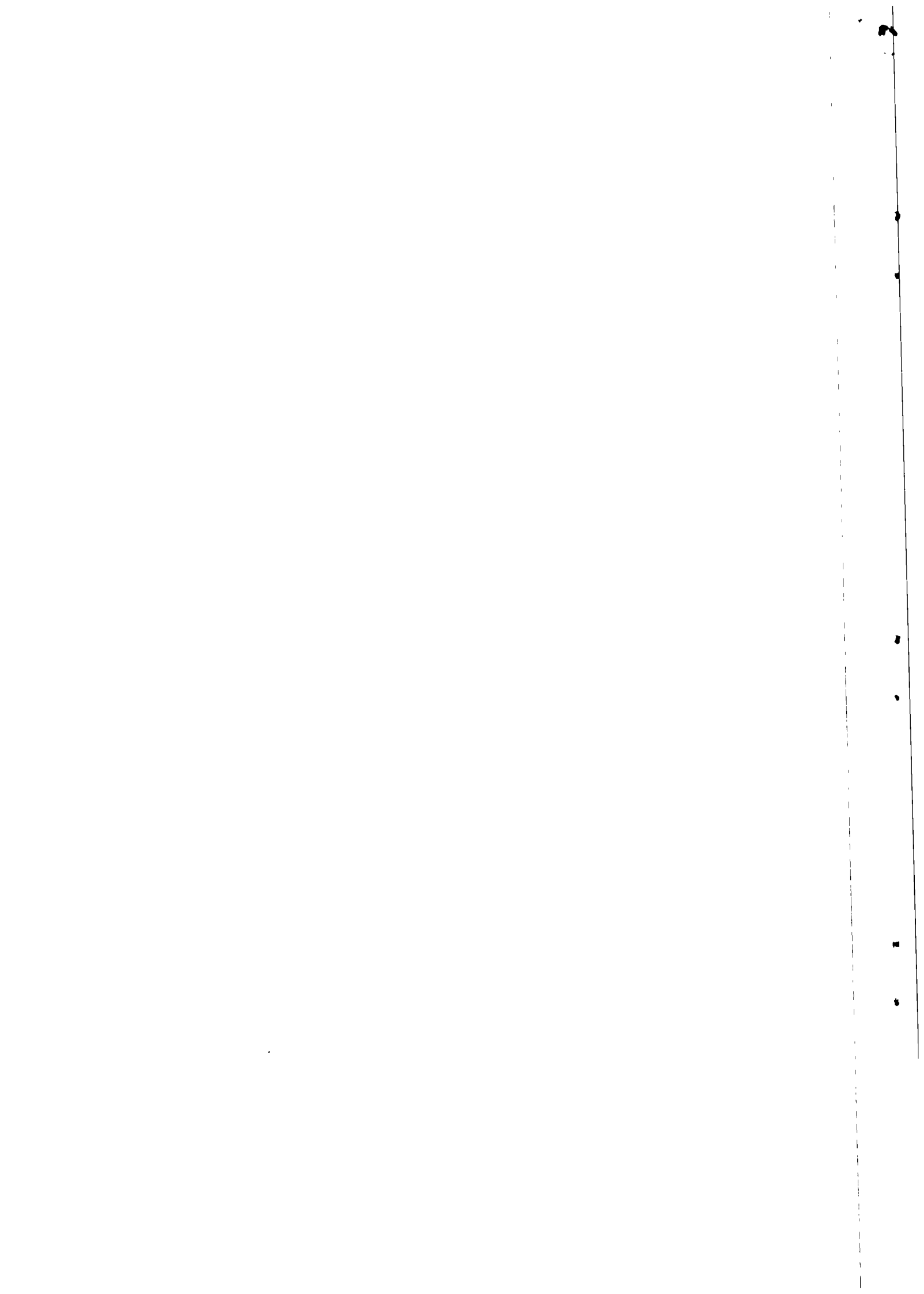
THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - SECOND SESSION

THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC
WORKS AND HOUSING

REPORT
ON
CONSIDERATION OF PETITION ON ALLEGED
IMPEDING DEMOLITION OF BUILDING ALONG
MTANAWANDA – KIZINGITINI ROAD

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

AUGUST 2018



PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - SECOND SESSION

THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC
WORKS AND HOUSING

REPORT

ON

CONSIDERATION OF PETITION ON ALLEGED
IMPEDING DEMOLITION OF BUILDING ALONG
MTANDAWANDA – KIZINGITINI ROAD

DIRECTORATE OF COMMITTEE SERVICES

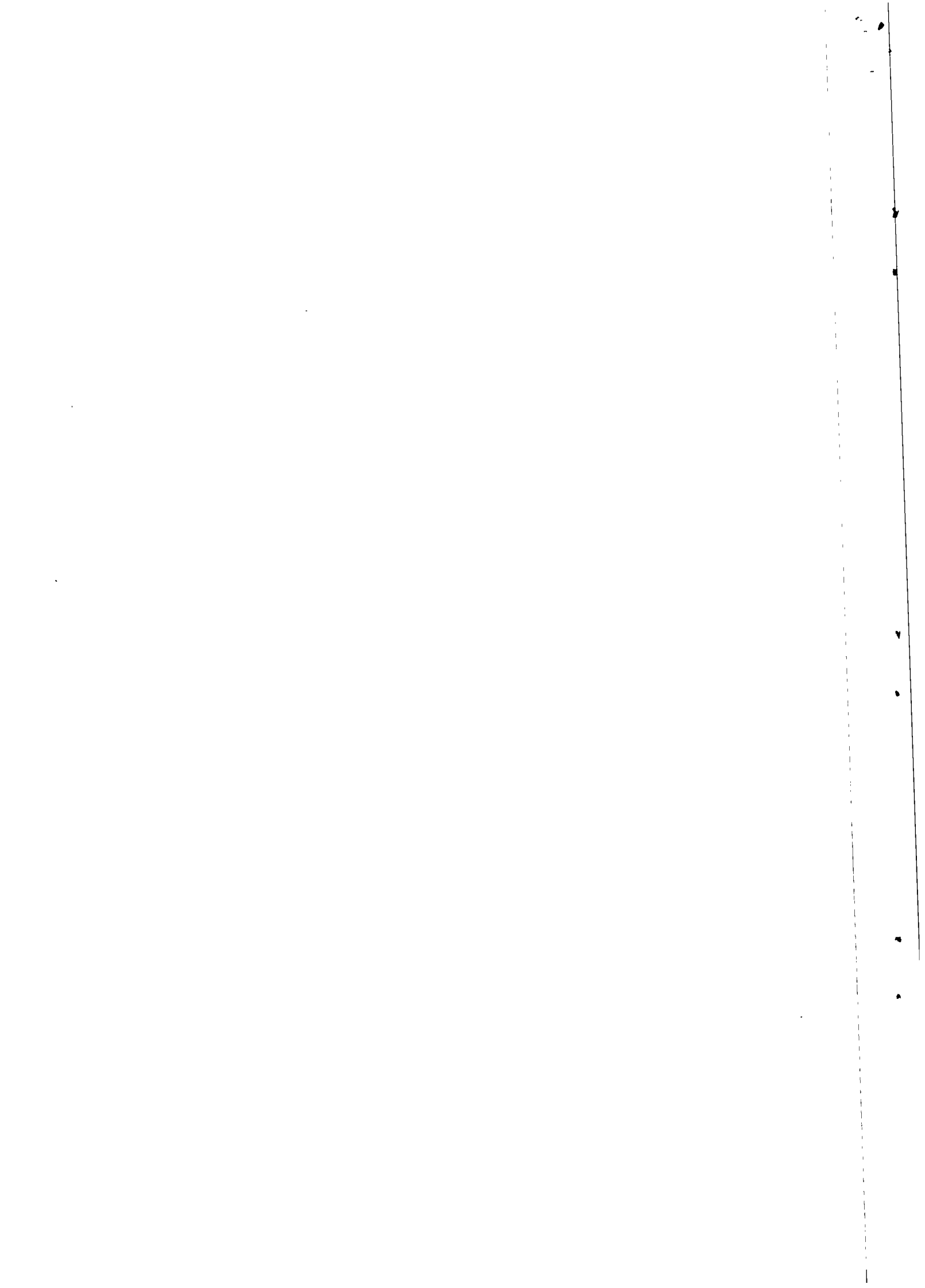
CLERK'S CHAMBERS

NATIONAL ASSEMBLY

PARLIAMENT BUILDINGS

NAIROBI

AUGUST 2018



LIST OF ABBEVIATIONS

MP - Member of Parliament

KeRRA - Kenya Rural Roads Authority

ANNEXURES

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Annex 2: Response by KERRA

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1.0 PREFACE

On behalf of the Departmental Committee on Transport, Public Works and Housing and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report on the Petition on alleged impeding demolition of buildings along Mtandawanda- Kizingitini road.

The petition was tabled before the House pursuant to Standing Order 225 (2)(a) by the Member for Lamu County, Hon. Capt. Ruweida Mohamed Obo, MP, on behalf of Lamu County residents.

Pursuant to Standing Order 227 (1), the petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days.

1.1 Mandate of the Committee and Membership

a) Mandate

The Departmental Committee on Transport, Public Works and Housing is established under Standing Order 216(1) whose mandate, pursuant to the Standing Order 216 (5), is as follows;

- a. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- c. study and review all legislation referred to it;
- d. study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f. to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- g. examine treaties, agreements and conventions;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;

- i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- j. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- k. examine any questions raised by Members on a matter within its mandate.

Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects:-

- a) Transport;
- b) Roads;
- c) Public works;
- d) Construction and maintenance of roads, rails and buildings;
- e) Air and seaports; and
- f) Housing.

In executing this mandate, the Committee oversees various State Departments, namely:

- i. The State Department of Transport;
- ii. The State Department of Infrastructure;
- iii. The State Department of Housing and Urban Development;
- iv. The State Department of Public Works; and
- v. The State Department of Shipping and Maritime Affairs.

b) Committee Membership

- | | |
|---------------------------------------|-------------------------|
| 1. Hon. David Pkosing CBS, M.P. | Chairperson |
| 2. Hon. Moses Kuria, M.P. | Vice Chairperson |
| 3. Hon. Johnson Many Naicca, M.P. | |
| 4. Hon. David Njuguna Kiaraho, M.P. | |
| 5. Hon. Peris Pesi Tobiko, M.P. | |
| 6. Hon. Savula Ayub Angatia, M.P. | |
| 7. Hon. Samuel Arama, M.P. | |
| 8. Hon. Suleiman Dori Ramadhani, M.P. | |

9. Hon. Rigathi Gachagua, M.P.
10. Hon. Ahmed Bashane Gaal, M.P.
11. Hon. Ahmed Abdisalan Ibrahim, M.P.
12. Hon. Dominic Kipkoech Koskei, M.P.
13. Hon. Gideon Mutemi Mulyungi, M.P.
14. Hon. Kulow Maalim Hassan, M.P.
15. Hon. Mugambi Murwithania Rindikiri, M.P.
16. Hon. Rehema Dida Jaldesa, M.P.
17. Hon. Shadrack John Mose, M.P.
18. Hon. Tom Mboya Odege, M.P.
19. Hon. Vincent Kemosi Mogaka, M.P.

c) Committee Secretariat

- | | |
|-----------------------------|------------------------------|
| 1) Ms. Chelagat Tungo Aaron | First Clerk Assistant |
| 2) Mr. Ahmed Salim Abdalla | Third Clerk Assistant |
| 3) Ms. Mercy Wanyonyi | Legal Counsel |
| 4) Mr. James Muguna | Research Officer |
| 5) Mr. Eugene Luteshi | Audio Officer |
| 6) Mr. Abdinasir Moge Yusuf | Fiscal Analyst |
| 7) Ms. Zainabu Wario | Sergeant at Arms |
| 8) Mr. Yeziel Jilo | Sergeant at Arms |

1.3 Committal and Consideration of the Petition

Pursuant to the provisions of Standing Orders 227 (1), the petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days.

The Committee proceeded with the consideration of the petition by holding meetings to set up terms of reference and scheduling meetings.

In considering the petition, the Committee invited and held meetings with the officials from the Ministry of Transport and Infrastructure and Kenya Rural Roads Authority as well as

Hon. Capt. Ruweida Obo, who was standing in on behalf of the Petitioners. The meetings were aimed at responding to issues raised by the petitioners.

1.4 Committee Observations

Having held meetings and considered the submissions presented on the petitions, the Committee observed that:-

The Committee made the following observations, that:-

- a) That the Mtandawanda- Kizingitini Road in Pate Island is one of the equalization funded road program with the highest amount at Ksh 100M.
- b) That the contract for construction of Mtandawanda- Kizingitini Road in Pate Island commenced on 9th November, 2017 and currently is at 80% completion level. The completion was 12months and was scheduled to be complete by 8th November 2019.
- c) That some houses which were in the road reserve were ear- marked for demolition. The affected person were notified through Baraza that were done by the area Chief, the area MP and other interested stakeholder like the County Women Representative.
- d) That the road was not built on private land since there was already reserved road.

1.5 Response to the Prayers in the Petition

The petitioners prayed that the National Assembly through the Committee Transport, Public Works and Housing:-

- a) Investigates and inquiries into the matter with a view to causing the government to compensate private land owners holding legitimate ownership documents and who are likely to be affected; and
 - b) Makes any other further order(s) or direction(s) that is deemed fit in the circumstances of the Petitioners
-

In response to the above prayers, the Committee recommends that:-

- a) KERRA provide the Master Plan for the area to establish if there was road reserve set aside.
- b) The Government should only compensate persons whose private property was demolished but not those who were on the road reserve.

1.6 Adoption of the Report

We, the members of the Departmental Committee on Transport, Public Works and Housing have, pursuant to Standing Order 199, adopted this Report on the consideration of the Public Petition by residents of Lamu County on alleged impeding demolition of buildings along Mtandawanda-Kizingitini road. We affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today Friday 3rd August 2018.

1. Hon. David Pkosing CBS, M.P


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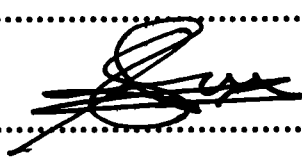
Chairperson

2. Hon. Moses Kuria, M.P.

.....

Vice Chairperson


3. Hon. Samuel Arama, M.P.


.....

4. Hon. David Njuguna Kiaraho, M.P.

.....

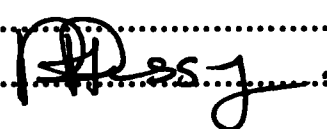
5. Hon. Johnson Many Naicca, M.P.


.....

6. Hon. Rigathi Gachagua, M.P

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7. Hon. Peris Pesi Tobiko, M.P.


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8. Hon. Suleiman Dori Ramadhani, M.P.

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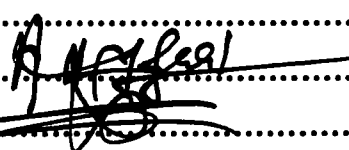
9. Hon. Savula Ayub Angatia, M.P.

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10. Hon. Ahmed Abdisalan Ibrahim, M.P.

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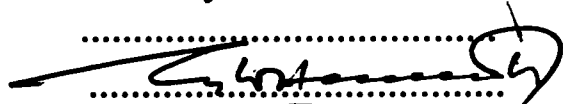
12. Hon. Dominic Kipkoech Koskei, M.P.

.....

13. Hon. Gideon Mutemi Mulyungi, M.P.

.....

14. Hon. Kulow Maalim Hassan, M.P.


.....

15. Hon. Mugambi M. Rindikiri, M.P.

.....

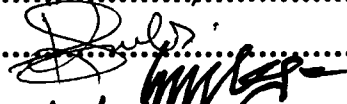
16. Hon. Rehema Dida Jaldesa, M.P.


.....

17. Hon. Shadrack John Mose, M.P.

.....

18. Hon. Tom Mboya Odege, M.P.


.....

19. Hon. Vincent Kemosi Mogaka, M.P.


.....



1.7 Acknowledgment

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the support and services extended to the Members to enable the Committee complete this report within the given timelines.

I am grateful to the Members of the Committee whose support enabled the Committee to accomplish this task. Special thanks to the Secretariat for their technical support during the compilation of the report.

On behalf of the Committee, and pursuant to Standing Orders 227(2) of the National Assembly, It is my honor and privilege to present these report to the House for consideration and adoption of the Committee Report

SIGNED  DATE 6/08/2018

HON. DAVID PKOSING, CBS, M.P
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING

2.0 BACKGROUND INFORMATION

- 2.1 The Petition by the residents of Lamu County was presented to the House by the Hon. Capt. Ruweida Mohamed Obo, MP, Member for Lamu County on 24th April, 2018 pursuant to Standing Order 225 (2)(a).
- 2.2 Pursuant to House rules, the petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227.
- 2.3 The petitioners wished to draw the attention of the House to the following:-
- i) **THAT**, the government through the Kenya Rural Roads Authority has commenced the construction of Mtandawanda – Kizingitini Road in Pate Island, Lamu County;
 - ii) **THAT**, since the commencement of the road construction project, some structures have been earmarked for demolition to pave way for the construction of the said road;
 - iii) **THAT**, contrary to the government policy where residents and in particular property owners are required to be issued with notice to remove the property along the proposed site, the residents have not received such notice;
 - iv) **THAT**, it is alleged that the road is supposed to transverse through private property, however these private land owners have neither been informed nor compensated;
 - v) **THAT**, the impending demolition will result into huge losses of livelihoods;
 - vi) **THAT**, efforts to resolve this matter with the relevant government agencies have been futile;
 - vii) **THAT**, the matter presented in the petition was not pending before any tribunal court of law or independent body

The petitioners prayed that the National Assembly through the Committee Transport, Public Works and Housing:-

- a) Investigates and inquiries into the matter with a view to causing the government to compensate private land owners holding legitimate ownership documents and who are likely to be affected; and
- b) Makes any other further order(s) or direction(s) that is deemed fit in the circumstances of the Petitioners

3.0 SUBMISSIONS AND EVIDENCE

Having been seized of the Petition, the Committee commenced its consideration by inviting the Hon. Capt. Ruweida Mohamed Obo, MP, on behalf of the petitioners to appear before it. Officials from the Ministry of Transport and Infrastructure and from the Kenya Rural Roads Authority were also invited for a meeting on the same date. During the meeting, written and oral evidence was adduced as recorded hereunder:-

3.1 Meeting with the Director General, Kenya Rural Roads Authority (KeRRA)

On Tuesday 21st June, 2018, the Committee met with Officials from KeRRA who made their presentation as follows, that:-

The Project brief for Spot Improvement of Mtandawanda- Kizingitini Road in Lamu County was one of the roads being implemented under Equalization Fund Programme. He further responded to issues raised by the Petitioner as follows;

That the contract for construction of Mtandawanda- Kizingitini Road in Pate Island had commenced on 9th November, 2017

That the Structures that were on road reserve had been earmarked for demolition to pave way for the construction of the road

That all residents with property within the road reserve had been notified and called to barazas. The activity was spearheaded by Area Chiefs, the Area Member of Parliament and the Local Administration

That the road traversed on the allocated road reserve. No private lands had been traversed; hence no compensation had been done

That the demolition of houses within the road reserve would affect the owners. On the other hand, if the houses are left on the road they will also affect the road users and will in addition be a safety hazard to house owners.

That all offices have been open for consultations and collaborations with stakeholders and thus it was untrue to state that efforts to resolve the matter with government agencies had been futile

That it was true that the matter presented in the Petition was not pending before any tribunal, court of law or independent body.

3.2 Meeting with Hon. Capt. Ruweida Mohamed Obo, MP

She started by thanking the Committee for inviting her to it meeting. She noted that some structures were earmarked for demolition to pave way for the construction of Mtandawanda-Kizingitini Road in Pate Island in Lamu County.

That contrary to the government policy where residents and in particular property owners are required to be issued with notice to remove the property along the proposed site, the resident never got such notice.

That the road was passing through private property, however the private land owners were neither informed nor compensated and the demolition would result into huge losses of livelihoods.

That people have lived on the said road reserve for many years and that only Ksh 3000 per coconut tree was paid to the locals as compensation.

That the road being constructed was in a terrible condition and that it was impassable. She invited the Committee to visit the site to verify the fact as she had stated.

She requested the Committee to ensure that the government compensate private land owners holding legitimate ownership documents and those who were likely to be affected.

4.0 COMMITTEE OBSERVATIONS AND RECOMMENDATION

4.1 Observations

The Committee made the following observations, that:-

- e) That the Mtandawanda- Kizingitini Road in Pate Island is one of the equalization funded road program with the highest amount at Kshs. 100M.
- f) That the contract for construction of Mtandawanda- Kizingitini Road in Pate Island commenced on 9th November, 2017 and currently is at 80% completion level. The completion was 12 months and was scheduled to be complete by 8th November 2019.
- g) That some houses which were in the road reserve were ear- marked for demolition. The affected persons were notified through Baraza that were done by the area Chief, the area MP and other interested stakeholders like the County Women Representative.
- h) That the road was not built on private land since there was already reserved road.

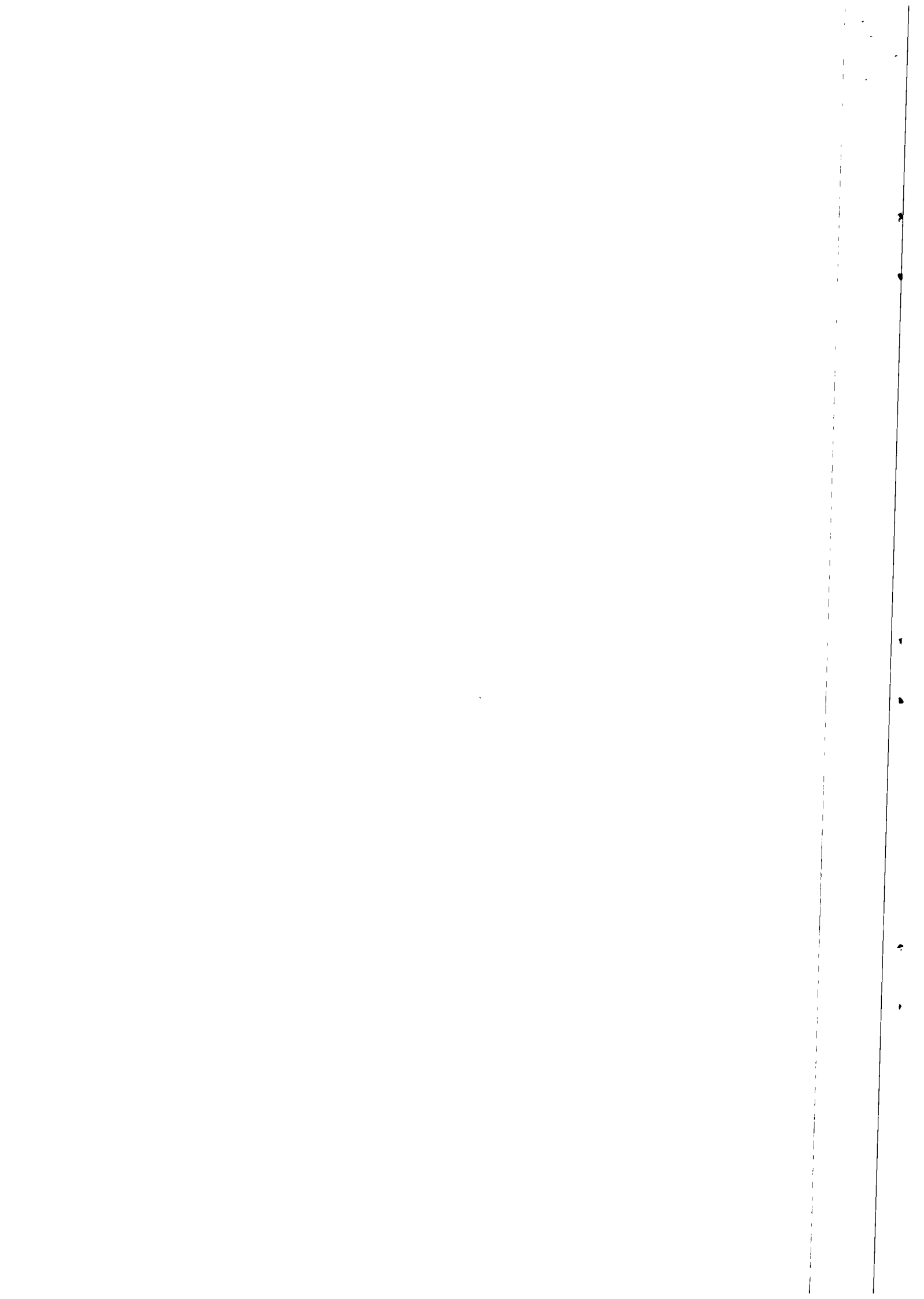
4.2 Recommendation

The Committee having heard from the officials makes the following recommendation, that:-

The Government should only compensate persons whose private property was demolished but not those who had built on the road reserve.

SIGNED  DATE 6/08/2018

**HON. DAVID PKOSING, CBS, M.P
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING**





KENYA RURAL ROADS AUTHORITY

Tel: 020-8013846, 2710451, 2710464, 0724735568/
0733619197/ 0771451679
Email: kerra@kerra.go.ke/dgkerra@kerra.go.ke
Website: www.kerra.go.ke
Fax: 2710442

Blue Shield Towers
Hospital Road, Upper Hill
P.O. Box 48151-00100
Nairobi, KENYA

Ref. KeRRA/06/39/161/ (4990)

20th June, 2018

The Clerk, National Assembly,
Parliament Buildings,
P.O Box 41842- 00100
NAIROBI.

Attn: Jeremiah Ndombi

Dear Sir,

PETITION ON ALLEGED IMPENDING DEMOLITION OF BUILDINGS ALONG MTANGAWANDA-KIZINGITINI ROAD

We acknowledge receipt of the petition under reference vide your letter Ref. NA/DCS/TPWH/CORR/2018/049 dated 13th June, 2018.

The Authority would wish to respond as follows.

(a) Project brief for Spot Improvement of Mtangawanda-Kizingitini Road in Lamu County which is one of the roads being implemented under the Equalization Fund Programme.

Project Title	Spot Improvement of Road E991: Mtangawanda – Faza – Kizingitini KeRRA/011/39/161/2016-2017
Project Funding	Government of Kenya – Equalization Fund
Employer	The Director General, Kenya Rural Roads Authority (KeRRA), P.O Box 48151 – 00100, Nairobi. Kenya
Implementing Agency	Kenya Rural Roads Authority (KeRRA), P.O Box 48151 – 00100, Nairobi. Kenya
Engineer	General Manager (Maintenance), KeRRA
Supervision	General Manager (Maintenance), KeRRA
Contractor	Gamoji Limited
Date of Tender	15 th April, 2017
Contract award Date	22 nd August, 2017
Date Agreement Signed	12 th October, 2017

Scope of Works	Spot Improvement
Contract Sum	KShs. 98,805,030
Limit of liquidated Damages	1% of contract value
Percentage of retention	10% of IPC
Limit of retention money	5% of contract sum
Contract Period	12 months
Date of Order to Commence	12 th October, 2017
Commencement date	9 th November, 2017
Completion Date for Spot Improvement works	8 th November, 2018
Defects Liability Period	3 Months
Maintenance Period	0 Months
Amount Certified to Date	Kshs 77,062,252.00
Time Elapsed	6 Months (50.00% of Contract Period)
Reporting Date	16 th May, 2018
Overall physical progress	80.231%

(b) Issues raised by the Petitioner and our Responses.

(i) Issue Raised

THAT, the Government through the Kenya Rural Road Authority has commenced the construction of Mtangawanda - Kizingitini Road in Pate Island, Lamu County;

Response

True. The contract commenced on 9th November 2017.

(c) Issue Raised

THAT, since the commencement of the road construction project, some structures have been earmarked for demolition to pave way for the construction of the said road;

Response

True. Structures that are on the road reserve are earmarked for demolition to pave way for the construction of the road.

(See pictures on Annex 1)

(d) Issue Raised

THAT, contrary to the Government Policy where residents and in particular property owners are required to be issued with notice to remove the property along the proposed site, the residents have not received such notice;

Response

Not true. All residents with property within the road reserve have been notified and called to barazas. This activity was spearheaded by Area Chiefs, The Area Member of Parliament and the Local Administration.

(See Pictures on Annex II)

(e) Issue Raised

THAT, it is alleged that the road is supposed to transverse through private property; however these private land owners have neither been informed nor compensated;

Response

Not true. The road traverses on the allocated road reserve. No private lands have been traversed hence no compensation has been done.

(See Maps on road reserve shown with yellow highlight on Annex III)

(f) Issue Raised

THAT, the impending demolitions will result into huge losses of livelihoods;

Response

True. The demolition of houses within the road reserve will affect the owners. On the other hand, if the houses are left on the road they will also affect the road users and can also be a safety hazard to the house owners.

(See pictures on Annex IV)

(g) Issue Raised

THAT, efforts to resolve this matter with the relevant government agencies have been futile;

Response

Not true. All offices have been open for consultations and collaborations with stakeholders in this matter.

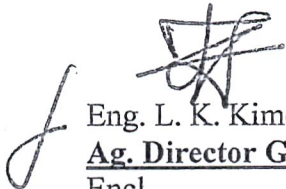
(h) Issue Raised

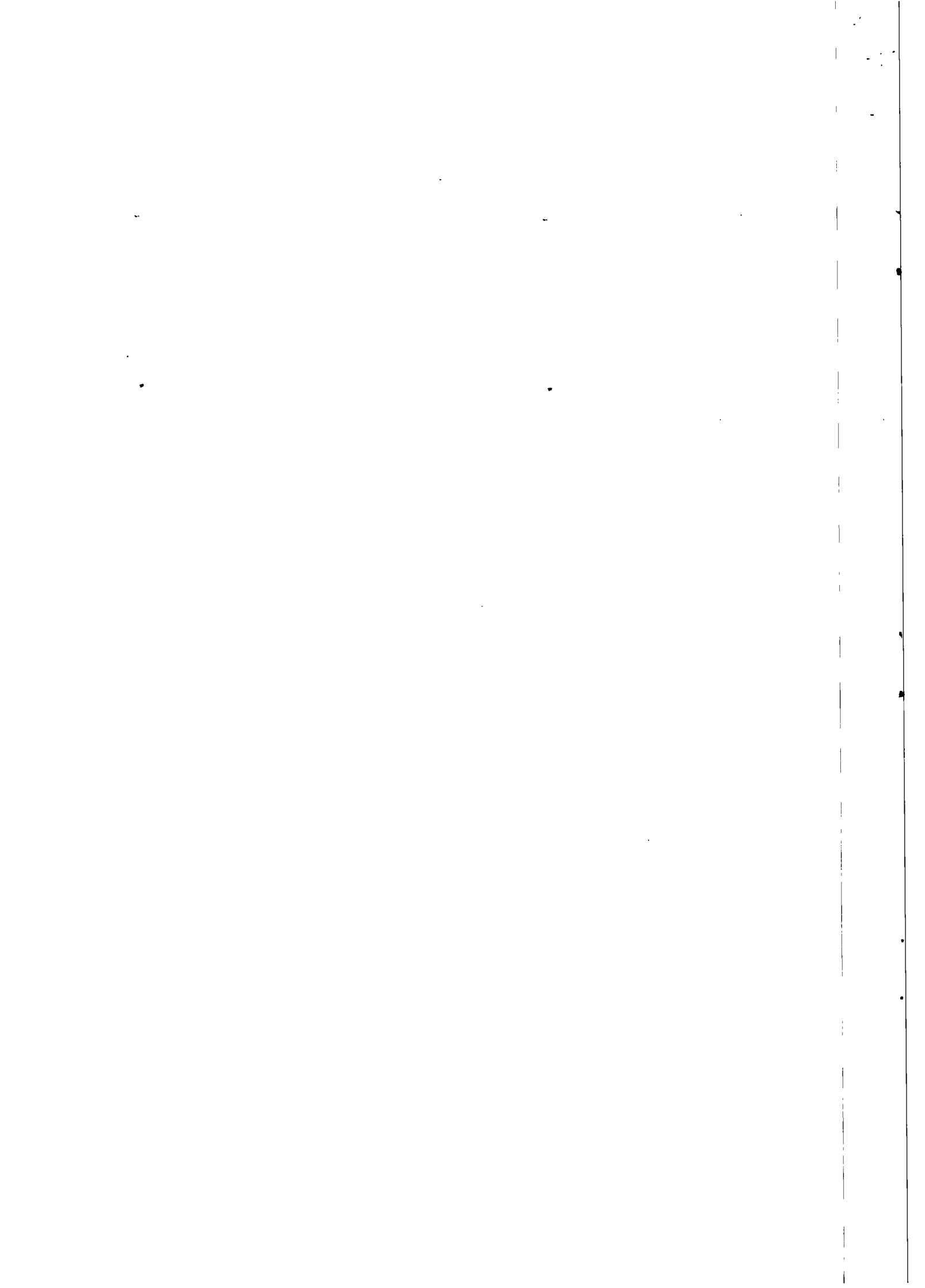
THAT, the matter presented in this Petition is not pending before any tribunal, court of law or independent body.

Response

True. There are no known petition(s) pending in any court of law or independent body.

The Authority is available for any further clarifications should need arise.


Eng. L. K. Kimeli
Ag. Director General
Encl.

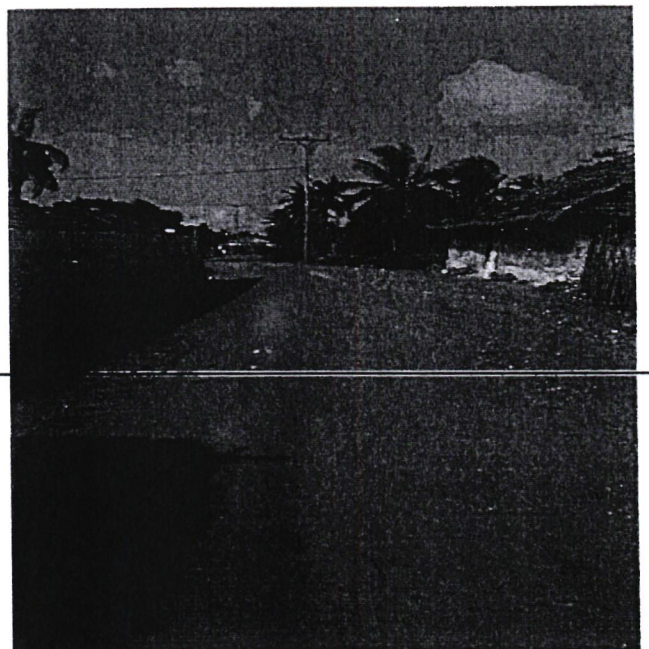
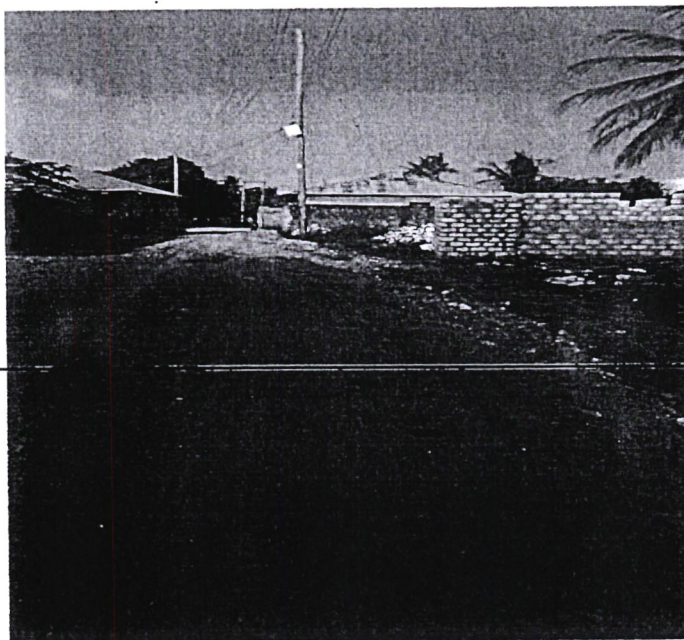
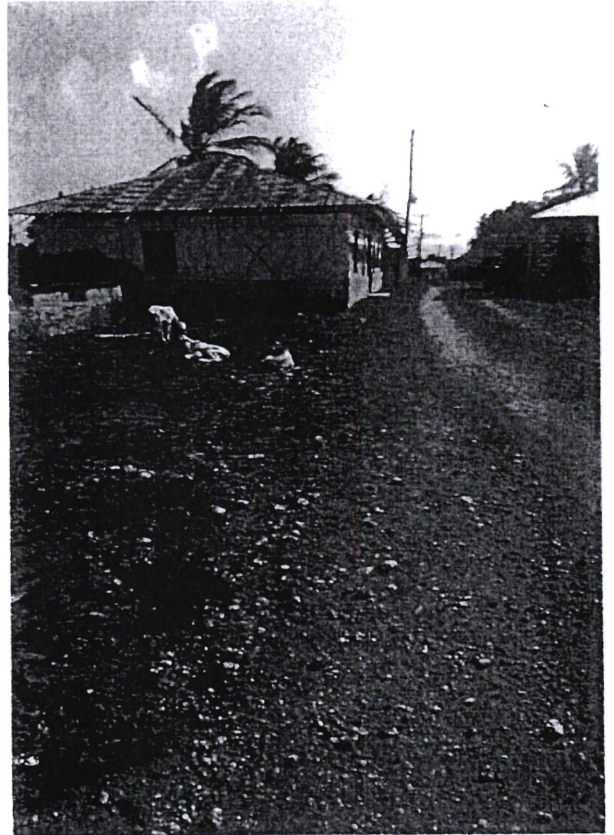
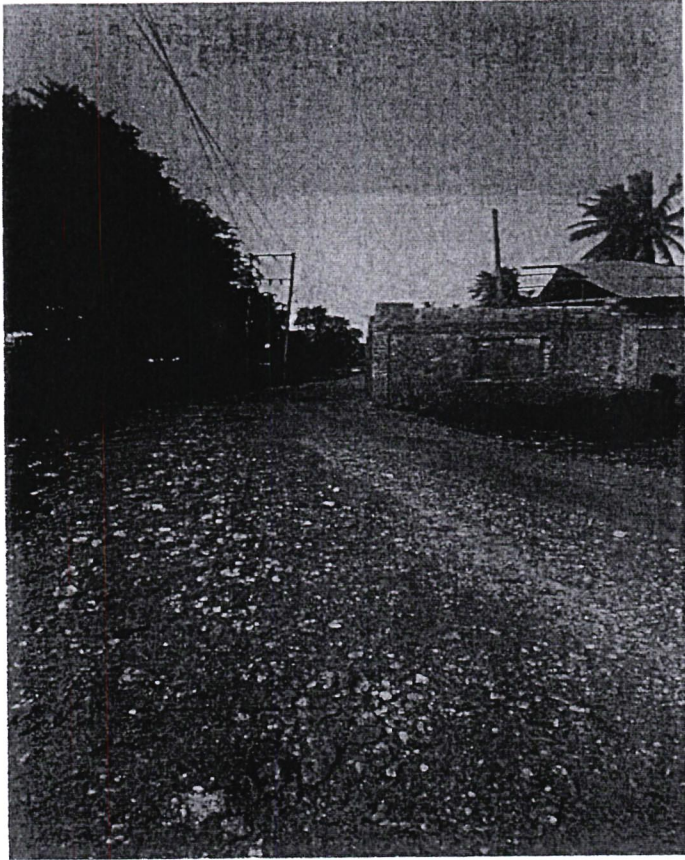


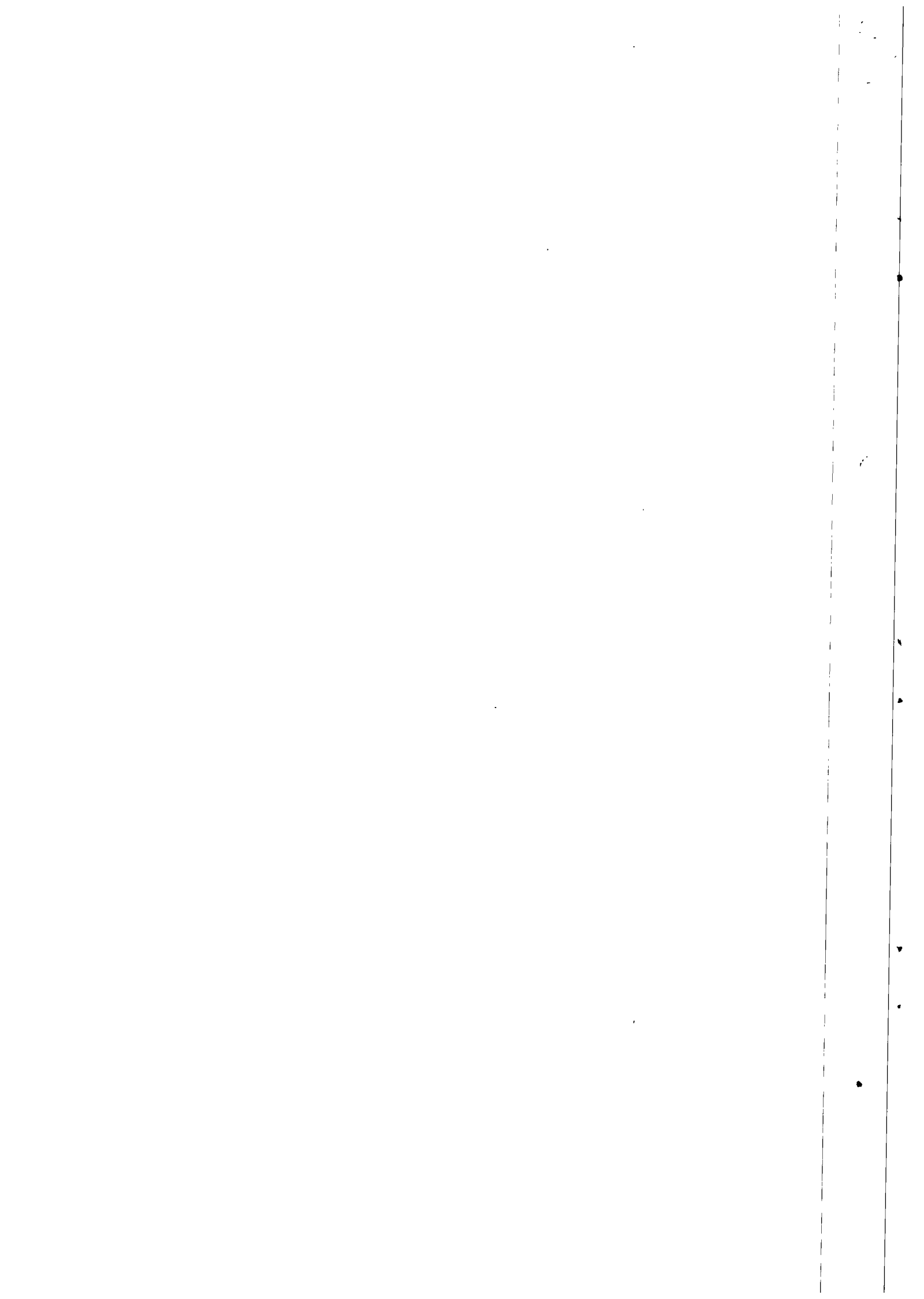
ANNEX I

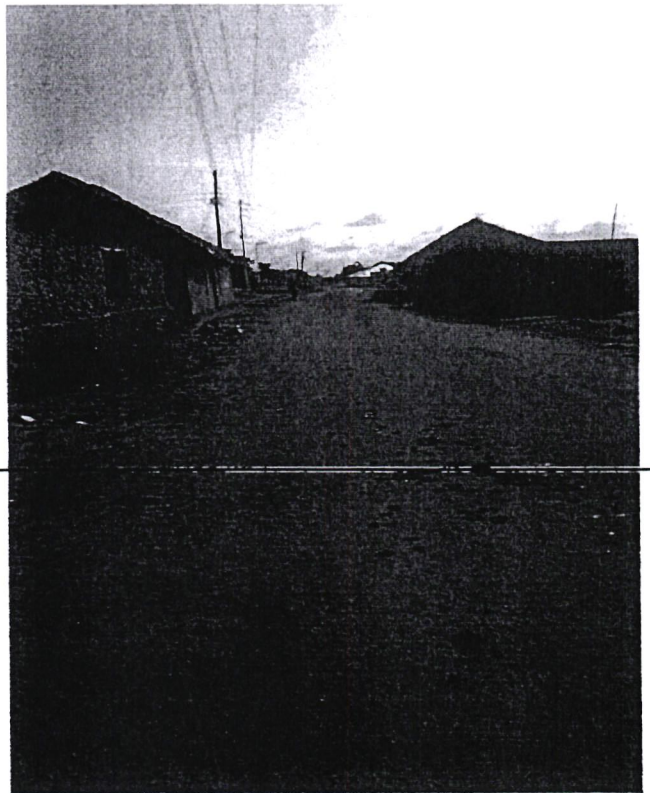
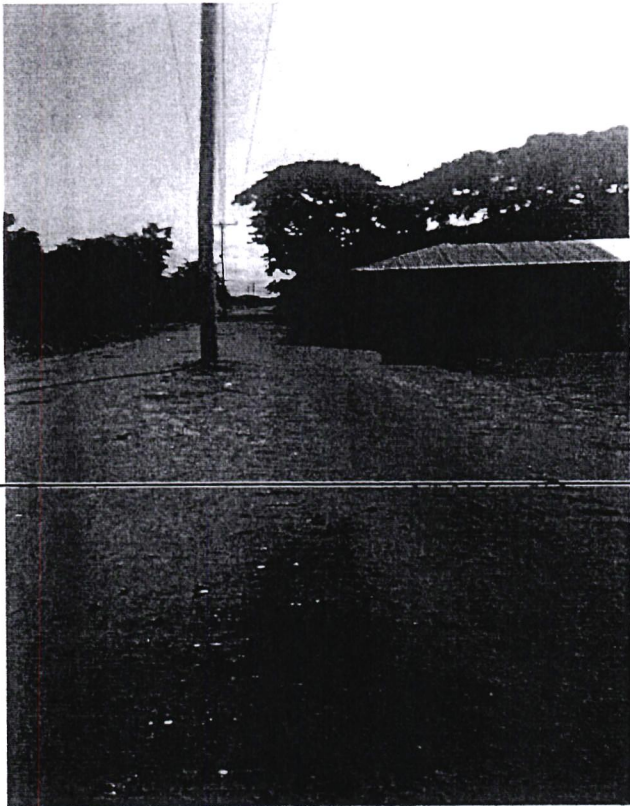
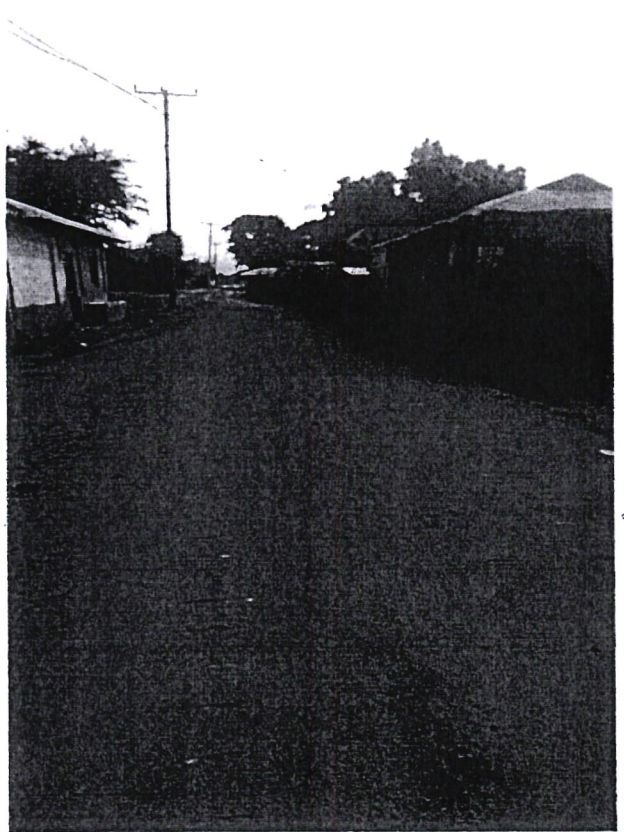
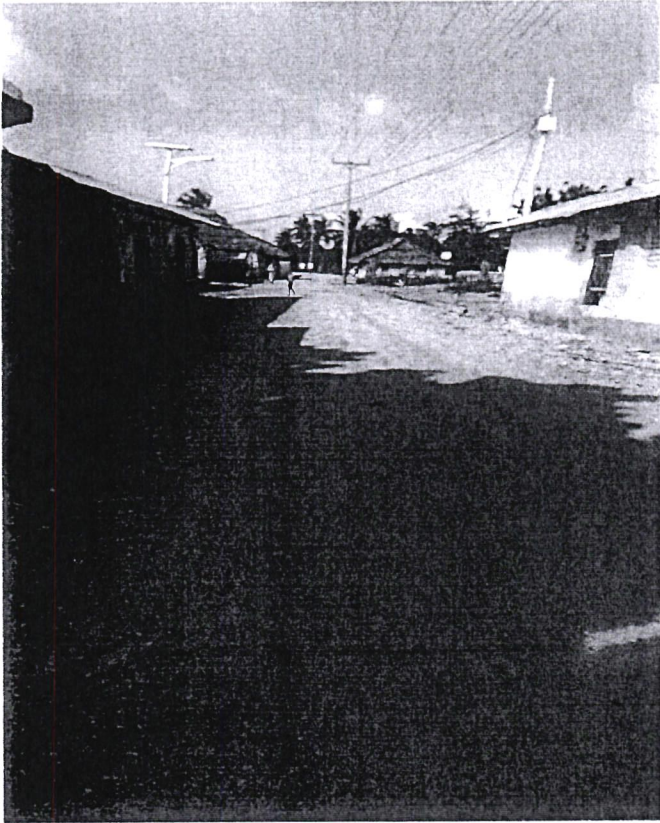


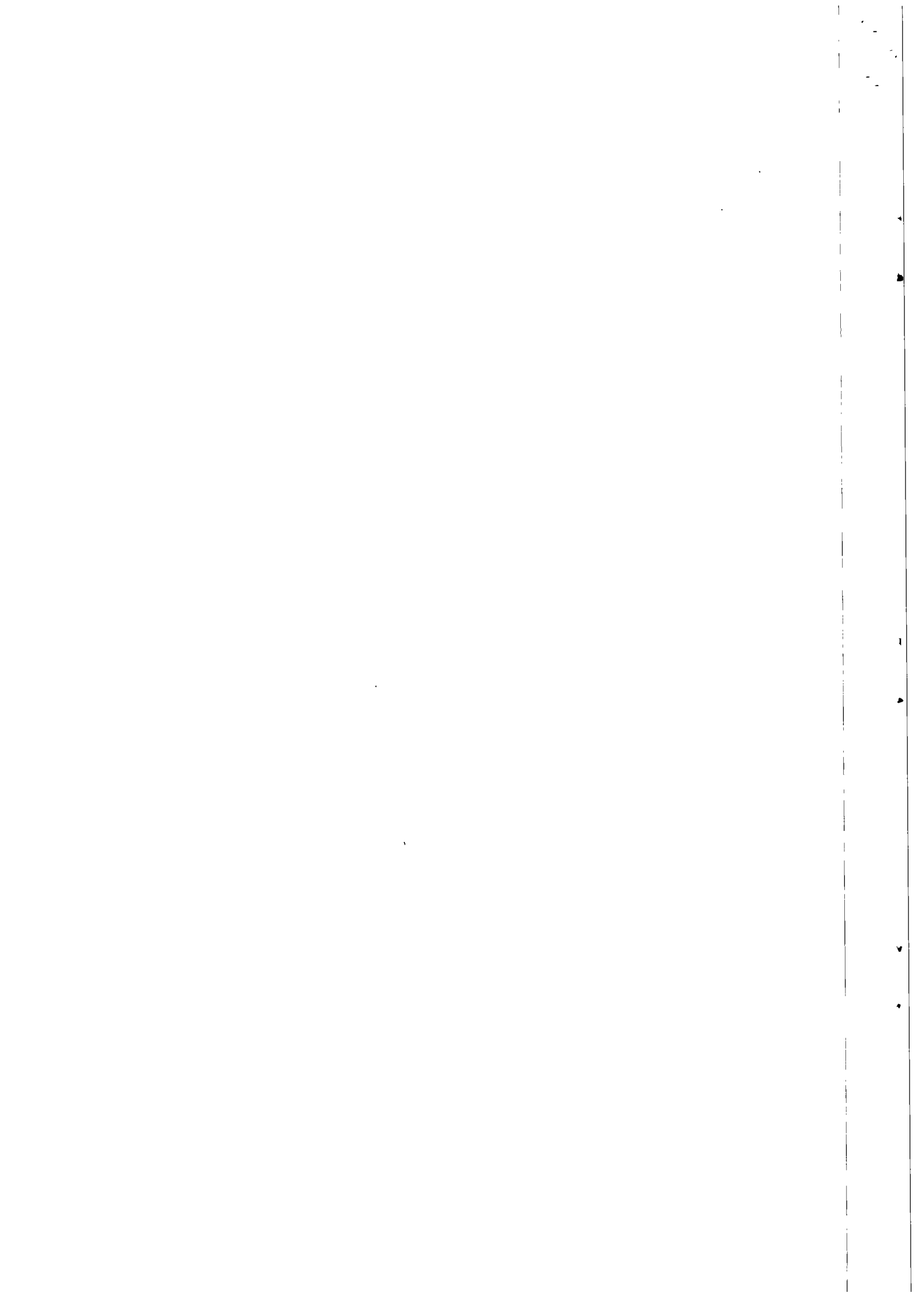
ANNEX I

Some of the structures earmarked for demolition









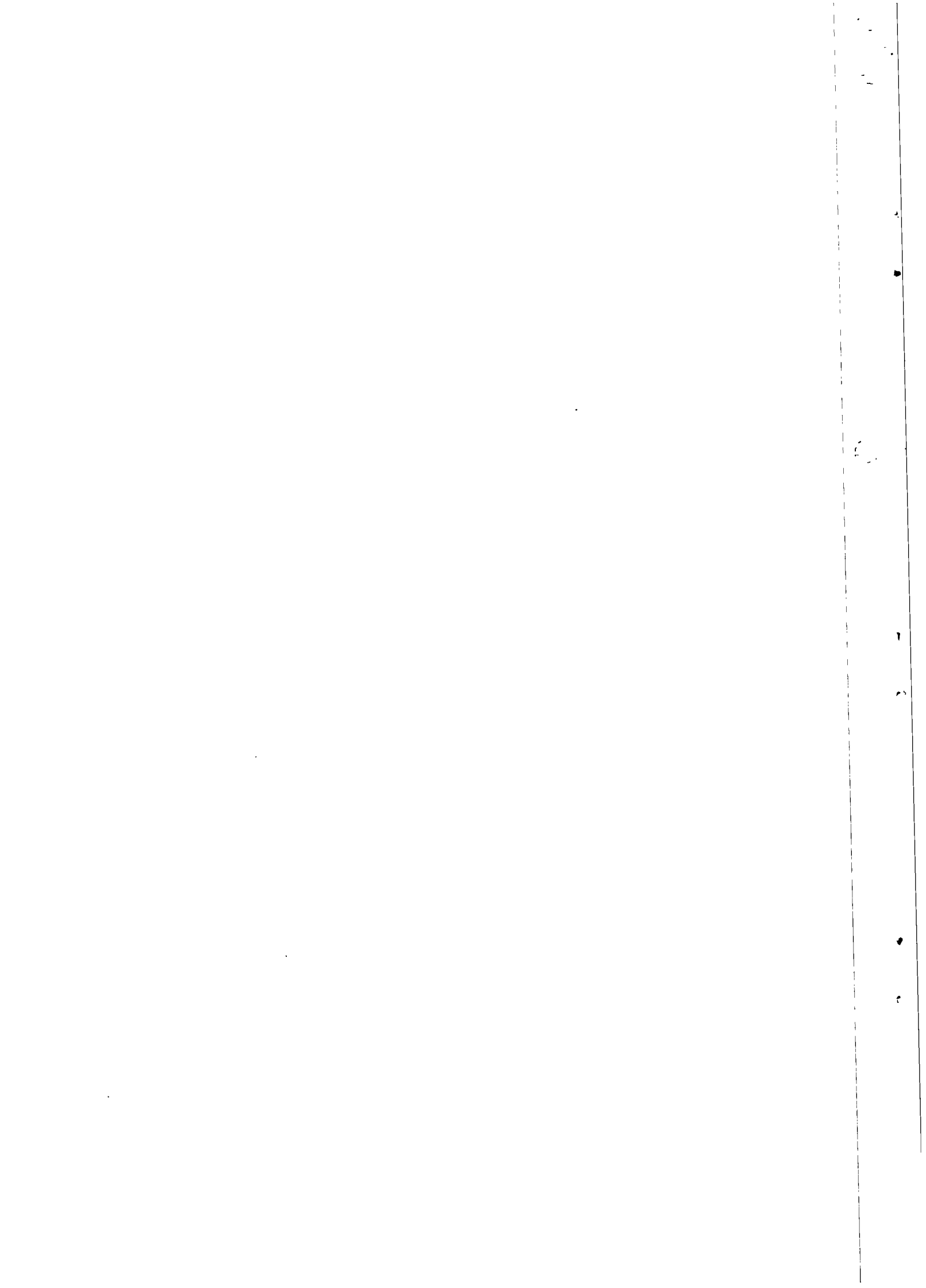
ANNEX II



ANNEX II

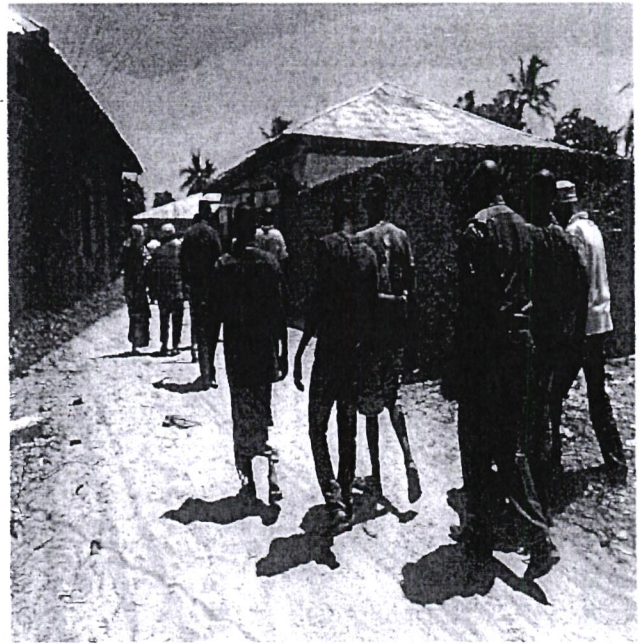
a) Schedule of public participations done

PERIOD / DATE	ACTIVITY	VENUE	ATTENDANCE
FY 2015/2016	Identification of the project through public participation	Mwanarafa Hotel	Local leaders, Departmental Heads, Select Public representatives
November - January	Mobilization by the Contractor	Mtangawanda through Kizingitini	Contractor, local leaders, the public
30 th January 2018	Site meetings	Mtangawanda, Pate, Siyu, Faza, Tchundwa, Mbwajumwali,	Contractor, KeRRA officers, M.Ps representatives, local leaders, the public
February 2018	Establishment of the road Reserve	Mtangawanda through to Kizingitini	Surveyor, contractor, local leaders, KeRRA officers, The Public
10 th February 2018	Official Launch and Public Baraza	Kizingitini / Mbwajumali	Contractor, KeRRA officers, Lamu East MP (Hon. Sharrif), Lamu County M.P(Capt. Ruweida), local leaders, the public
14 th February 2018	Meeting Individual Adjacent Land Owners	Mtangawanda through to Kizingitini	Surveyor, contractor, local leaders, KeRRA officers, The Public
22 nd February 2018	Public Baraza	Mbwajumwali	Contractor, KeRRA Officers, M.Ps Rep, The Public
28 th February 2018	Public Baraza	Tchundwa Madrasa	Site Agent, KeRRA officers, Area Chief and Assistant Chief, The Public
14 th March 2018	Meeting Individual Adjacent Land Owners	Mtangawanda through to Kizingitini	Surveyor, contractor, local leaders, KeRRA officers, The Public



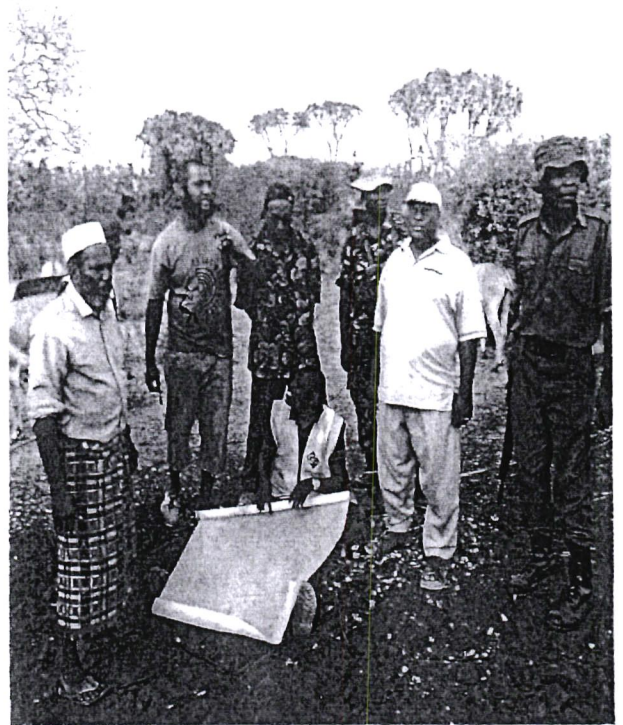
ANNEX II

b) Pictorials of Public participations and engagement

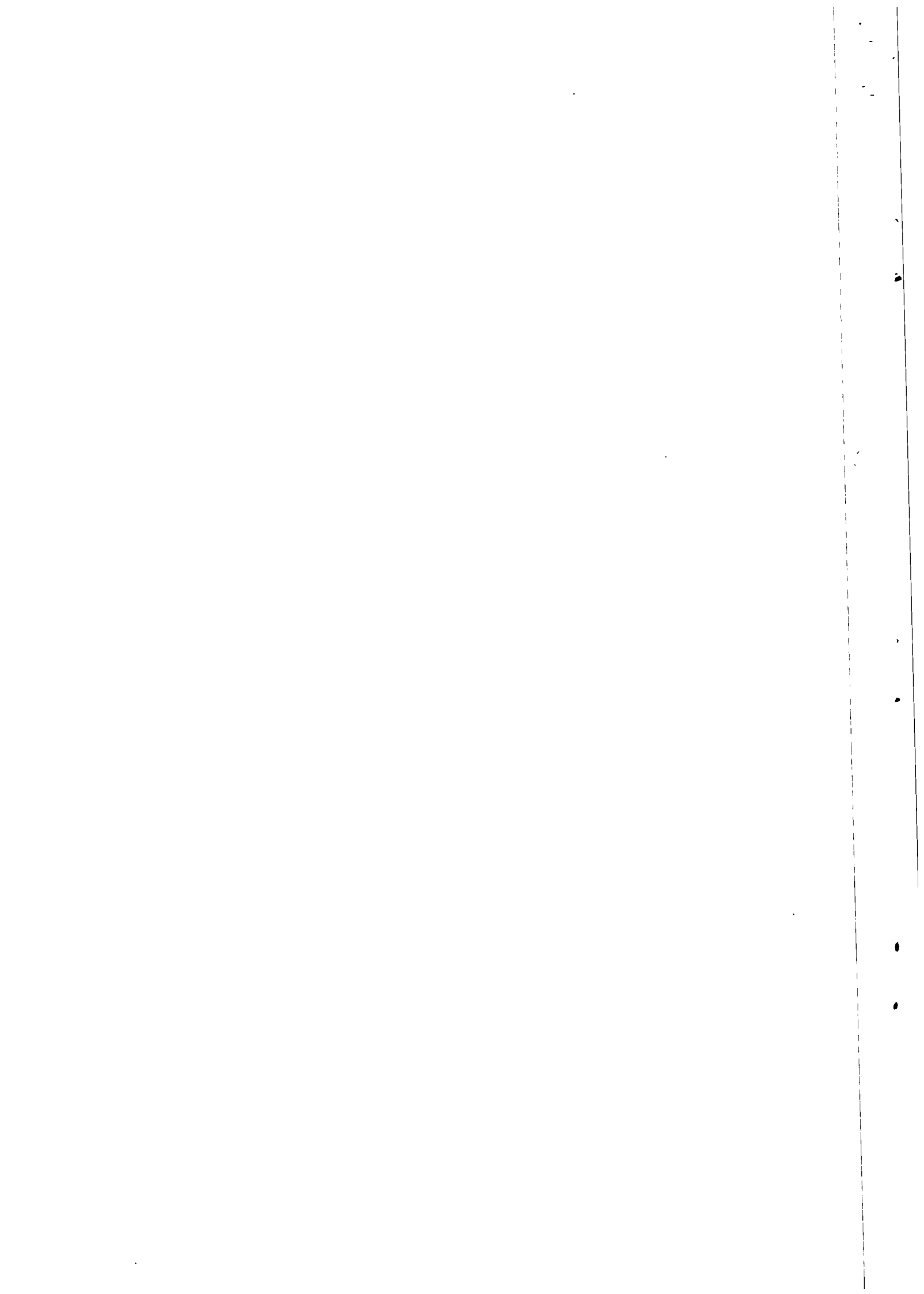


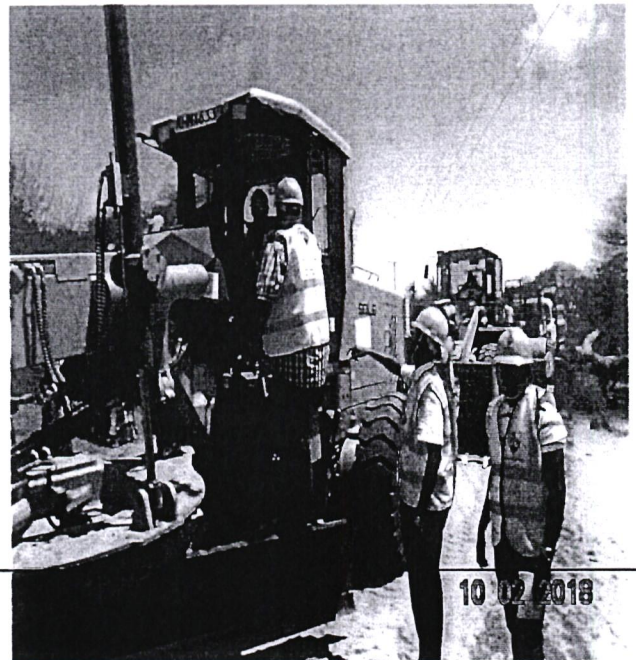
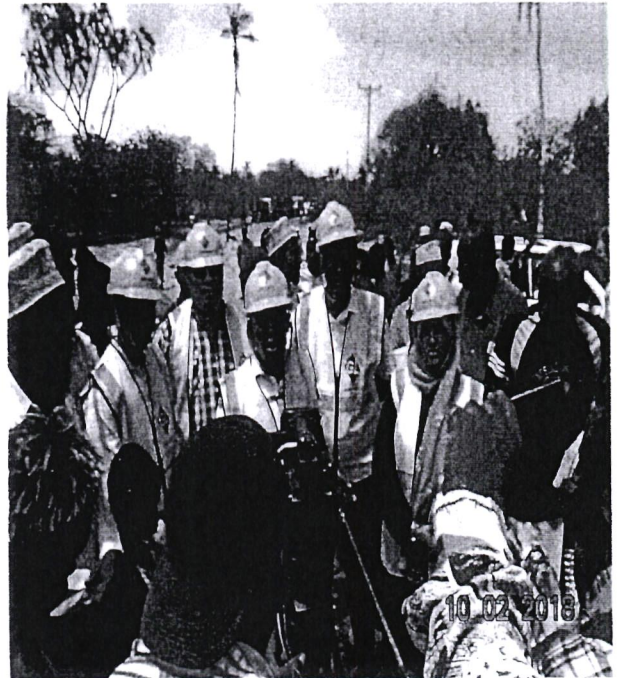
Site meetings and public participations on 30/1/2018



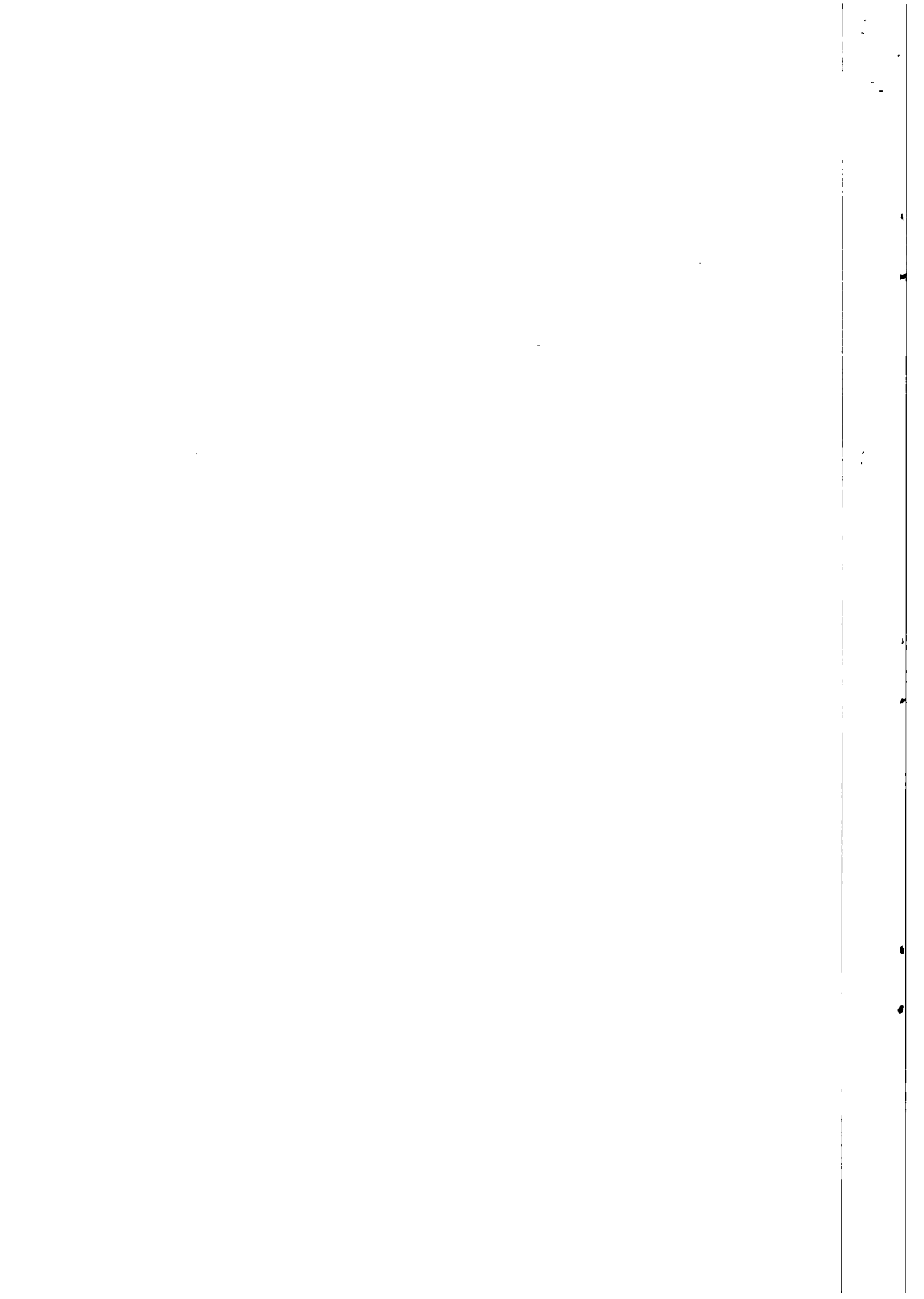


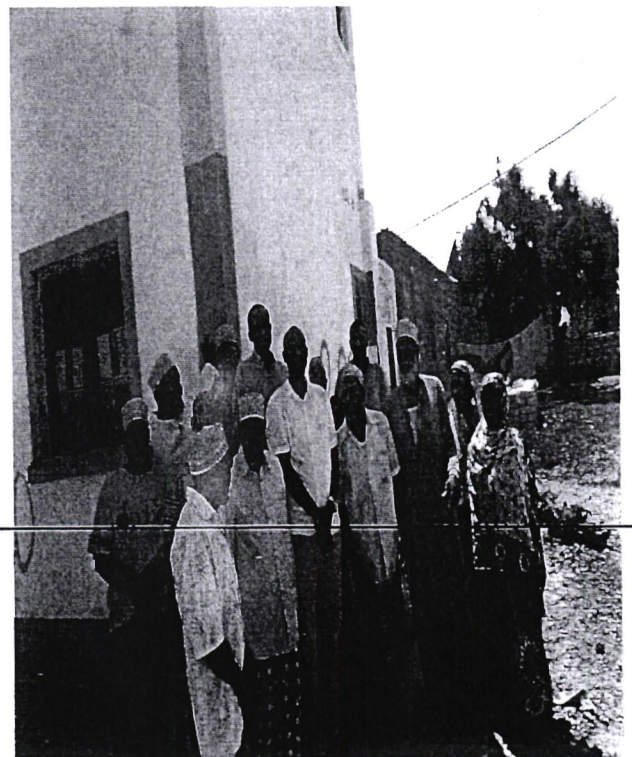
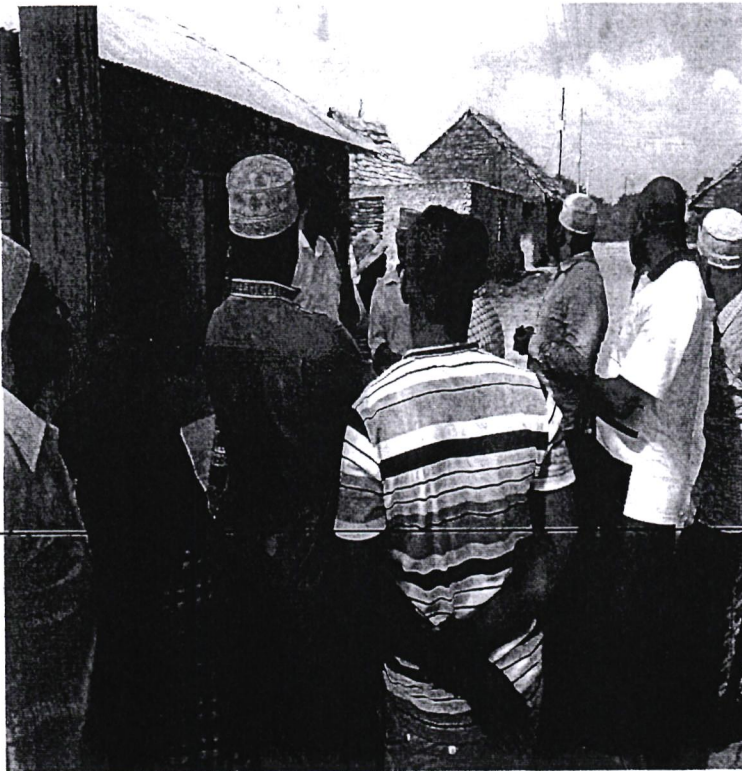
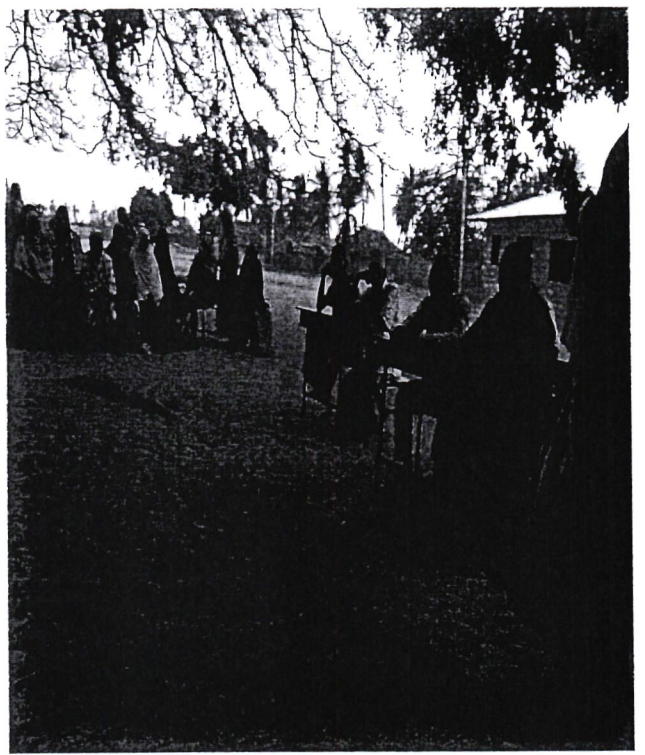
Surveys on establishing the road reserve and chainages



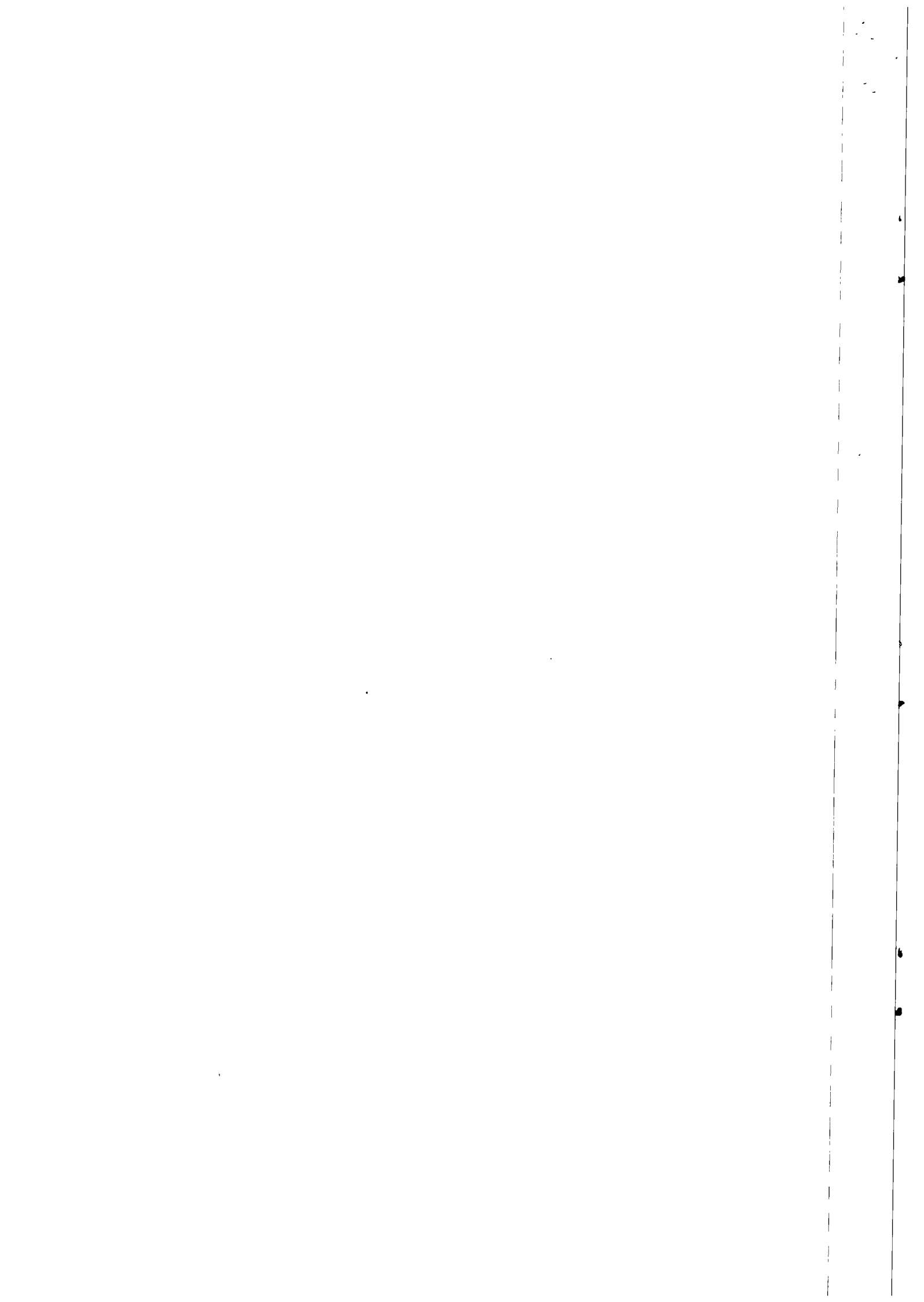


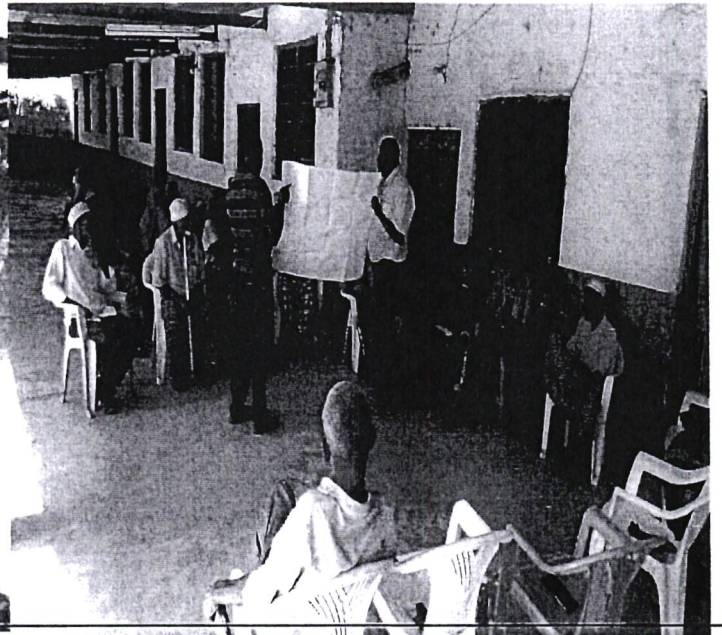
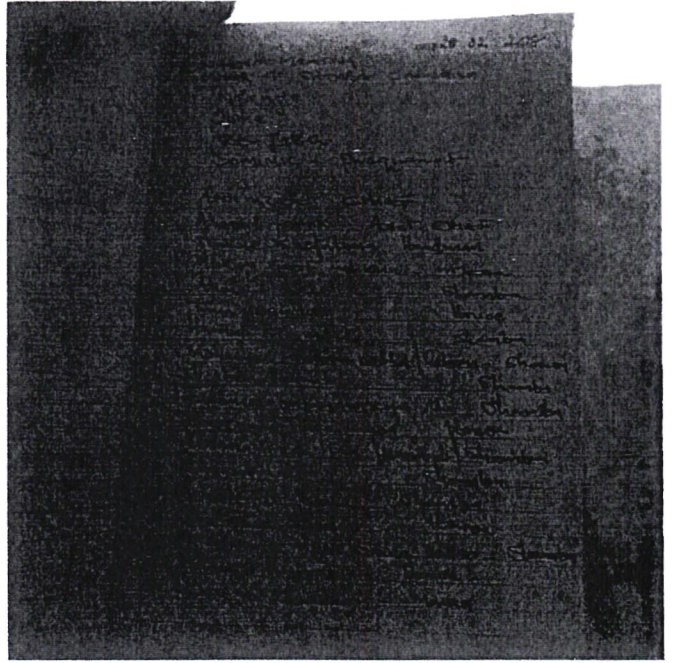
Official launch on 10th February 2018





Public Participations on Mbwajumwali on 14th February 2018



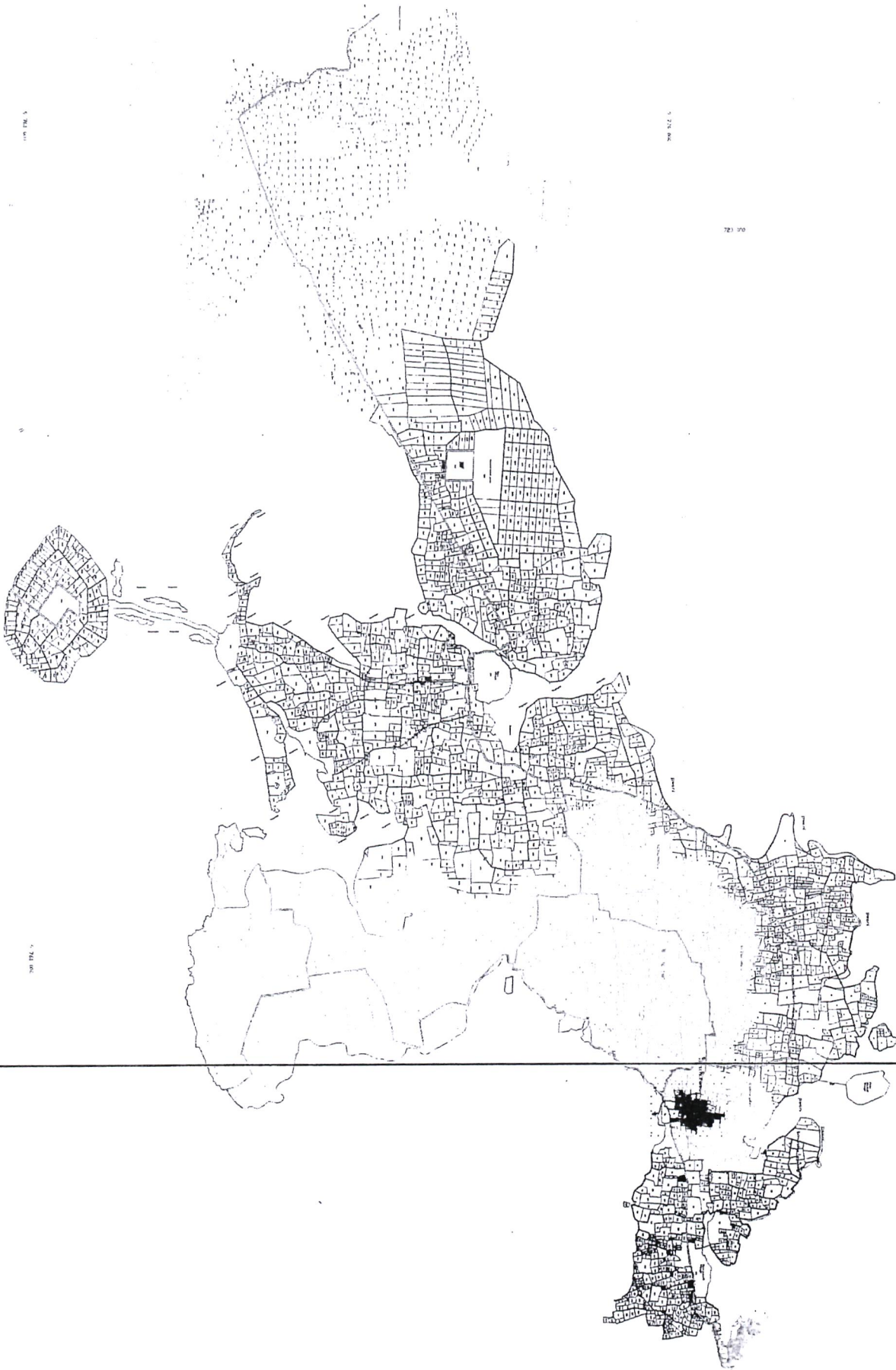


Public Engagement at Tchundwa on 28th February 2018



ANNEX III



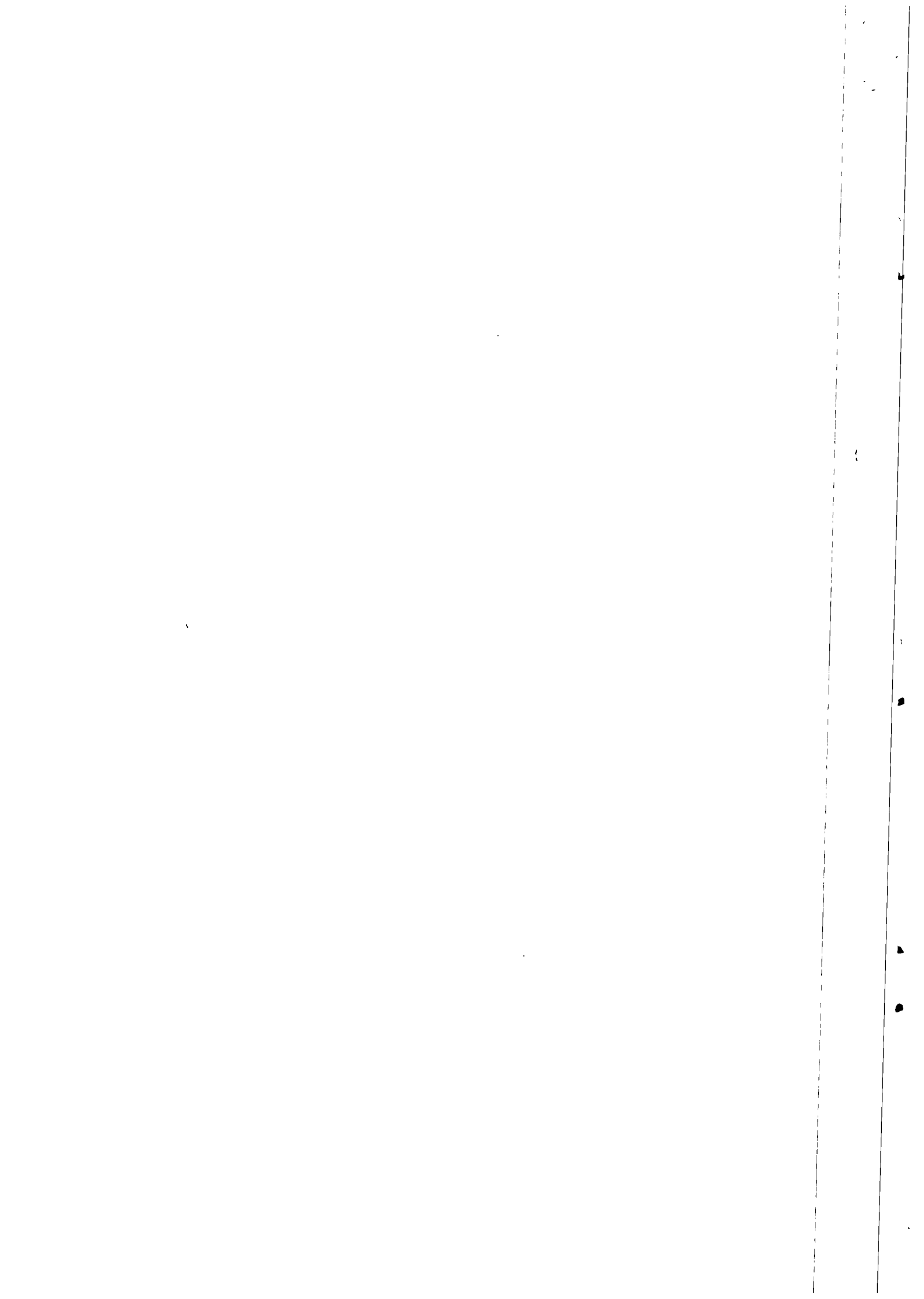


MAPA DISTRITO DE SAN CARLOS DE GUAYAMA

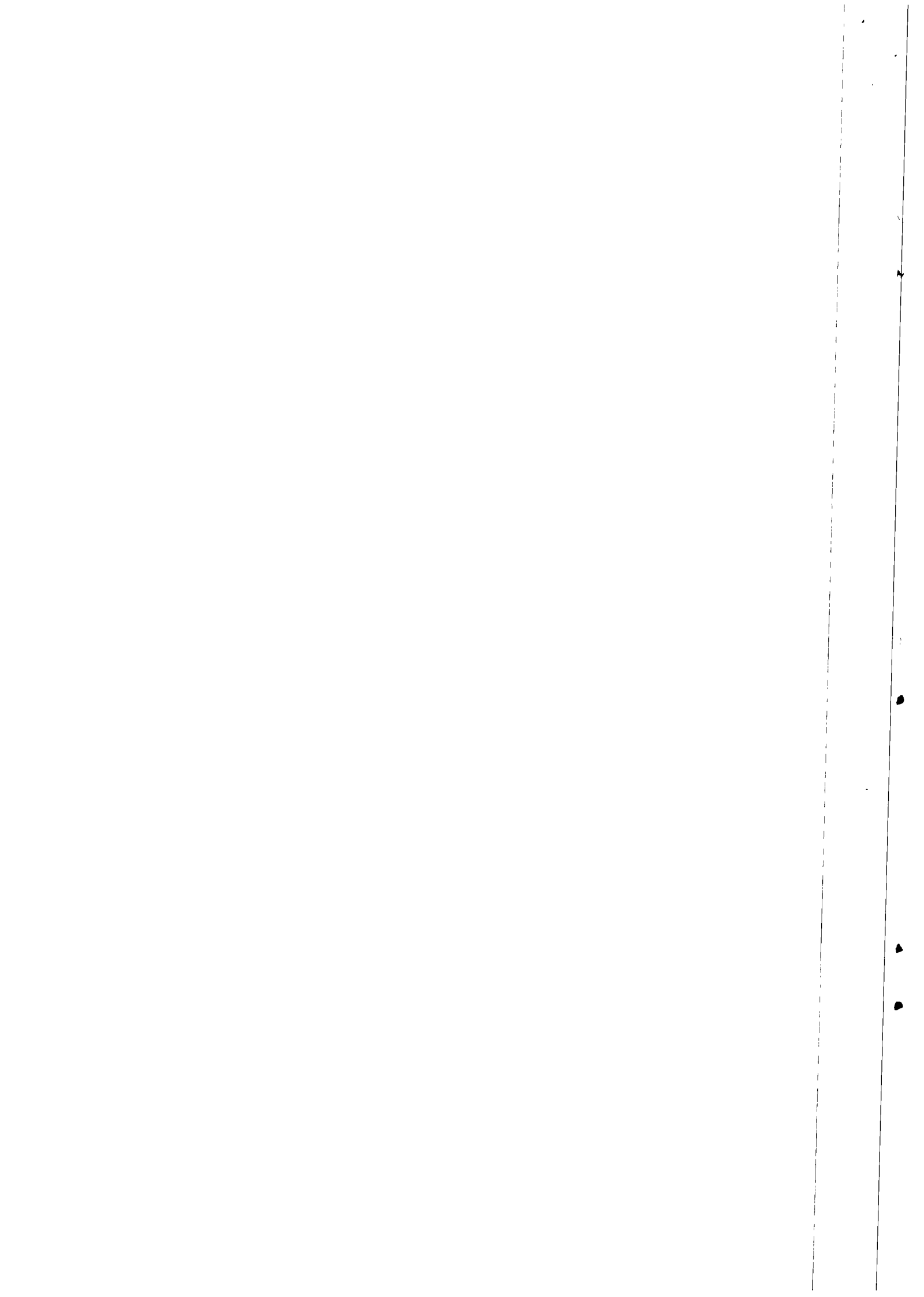
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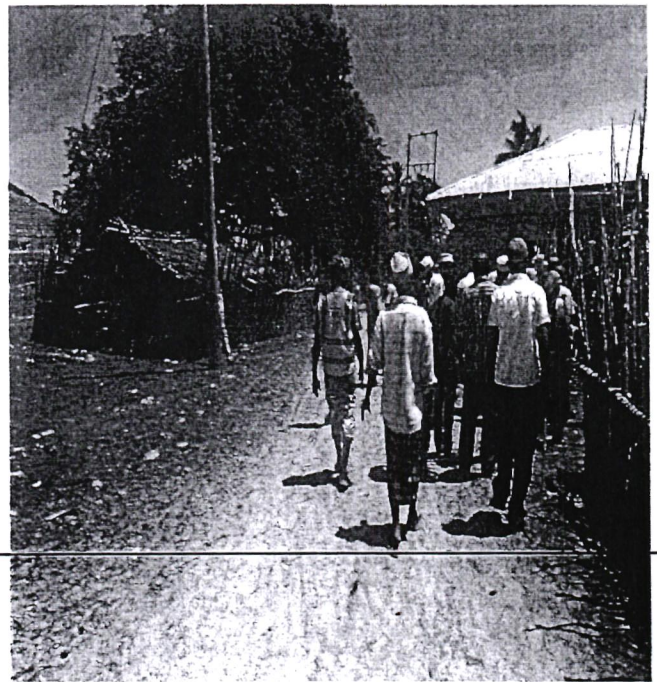
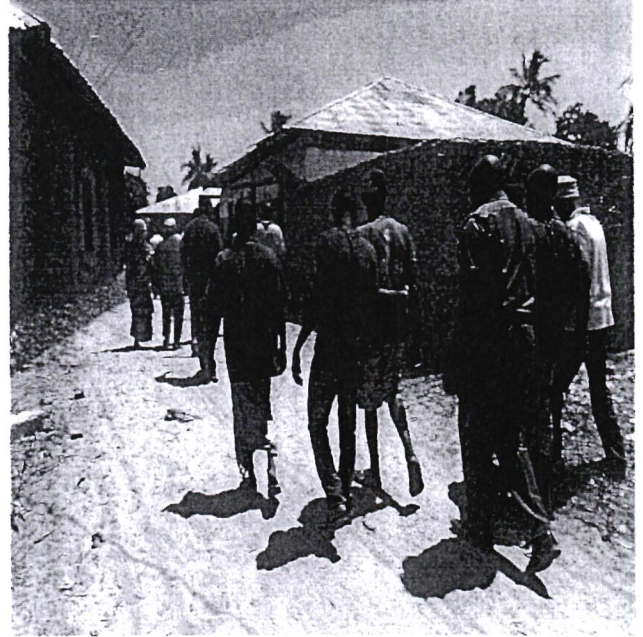


ANNEX IV

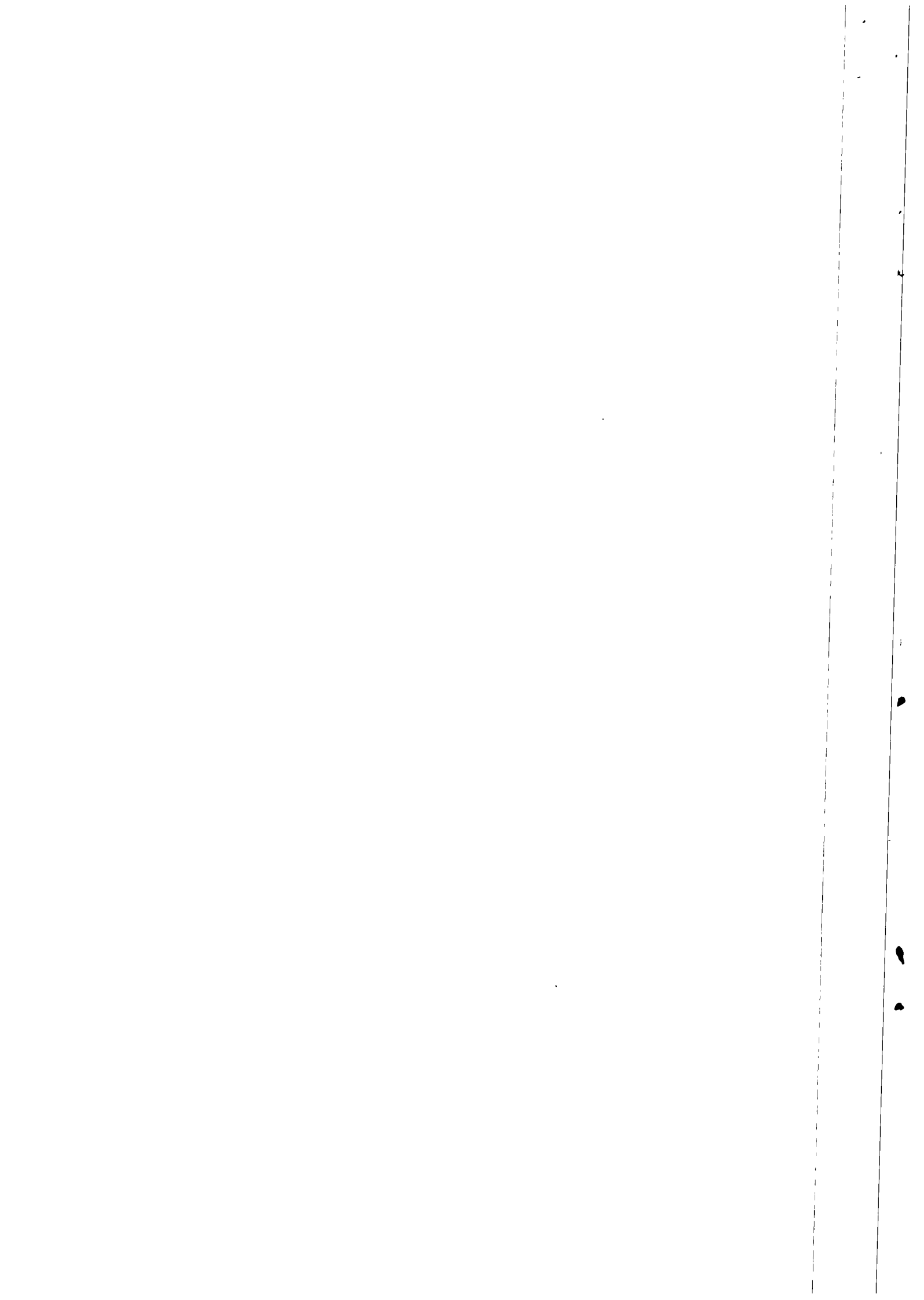


APPENDIX V

Demolitions will affect both the owners and the road users



Structures on the road reserve at Mbwajumwali village



MINUTES OF THE FORTY FOURTH (44TH) SITTING OF THE DEPARTMENTAL
COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON FRIDAY,
3RD AUGUST 2018 AT 2.30 P.M. IN BARAZA II CONFERENCE ROOM, SAROVA
WHITESANDS BEACH RESORT & SPA, MOMBASA

MEMBERS PRESENT

1. Hon. David Pkosing - Chairperson
2. Hon. Samuel Arama
3. Hon. Ahmed Bashane Gaal
4. Hon. Suleiman Dori Ramadhani
5. Hon. Dominic Kipkoech Koskei
6. Hon. Johnson Many Naicca
7. Hon. Kulow Maalim Hassan
8. Hon. Peris Pesi Tobiko
9. Hon. Rehema Dida Jaldesa
10. Hon. Tom Mboya Odege
11. Hon. Vincent Kemosi Mogaka

MEMBERS ABSENT WITH APOLOGY

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Savula Ayub Angatia
3. Hon. Ahmed Abdisalan Ibrahim
4. Hon. Gideon Mutemi Mulyungi
5. Hon. Mugambi Murwithania Rindikiri
- ~~6. Hon. David Njuguna Kiaraho~~
7. Hon. Rigathi Gachagua
8. Hon. Shadrack John Mose

SECRETARIAT

- | | | |
|-----------------------------|---|---------------------|
| 1. Ms. Chelagat Aaron Tungo | - | Clerk Assistant I |
| 2. Mr. Ahmed Salim A. | - | Clerk Assistant III |
| 3. Ms. Mercy Wanyonyi | - | Legal Counsel |
| 4. Mr. James Muguna | - | Researcher |
| 5. Mr. Eugene Luteshi | - | Audio Officer |
| 6. Mr. Yeziel Jilo | - | Sergeant at arm |
| 7. Mr. Robert Langat | - | Office Assistant |

MIN No. TPWH 191/2018: PRELIMINARIES

The Chairperson called the meeting to order thirty five minutes past two o'clock, with a word of prayer from Hon. Suleiman Dori, MP. The Chairperson informed the Committee that the agenda of the meeting was to prepare and adopt the report on the petition conveyed by Hon. Capt. Ruweida Mohamed Obo, MP on behalf of Lamu County Residents on the alleged impending demolition of buildings along Mtandawanda- Kizingitini Road. Members adopted the agenda, the proposer being Hon. Rehema Jaldesa and the seconder being Hon. Peris Tobiko.

MIN No. TPWH 192/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

Minutes of the 43rd sitting held on Friday, 3rd August 2018 were confirmed as a true record of the proceedings, having being proposed by Hon. Samuel Arama and seconded by Hon. Vincent Kemosi.

MIN No. TPWH 193/2018: REPORT WRITING FOR THE PETITION CONVEYED BY HON. CAPT. RUWEIDA MOHAMED OBO, MP ON BEHALF OF LAMU COUNTY RESIDENTS ON ALLEGED IMPENDING DEMOLITION OF BUILDINGS ALONG MTANDAWANDA- KIZINGITINI ROAD

The Committee noted that in considering the petition, the Committee had invited and held meetings with the officials from the Ministry of Transport and Infrastructure and Kenya Rural

Roads Authority as well as Hon. Capt. Ruweida Obo, who was standing in on behalf of the Petitioners. The petitioners prayed that the National Assembly through the Committee Transport, Public Works and Housing:-

- a) Investigates and inquiries into the matter with a view to causing the government to compensate private land owners holding legitimate ownership documents and who are likely to be affected; and
- b) Makes any other further order(s) or direction(s) that is deemed fit in the circumstances of the Petitioners.

The Committee made the following observations:

1. That the Mtandawanda- Kizingitini Road in Pate Island is one of the equalization funded road program with the highest amount at Ksh 100M;
2. That the contract for construction of Mtandawanda- Kizingitini Road in Pate Island commenced on 9th November, 2017 and currently is at 80% completion level. The completion was 12months and was scheduled to be complete by 8th November 2019;
3. That some houses which were in the road reserve were ear- marked for demolition. The affected person were notified through Baraza that were done by the area Chief, the area MP and other interested stakeholder like the County Women Representative; and
4. That the road was not built on private land since there was already reserved road.

In conclusion, the Committee recommended that:

1. KERRA provide the Master Plan for the area to establish if there was road reserve set aside.
2. The Government should only compensate persons whose private property was demolished but not those who were on the road reserve.

MIN No. TPWH 194/2018:

**ADOPTION OF THE REPORT ON THE PETITION
CONVEYED BY HON. CAPT. RUWEIDA
MOHAMED OBO, MP ON BEHALF OF LAMU
COUNTY RESIDENTS ON ALLEGED IMPENDING
DEMOLITION OF BUILDINGS ALONG
MTANDAWANDA- KIZINGITINI ROAD**

The Committee adopted the report on the petition conveyed by Hon. Capt. Ruweida Mohamed Obo, MP on behalf of Lamu County Residents on the alleged impending demolition of buildings along Mtandawanda- Kizingitini Road. Adoption of the report was proposed by Hon. Samuel Arama and seconded by Hon. Seconded by Hon. Dominic Koskei.

MIN No. TPWH 195/2018: ADJOURNMENT

There being no other business, the sitting was adjourned at five o'clock in the evening. The next meeting to be held on 4th August 2018, at 9.30am.

Signed..... 

(Chairperson)

Date..... 06/08/2018