

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 20th February, 2017

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

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

PRAYERS

PAPERS LAID

HEALTH SERVICES COMMITTEE REPORT ON THE
KILIFI COUNTY MATERNAL, NEWBORN AND CHILDHEALTH BILL, 2016
GOVERNOR'S MEMORANDUM

Hon. Kiraga: Thank you very much, Mr. Speaker. Today being Monday, 20th February, 2017, I beg to lay on the Table of this honourable House:-

The Report of the Committee on Health Services on the Kilifi County Maternal, Newborn and Child Health Bill, 2016 Governor's Memorandum.

Thank you so much.

(Hon. Kiraga laid the Report on the Table)

REPORT OF THE COMMITTEE ON SCHOLARSHIP AND VOCATIONAL TRAINING
ON THE KILIFI COUNTY VOCATIONAL TRAINING AND EDUCATION, 2016
GOVERNOR'S MEMORANDUM

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker, Sir. Today being the Monday, 20th February, 2017, I beg to lay on the Table of this House:-

The Report of the Committee on Scholarship and Vocational Training on the Kilifi County Vocational Training and Education Bill, 2016, Governor's Memorandum.

Thank you, Sir.

(Hon. (Ms) Mbeyu laid the Report on the Table)

REPORT OF THE COUNTY PUBLIC SERVICE BOARD ACTIVITIES
FROM JANUARY TO DECEMBER, 2016

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The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker, Sir. Today being Monday, 20th February, 2017, I beg to lay on the Table of this honourable House:-

The Report of the County Public Service Board on the Report of activities for the period from January to December 2016.

Thank you, Mr. Speaker.

(Hon. Mwingo laid the Report on the Table)

STATEMENT

MALFUNCTIONING STREET LIGHTS IN MARIAKANI TOWN

The Speaker (Hon. Kahindi): Who is making the Response? Is the Committee Chairperson of Energy present? Is hon. Mwachenda present? Yes hon. Kaunda, are you ready with the Statement?

Hon. Kaunda: Very ready Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Okay, but I see the Mover of that Statement is not present so I think it is best if we defer it.

Hon. Kaunda: It is okay Mr. Speaker, Sir.

(Statement deferred)

The Speaker (Hon. Kahindi): Thank you very much. Hon. Teddy Mwambire that is your Motion please proceed.

MOTION

INCREASING GARBAGE RECEPTACLES IN ALL TOWNS AND TRADING CENTRES OF KILIFI COUNTY

Hon. Mwambire: Thank you very much Mr. Speaker. I have the pleasure to move a Motion before this House which is to the Department of Water, Environment and Natural Resources through the County Executive Member:-

AWARE THAT, refuse removal, refuse dumps and solid waste disposal are fully devolved functions to the County Government.

FURTHER AWARE THAT, well groomed and neat towns and streets are true demonstration of a dedicated County Government in terms of tourist attractions, far reaching doing business indication and a recommendable disease preventive measure.

THIS COUNTY ASSEMBLY, urges the County Executive Member to increase the number of garbage receptacles in all the towns, trading centres and streets for structured waste collection and ban littering of our great County.

I call upon hon. Japheth Nzaro, the Ganze Ward representative, to second the Motion.

(Hon. Nzaro seconded)

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(Question proposed)

Hon. Nzaro: Thank you, Mr. Speaker. I rise to support the adoption of this Motion. The Constitution of Kenya which was passed in the year 2010 clearly indicates in Chapter Four, under the Bill of Rights, that all citizens have a right to a clean and healthy environment. The essence of these bins and receptacles will assist this County in keeping our environment clean.

A clean environment normally has a ripple effect on other aspects of life for example in the health sector; you find that when we clean our environment and have a clear way of disposing this waste, it assists us in keeping our citizens healthy. When our citizens are healthy, it means that they can work and engage themselves in very economical activities for the benefit of this County.

In essence, it also helps reduce the burden on the Health Department. This is because when our people are healthy, then it means the budget in our hospitals will generally go down because fewer people will be visiting those hospitals. There are some issues which come when we do not bring the receptacles. For instance the issue of flies; you will find them where there is litter...

The Speaker (Hon. Kahindi): Hon. Kiraga, you have a point of intervention?

Hon. Kiraga: Yes Sir. Refuse, dump sites and solid waste disposal are not within the Department of Health; they are found in the Department of Environment therefore there is no way the budget of the Department of Health can be reduced because of putting in place measures of having the dump sites and solid waste management in this County.

The Speaker (Hon. Kahindi): This Motion is not directed to the Department of Natural Resources and Waste Management, is it?

Hon. Kiraga: No, but...

The Speaker (Hon. Kahindi): From his submissions?

Hon. Kiraga: Yeah from his submissions, he is talking about reducing the budget for the Health Department and these are not within the Health Department. He should consult the Standing Orders and even the County Government Act. Thank you.

The Speaker (Hon. Kahindi): Hon. (Ms.) Mbeyu, you have an intervention?

Hon. (Ms.) Mbeyu: Yes, Mr. Speaker, Sir. I think the Chairperson for the Health docket in the House did not understand. If we put proper measures to prevent diseases from the garbage, then we will all have a better management in health services thus reducing the bigger budget we have in the Health Department because of diseases. Thank you.

The Speaker (Hon. Kahindi): That is what you were saying hon. Japhet Nzaro?

Hon. Nzaro: Yes. In fact Mr. Speaker, Sir, the self proclaimed doctor did not get what we meant when we keep our environment clean...

The Speaker (Hon. Kahindi): I think hon. Kiraga has sworn to protect his budget in the docket which is good as a Chairperson but you need to listen to what the submissions are all about, yes proceed.

Hon. Nzaro: Thank you Mr. Speaker, Sir. Hon. Kiraga likes to control a big budget of health in this County but anyway... what I was bringing to the attention of this House is that when we keep our environment clean there are merits which come with it. For example, if you do not collect garbage it means there are so many insects like flies and jiggers which is a menace to the health of our people.

People might not understand but jiggers also kill. There are some counties which we visited but because they have no good measures of cleanliness the way this Motion is trying to

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address as a county; we will be doing justice for our people in promoting good waste management policies and I congratulate the Mover of this Motion because he has brought it at the appropriate time and Members should rise to the occasion and support this Motion because it is of immense benefit to our County. Thank you Mr. Speaker, Sir. I support.

The Speaker (Hon. Kahindi): Yes hon. (Dr.) Mzungu Chitibwi.

Hon. (Dr.) Chitibwi: Thank you very much hon. Speaker, Sir. I stand to support the adoption of this Motion. We are aware everybody needs a clean environment and we are more aware that we attract businesses when that environment is there. We see our towns in particular and shopping centres with a lot of litter. You find that the receptacles which are available are very few and almost every corner is being used as a receptacle.

Budgeting for these receptacles is definitely a starting point; we find that we have got bad habits. We as people of Kilifi or maybe as Kenyans throw our garbage everywhere as long as it is not within our compound and we use the excuse of lack of receptacles for doing that. I support this because it is a starting point for having adequate receptacles and after this, then we can urge for proper management of these receptacles. Even if we have the receptacles but the management and the attitude of our people is not going to make our towns cleaner.

I wish to urge that we accept the adoption of this Motion and follow it up further with the Department concerned with a change of attitude within ourselves as citizens of these areas and also workers. It is a shame that we live in these towns and the people who have been employed to keep our towns clean... you see somebody working until 9 o'clock after which that person is free. They are either in their kiosks or they are in their houses. So I begin to wonder, are these people paid for one or two hours a day or are they paid by piece work? We would accept that if our towns are clean...but you see somebody engaging in their own business and there is litter all over there. I urge my fellow Members to adopt this Motion so that we have a beginning for a cleaner Kilifi. Thank you.

The Speaker (Hon. Kahindi): Yes hon. Stanley Kenga.

Hon. Kenga: Thank you very much Mr. Speaker, Sir. Allow me to also make my contributions regarding the Motion that is before this hon. House. Before I make my contributions, I want to make a statement as regards to the contributions that had been made by hon. Japhet Nzaro that this Motion has come at the right time. I am against that, though I am in support of the Motion. I want to believe that we are ending our term of five years of serving the great people of Kilifi and therefore it is a Motion that maybe would have been brought earlier and not at this time...

The Speaker (Hon. Kahindi): But has there been no Motion like this before? This subject is very familiar...

(Loud consultations)

Hon. Kenga: Mr. Speaker, Sir, why chorus? I need your protection Mr. Speaker.

The Speaker (Hon. Kahindi): No, I am just asking you, hon. Stanley Kenga, whether you have any recollection of a discussion on this subject before?

Hon. Kenga: Mr. Speaker, Sir, I was just making a statement on the contributions made today that "this Motion has been brought at the right time..." to me, that statement does not...

The Speaker (Hon. Kahindi): Hon. Stanley, sorry for interrupting you. Hon. Teddy Mwambire, I feel like we have discussed about waste management. I do not know whether it was...

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Hon. Mwambire: Mr. Speaker, Sir, I remember I brought a Motion whereby we wanted the CEC Member to come up with a framework to curb these issues but now this is another one because we are looking at increasing the number of garbage receptacles.

The Speaker (Hon. Kahindi): The other one was to seek policies and ...

Hon. Mwambire: Yes, this is to increase the number of garbage receptacles because we discovered that the ones which were put in place are not sufficient.

The Speaker (Hon. Kahindi): Yes now that makes it clear. Proceed hon. Stanley. Thank you for the clarification hon. Mwambire.

Hon. Kenga: Mr. Speaker, Sir, a clean environment creates a conducive environment for a healthy county. We can also secure and guarantee their health if we provide a clean environment. A healthy county means a working county; that when people are healthy, they have all it takes in terms of using their energy and resources to make sure that they are able to perform their various duties.

Another important aspect is the issue of business attraction, growth and expansion as a result of a clean environment. You will realize that when we provide a clean environment, we are able to attract various business opportunities for investors who can now take advantage of this and bring in a lot of businesses that will create employment and as a result, help fight poverty. Even if we are not in a position to eradicate poverty to some extent, we are able to make sure that the figures are reduced and we are able to lift the living standards of our people having empowered them in various aspects. I am in support of this Motion and I want to believe that there will be no Member who will stand to oppose this noble Motion.

The Speaker (Hon. Kahindi): You are gagging your fellow Members. Yes hon. Kiraga.

Hon. Kiraga: Thank you so much Mr. Speaker. I rise in support of this Motion. Why do we have a big budget in the Health Department? Mr. Speaker, this is because the underlying Departments which are supposed to help the Department in reducing some of these emerging diseases like the Department of Environment have not been able to come up with strategies in preventing the spread of diseases which could be stopped in the earlier stages. Living in a clean environment will mean that our people will have a clean and healthy environment and in doing so, will reduce the consequences of them getting to the hospitals hence burdening this Department.

If you look at the County Fiscal Strategy Paper 2016/2017, it elaborates much on preventive rather than curative. As we are talking now, most monies in the Health Department go for curative and I believe if we have a clean environment, these monies can be used in other occasions.

Non clean environments mostly encourage water borne diseases and some of them might rise to diseases that are contagious. Treating these diseases is very expensive. I believe the Mover of the Motion thought it wise if the concerned people can move with speed to implement whatever we are passing today because I believe we are going to adopt this. I am sure in the 2017/2018 budget, we can have some of the monies removed from that Department and be directed to other valuable areas. I stand in support of this Motion.

The Speaker (Hon. Kahindi): Hon. Mwambire, do you wish to make any submissions?

Hon. Mwambire: Thank you very much, Mr. Speaker. I take this opportunity to congratulate the Members who have made contributions towards this Motion. It is indeed very important for this county to invest more in securing the environment because it is a devolved function. Many Members of the public regardless of their education and professional standards

have never seen the need of giving a good allocation to this Department so that it can take full responsibility that would assist this county.

At the moment, I think counties should start fighting for the best performance in this docket especially when it comes to provision of a clean environment. This Country has failed because of lack of proper waste management undertakings. We have seen other Countries like Rwanda; I think it is this month when it was declared the best in Africa, something which makes me even laugh because I have been to Rwanda severally...

The Speaker (Hon. Kahindi): Best in terms of what?

Hon. Mwambire: In terms of performance and cleanliness. This makes me laugh because I have been to Rwanda severally and if you look at the way Rwanda Airport is, it cannot even match with Kisumu International Airport but it was rated the best in Africa because of cleanliness.

If we come back to this county, you will find that even when you walk around Malindi market which is right here, you will find that it has less than 10 garbage receptacles. Looking at the magnitude of the waste that we have in that market we desire to have a good number of them so that everything can be contained in the receptacles. Buying of trucks and tuk tuks and having a number of staff working on the garbage that we have in the county does not give a clear opportunity for the Members of the public to put all the waste in a proper place.

When you walk around the streets, for instance, or when you leave this Assembly to the market you will not see even one garbage receptacle. Walking from Pwani University to the Governor's Office or to Kilifi bus terminal, you will not see even one receptacle. If you walk in Mtwapa from Lambanda to the bridge, you will see only three garbage receptacles that make it very hard for members of the public to put the garbage in the proper place. These are simply examples. I think there is need to make sure that we put the receptacles in strategic places so that people can put garbage in proper places.

While I was walking in Kilifi Town yesterday night from the emergency door at the Kilifi County Hospital going round to St. Thomas to the Department of Works office, there are some street lights that were put in place and it looks very nice at night. Without garbage receptacles, I am very sure in the next two weeks members of the public will face it very rough to walk around because those areas will be very dirty because people are littering everywhere as there is no proper place to put that litter. So, it is high time that the County Government invests heavily in that so that in three months time, we can conduct proper civic education like what hon. (Dr.) Silas Mzungu has raised so that even the Members of public can know the need of putting the litter in proper places. When we do that, I have no doubt we will attain the aspired standard that we need to have in this county. If we have that, then we will drastically reduce medical expenses among other expenses Mr. Speaker.

I believe Hon. Kiraga was talking about his Department being not in charge of the issues of litter but when it comes to public health, I believe even the public health officers will have very little time to invest in the preventive measures because this is a greatest indication of applying the preventive measures. I believe if we do this, the investors among other people will come down and assist us. What is important is just to start; if we start moving forward other investors will come in. I know sometime about 15 years back, Malindi Municipal Council had a project of 'green town.' A number of investors came in and assisted and Malindi became very clean that time. So, I very much understand that if we do that, then this county will get a number of investors and we will invest in litter among other issues and at some point, we will attain some aspired standards.

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With those few remarks Mr. Speaker, I call upon Members who have not contributed but I believe because this is something that will benefit everybody, to support the adoption of this Motion and we make sure that it is implemented before we leave on 15th of June, 2017, when we will be winding up our presentation in this Chamber to seek other mandates from the great people of this county if they will give us another opportunity to come back but before that because we are going for elections, there will be posters including other issues. They need to be put in proper places after elections and that should be the dustbins. So, let Members support so that we do not litter our towns. Thank you very much.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

FAILURE OF THE IMPLEMENTATION COMMITTEE TO TABLE REPORTS SINCE ITS INCEPTION

The Speaker (Hon. Kahindi): The Statement of the Mover of the Motion is that he hoped this Motion will be implemented. I was just checking with the Implementation Committee that since its inception, it has not tabled any Report to this County Assembly to tell us whether these Motions are getting implemented or not. That goes back to 2014 and the Committee Clerk just confirmed to me that they have never tabled any Report for any consideration by this House. Now, it begs the question whether we are headed in the right direction. Hon. Chairperson, I do not want to put you to task now but if anything is to go by, I think there is a problem. I am not even sure hon. Teddy Mwambire whether this Motion will be implemented before the 15th of June. Now, it is paramount and I think I have seen where the problem is.

The Committee sits with the Executive; the Executive somehow have not implemented many of the Motions that we have passed and they have no idea but the Committee has been insisting to get them to give information, which they do not have. The Standing Orders are very clear and it has given immense powers to this Committee that in 60 days if nothing has been done, you have room to impose sanctions but we have been babysitting one another and the outcome is that, and I stand to be corrected, but upon enquiry I have been advised that there is no Report which has been formally tabled and debated in this House.

We are talking about the Implementation Committee; the Committee that is supposed to be pushing the agenda of whatever you are saying. It makes no sense whatsoever if the hon. Member for Sokoke Ward can bring a Motion and the entire House agrees with it then it's never implemented. So, what was the point anyway? Now they have become too many that the Committee Clerks are confused which ones should come first in terms of Report writing. Hon. Kiraga, you wish to say something?

Hon. Kiraga: Thank you so much Mr. Speaker. I think on many occasions in this House, I have complained about the conduct of the Chairperson of the Implementation Committee. I personally have been getting a very rough time... I am a Member by the way.

The Speaker (Hon. Kahindi): You are a Member of the Implementation Committee?

Hon. Kiraga: Yes.

The Speaker (Hon. Kahindi): Am I right to say that you have never tabled any Report to this House?

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Hon. Kiraga: You are very right and I have been saying these things in this House...

The Speaker (Hon. Kahindi): I will give you time hon. Japhet Nzaro. Let us hear hon. Kiraga. It is a concern. I have just spent 20 minutes with the Committee Clerk and I was wondering. Yes, proceed.

Hon. Kiraga: I knew of this concern far much earlier Mr. Speaker and I have been raising these issues in this House but surely the Chairperson has been very weak.

The Speaker (Hon. Kahindi): Hon. Kiraga, I hope it is not personal.

(Laughter)

Hon. Kiraga: He is very weak and he is full of threats in his Committee, Mr. Speaker. So, I think something should be done. We still have time by the way and in my opinion, if we can get somebody to Chair that Committee within this period which is left, I think we can do something. Mind you if we let him continue Mr. Speaker, there is nowhere we are going with this Committee.

The Speaker (Hon. Kahindi): Yes, hon. Japhet Nzaro wants to stand up and... I have just made an observation which I think we need to engage.

Hon. Nzaro: Mr. Speaker, I wish...

The Speaker (Hon. Kahindi): Are you a Member of the Committee?

Hon. Nzaro: No, I am not a Member of the Committee but hon. Kiraga is raising pertinent issues on the conduct of a Member of this Assembly without bringing in a substantive Motion and I think he is out of order. He should apologize and withdraw those allegations.

The Speaker (Hon. Kahindi): That is why I was asking him, is it personal because it has not been brought forward in the manner that is supposed to be. Hon. Nixon Mramba, do not say anything. Just keep mum; we will handle it. You know hon. Kiraga, when I was asking you whether it is personal it is because if you are raising an issue with regard to the conduct of a Member and there is a procedure on the way you can handle it or if you are saying it just to make him wake up, we also know but if you have serious concerns that the House needs to be informed, there is a procedure to be followed. Do you wish to respond to that?

Hon. Kiraga: Mr. Speaker, personally I am very concerned and...

The Speaker (Hon. Kahindi): It is okay; you are entitled to be concerned because you are a Member.

Hon. Kiraga: I am very ready to follow that procedure. Personally, I am very concerned and I have been complaining even in his Committee. Sometime back, he even attempted to throw me out of his Committee.

The Speaker (Hon. Kahindi): So are you fighting that? Let us end it there with you. Hon. Nixon Mramba, I know and I am very sorry for bringing this up, but I know you wanted to have permission to sit. I called your Committee Clerk and I was trying to establish; you know we have the Committee on General Oversight it just does general oversight but the bulk of the work is supposed to be done by the Implementation Committee.

Hence the Implementation Committee has been given immense powers under the Standing Orders to follow up on these issues but what shocked me is that since its inception in 2014, it has never tabled any Report. That is why I was asking whether it is relevant for us to even bring further Motions to this House when we are left with five months down the line. We need an update and I think this has to be raised at the Liaison Committee. This is because as you

sit as the Chairperson in that Committee, you cannot be too sure if this will be implemented and no Report has been made but let us hear from the Chairperson.

Hon. Mramba: Thank you, Mr. Speaker. I would like to clarify some of the sentiments that have been raised by the Member for Gongoni whom I am very sure the Members of my Committee will surely agree with me that he has never attended meetings for the past six months. This is very true and we can confirm from the records that hon. Kiraga does not attend meetings of the Committee on Implementation and you will agree with me Mr. Speaker we were to go to Mombasa last week and do several Reports and bring them to this Assembly. Unfortunately, a letter was done by the Committee Clerk and you did not assent to it because you were away.

This afternoon I was in your office for that matter because I wanted us to leave here with my Committee and go to Sai Roc on Thursday so that we can get three days Report writing and then we Table the same Report to this House.

You will agree with me Mr. Speaker and the Members that most of the Motions which were passed here were passed but they needed money in the budget. Unfortunately, you pass a Motion here then that Motion does not get funding from the budget. How do you expect the Committee to make sure that that Motion is implemented?

The last time we had Motions here touching on budgetary allocation. Just like the Motion that sought to have budget money allocated to...

The Speaker (Hon. Kahindi): Okay hon. Mramba. I have heard you and let us not drag the debate but the essence is you know even if there is a problem with implementation because it was not factored in the budget, the House needs to be informed about the same. I think that is the work of the Implementation Committee.

Nonetheless, let us not get into the details. I would wish to be with you in your meeting on Thursday. This is because I asked the Committee Clerk how many Reports they were going to do and he was not able to tell me; so I do not know what was going to be done. We will sit together. I will sit as a friend of the Committee so we can be able to see the way forward.

ABSENCE OF THE HON. SPEAKER

The second Communication that I have is that I will not be around tomorrow because I am going to Nairobi on CRA (Commission on Revenue Allocation) matters. We are doing the budget for the financial year and we are negotiating on the ceilings which have been put. Tomorrow there is a meeting with CRA and on Wednesday there is a meeting with the Finance Committee of the Senate and then the ceilings will be out and they will be communicated to all the 47 County Assemblies for the financial year 2017/2018. So I will not be here tomorrow. I am actually leaving at 8 o'clock as I proceed to Mombasa. That is what I needed to communicate.

Otherwise as for the Chairperson Implementation, I think I have asked to be invited for that meeting because I am really concerned and I am sure we will then bring it to the House. The other week we can have the same issue being deliberated at the Liaison Committee. Hon. Teddy Mwambire, please call for a meeting next week where we need to finalize on that matter.

ADJOURNMENT

Now hon. Members in the absence of any other business in the Order Paper, I move to adjourn the House until tomorrow morning. Thank you very much.

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The House rose at 3.17 p.m.