

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 25th July, 2016

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM DZITSONI SECONDARY SCHOOL IN KILIFI

The Speaker (Hon. Kahindi): Hon. Members, this afternoon we are privileged to have students from Dzitsoni Secondary School who come from within the County of Kilifi. The students are accompanied by their teachers. As the list is too long, I will request them to stand up wherever they are so we can acknowledge their presence together with their teachers. Students from Dzitsoni kindly stand up for the Members to acknowledge your presence.

(Applause)

The same students are accompanied by their teachers Mr. Ndeda S. and Mr. Owino. Thank you very much you can take your seats.

VISITING PUPILS FROM BURHANI ACADEMY IN MALINDI

Hon. Members, we are also privileged today to have pupils from Burhani Academy in Malindi. Kindly stand up so that the Members of the County Assembly can acknowledge your presence.

(Applause)

The pupils are accompanied by Mr. Kisaka Okwach who is a teacher, Mrs. Rachael Jefa, Mr. Joseph Konde, Mrs. Celestine Neema and Mr. Simon Makuna. Thank you very much you can take your seat.

As a matter of tradition, I will give five minutes to any Member to officially welcome these students from our County. Thank you very much. Yes, hon. Mramba.

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Hon. Mramba: Mr. Speaker, I wish to thank you so much for giving me this early opportunity to welcome both Dzitsoni Secondary School and Burhani Academy in Malindi. I wish to tell them that they should feel at home. This is a hon. Assembly just like the one in Nairobi; the only difference is that one is the National Assembly and the other the County Assembly. I would very much urge the students from Dzitsoni to learn with a lot of effort because we passed through what they passing through today.

Some 20 years ago, I was in Eldoro in Taveta doing my O-level certificate before proceeding to Kenyatta High school for my A-level. I was a student just like you. I would also like to caution them against this habit of burning dormitories, libraries and everything in their secondary schools. This has now become a trending motto for our students: "*Kusoma na kuchoma*" (reading and burning schools). We must always avoid doing this. Your parents are going through hell. Your parents are doing so much more so that they can afford to make sure you go and learn.

The Members of the County Assembly you are seeing here today are privileged and through this Assembly, they passed a Motion that was factored in the budget that every Ward in Kilifi County has Ksh. 10 million towards the education of young boys and girls. This money should never be in vain. We want to invest somewhere that in five or ten years to come we may get engineers and doctors from our great people of Kilifi.

Welcome so much. This is a replica of the National Assembly. There is no need for you to travel all the way to Nairobi to see how Parliament performs. We have a hon. House here full of intelligent Members from your areas. Dzitsoni happens to be in Chasimba if I am not mistaken and I would like to tell you that you are perfectly represented here in this Assembly and I wish to thank you all. Please welcome.

(Applause)

The Speaker (Hon. Kahindi): Thank you hon. Mramba.

PAPER LAID

PROPOSED RE-PLANNING AND RE-DESIGNATION OF KIBAONI CAR PARK TO PETROL SERVICE STATION FOR LEASE TO KAVENYA INVESTMENTS LTD

Hon. Mwathethe: Thank you Mr. Speaker. I beg to lay on the Table of this House the proposal of the re-planning and re-designation of Kibaoni car park to petrol service station for lease to Kavenya Investments Ltd. Thank you Mr. Speaker.

(Hon. Mwathethe laid the document on the Table)

The Speaker (Hon. Kahindi): Thank you hon. Mwathethe for Tabling that Paper. The Committee on Lands needs to take up that matter, consider it and make a Report to the House.

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STATEMENT

ORDER OF BUSINESS FOR THE WEEK STARTING MONDAY, 25th JULY, 2016 TO FRIDAY, 29th JULY, 2016

Hon. Mwathethe: Thank you Mr. Speaker for giving me a chance to read the order of business for this week starting from today, Monday 2:30 p.m. Tabling of proposed re-planning and re-designation of Kibaoni car park to petrol service station for lease to Kavenya Investments Limited. A motion by Hon. Pascal Thuva Jacob to the Department of Water, Environment, Minerals and Natural Resources.

On Tuesday at 9 a.m.; a Motion by the Chairperson for Agriculture and Fisheries Committee. Motion for the adoption of the Report of the Committee on Agriculture and Fisheries on stalled projects for the county Department of Agriculture, Livestock, Development and Fisheries tabled on 5th July 2016.

Tuesday 2:30 p.m.; a Motion for adoption of the Report of the Committee on Lands, Housing and Settlement on land Bills and Acts seminar held at the Kenya School of Government Mombasa from 31st March, 2016 to 2nd of April, 2016, tabled on 21st June, 2016.

Wednesday 2:30 p.m.; a Motion by Hon. Teddy Mwambire to the Department of Education and County Secretary. A Motion by Hon. Teddy Mwambire again to the Department of Education. That will be all the business slotted for this week, Mr. Speaker. Thank you.

MOTION

DEVELOP POLICIES FOR SOLID WASTE MANAGEMENT IN ALL TRADING CENTRES TO BE MANAGED BY LOCAL RESIDENTS

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker for a good opportunity given to move this Motion before this House. The Motion is directed to the Department of Water, Environment, Minerals and Natural Resources. It is about poor solid waste management in trading centres:-

AWARE THAT, devolution brought the emergence of many townships and trading centres in the county.

FURTHER AWARE THAT, these townships and trading centres have attracted many people to live and do businesses.

NOTING WITH CONCERN THAT, these centres have been neglected in terms of solid waste management despite being good sources of revenue for the county through the various payments of business permits.

AWARE THAT, poor solid waste management compromises the health of the inhabitants and the ecosystem at large.

This House urges the County Executive Committee Member for Water, Environment, Minerals and Natural Resources, to come up with a policy that will see all the potential trading centres manned by local residents and groups who will manage the general sanitation and solid waste management of these areas, thus addressing the unemployment menace within the county.

Let me call upon Hon. Mlanda to second this Motion. Thank you Mr. Speaker, Sir.

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(Hon. Mlanda stood at his place to second)

(Question proposed)

Hon. Mlanda: Thank you Mr. Speaker for giving me this opportunity to support the Motion by hon. Pascal. Taking into consideration our trading centres and the poor waste management, we have a lot of dump sites in our trading centres which are not cleared within the stipulated time. We have so many youth and women groups within our wards who do not get any daily income from any employers or from anybody in our county government. So, if the groups are employed to collect the solid waste, it can assist them to get some income.

Mr. Speaker, I stand to support this Motion so that the youth and other groups within our county can get some income to get a living or to send their children to school. Thank you.

Hon. Chai: Thank you Mr. Speaker, Sir, for giving me a chance to stand in support of the Motion which has been brought forth by hon. Jacob Thuva. In my submission, I think it will be prudent if this waste which is being dumped in our areas, for example in Jaribuni where we have a market and there is a lot of business going on and most of the waste material which is dumped around this town is taken care of. We do not have anybody who has that time to pass by and collect this garbage.

I stand in support of the Motion. I feel that hon. Thuva came up with a very prudent idea so that at least we get people who can be doing the collection of the waste material which is there. I think most of the people who are there, as the hon. Member who was on the Floor spoke about, are most of the youth and women groups who have no income and maybe can be given this job. The county government through the Department of Water, Environment and Natural Resources can put into consideration some days, at least if not monthly but weekly to pass there with some trucks to collect these materials and I think we shall be doing a good thing to our traders who are very busy doing...

The Speaker (Hon. Kahindi): Yes, hon. Kiraga you have an intervention?

Hon. Kiraga: Thank you very much Mr. Speaker. I just want to know from the Member on the Floor...I believe every group, either a youth group or a women group is formed following some agenda. There are those groups which are formed to take care of probably HIV/AIDS; there are those groups which are specifically formed to look into environmental issues. So when the Member is talking about taking the groups and address the collection of solid waste or managing solid waste in our trading centres, can we be told if he is talking of all the groups or specifically those groups which were formed to manage issues of environment? Thank you very much.

The Speaker (Hon. Kahindi): Yes hon. Chai.

Hon. Chai: Thank you. I think the hon. Member should just go through the Motion and see how it was addressed and what the hon. Member who brought this Motion was suggesting on the groups to be included in the collection in these centres. In my area especially Jaribuni, I do not have a group which was formed just to collect waste material. As the hon. Member has put it, these groups should be given priority to manage these collection centres before the County Government Environment and Natural Resource Department comes in. I think it will be prudent as we have seen it in most of the towns like Mtwapa and Malindi.

We have some women and youth groups which are doing this job and it will be prudent to the hon. Member of Gongoni where we have a good town and the youth from that area can be

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engaged. It will not be very good to have a group from somewhere else to do the job in Gongoni, even I would not like a group from Gongoni to do this job in Jaribuni.

The Mover of the Motion was wise enough and I really support his move that at least the groups from these areas can be engaged in this exercise so that they can be given some goodies. Thank you. I stand to support.

Hon. Mwathethe: Thank you Mr. Speaker for giving me a chance to air my views. For one, I stand to oppose this Motion. The Motion is talking of the emergence of townships and trading centres as a result of devolution. Devolution is only four years old. I do not think that in these four years that we have been into devolution, so many towns, townships and trading centres have emerged which need the County Executive Committee Member to come up with policies that would focus on the towns that came as a result of devolution.

This is to deny the other towns that were there already in existence like Mtwapa, Malindi and Gongoni; these are towns that did not come because of devolution. The Mover of the Motion is specifically seeking that the CEC Member should come up with policies which will look into solid waste management of the towns that were born during this time that devolution has been here.

Mr. Speaker, devolution is only four years old. I do not think that during these four years there has been so much mushrooming of towns and trading centres. Therefore, he should go and come back with a Motion which will seek policies that will guide solid waste management including the old towns that are here. You will agree with me and everybody in this House will agree with me that solid waste management is a big menace, not only in the towns that he is mentioning which he has even not given an example...

The Speaker (Hon. Kahindi): Hon. (Ms.) Arafa has an intervention.

Hon. (Ms.) Arafa: Thank you. I want to inform the hon. Member who is on the Floor...

The Speaker (Hon. Kahindi): Hon. Mwathethe do you wish to be informed?

Hon. Mwathethe: I do not want to be informed Mr. Speaker.

The Speaker (Hon. Kahindi): Proceed.

Hon. Mwathethe: Thank you Mr. Speaker for protecting me. I was almost through...actually I would love to see a policy that is inclusive because garbage and waste management is a menace in all the towns even the big ones and the others which will perhaps mushroom or if they mushroomed already, I do not know because they have not been mentioned here. Therefore, with a lot of politeness I stand to oppose the Motion. Thank you.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 50 (b)

Hon. Kiraga: Thank you very much. Mr. Speaker, under Standing Order No. 50 (b), I wish to move a Motion for adjournment, so that the Mover of the Motion can re-frame it and the patent issues that we have can be included. I beg the Chairperson of this Committee to second, hon. Chai Chiriba.

The Speaker (Hon. Kahindi): Hon. Members, I thought it was just starting to get interesting and... Yes hon. Chiriba do you wish to second the Motion?

Hon. Chiriba: No.

The Speaker (Hon. Kahindi): Okay, let us proceed. Hon. Kiraga has appointed hon. Chiriba to second the Motion and he has declined to do so. Yes hon. Kiraga, hon. Fondo just a

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minute. Why do you tie yourself for somebody to second? If it is something which is popular, leave it to the Members to...

Hon. Kiraga: Thank you so much. I want to beg your pardon Mr. Speaker. I meant hon. Mramba to second and I hope he is ready.

(Laughter)

(Hon. Mramba seconded)

(Question proposed)

The Speaker (Hon. Kahindi): So you never meant...

Hon. Kiraga: Exactly Sir.

The Speaker (Hon. Kahindi): Okay hon. Mramba, why are you in support of Standing Order 50 (b) in this Motion?

Hon. Mramba: Mr. Speaker, I wish to support the Motion as brought forward by hon. Albert Kiraga Hare the Member for Gongoni, who doubles up as a physician and the Chairperson for the Health Services Committee in the Kilifi County Assembly. The only problem is that he did not differentiate me from hon. Chiriba because we have worn the same colour today. I really concur with hon. Kiraga because this Motion does not meet the threshold simply because it reads like this and I wish to re read it:-

“AWARE THAT, devolution brought the emergence of many townships and trading centres in this county.”

Mr. Speaker, I do not believe that there is a township or trading centre that came up as a result of devolution. Unless the Mover of this Motion clearly mentions the townships that have come up because of devolution. If you go to Kakuyuni, it was a township a long time ago. The same applies to Madunguni, Kavunyalalo, Jaribuni, Marereni, Chakama, Shakahola and Adu.

There is no single township that came up as a result of devolution. So we need to adjourn this Motion so that we can go to a *Kamkunji* and iron out these issues. It is a very good Motion only that it was not framed in the right manner. I beg Members to support this Motion so that we adjourn and move forward on re-drafting it and bringing it back to the Assembly. Thank you, Mr. Speaker.

Hon. Foleni: Asante sana mheshimiwa Spika. Nami nasimama kidete kumuunga mkono mheshimiwa wa Gongoni kwamba Mjadala huu utafutiwe muda mzuri ili tuweze kuujadili na uandikwe kwa lugha ambayo kila mheshimiwa hapa ataelewa. Nasema hivyo kwa sababu mimi kama mjumbe wa Tezo; Tezo imekuwa hata kabla Ugatuzi kuingia katika Kenya hii. Mtondia ambako pia mimi...

The Speaker (Hon. Kahindi): Hon. Mwathethe you have an intervention?

Hon. Mwathethe: Yes, Mr. Speaker. The Member is saying he is supporting the Motion for Adjournment so that the Motion can be re-written in a language that Members can understand. Does he mean to say that we have not understood? To say that it should be rephrased in words that we can understand is to mean that we have not understood and if we had not understood we would not either have gone ahead to oppose or to seek the adjournment...

(Applause)

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We would neither have gone ahead to oppose or to seek the adjournment. The truth of the matter is that we have understood and he should explain to us if that is what he means.

The Speaker (Hon. Kahindi): You have understood that is why you do not want it to proceed, is that what you are saying?

Hon. Mwathethe: I want him to tell us if he thinks the Motion should be re-written. He actually used the words “that Members can understand”.

The Speaker (Hon. Kahindi): I get you. Yes hon. Foleni.

Hon. Foleni: Asante sana mheshimiwa Spika. Nafikiri nimetumia lugha ya Kiswahili ndio maana mheshimiwa hakunishika vizuri. Lakini ambacho nimemaanisha ni kwamba mjadala huu uko na utata, na kama uko na utata ni vizuri yule ambaye ameleta Mswada huu katika Bunge aende aurekebishe. Ni vile tu ambavyo nimetumia Kiswahili ndio maana mheshimiwa pengine hakunishika vizuri mheshimiwa Spika...

The Speaker (Hon. Kahindi): Yes hon. Stanley Kenga you have an interjection?

Hon. Foleni: Mheshimiwa Spika...

The Speaker (Hon. Kahindi): Order! Order! Hon. Stanley Kenga.

Hon. Kenga: Thank you very much Mr. Speaker. Can the Member take his seat?

The Speaker (Hon. Kahindi): Yes, he knows the procedure. Yes, proceed.

Hon. Kenga: Okay, thank you very much. Just to inform the Member that, *huu si Mswada bali hii ni Hoja, umekosea kidogo lugha*, so that we can now move on.

The Speaker (Hon. Kahindi): It is in order. Thank you hon. Stanley Kenga.

(Laughter)

Hon. Kenga: Mheshimiwa Spika, nashukuru kwa kuelewa kwamba...

The Speaker (Hon. Kahindi): Yes there is an intervention from the Mover of the Motion. Yes hon. Pascal.

The Leader of Minority (Hon. Pascal): Okay, Mr. Speaker is it in order for a Member to bring an amendment of a Motion in front of this House? Because I believe this Motion was brought before this House and that is why we are discussing it today. It seems that some Members want it amended on the Floor of this House.

The Speaker (Hon. Kahindi): I am seeing the predicament hon. Pascal, but I think hon. Kiraga was very smart. Instead of attempting to amend, he wants the debate on this Motion suspended altogether and it is provided for under section 50 (b) of the Standing Orders. He is smart because if he had attempted to make amendments at this hour, I would have ruled him out of Order but you see he has come of age and he is very smart; instead he wants the House to suspend the debate on this Motion. So we proceed with the Motion for adjournment. Yes hon. Foleni.

Hon. Foleni: Mheshimiwa Spika sababu ya pili ni kwamba nakumbuka mwaka wa kwanza wa kuingia Bunge hili, sehemu husika ya mambo ya mazingira walitutangazia kwamba tupeleke makundi ili waweze kusafisha ile miji ambayo iko kule mashinani. Na mheshimiwa Spika hali hii ilishindikana; vijana walitafutwa kimakundi, kazi wakaianza halafu ikafikia mahali yule waziri ambaye alikuwa anahusika wakati ule daktari Swabaa akashindwa kuwamiliki na kuwalipa hawa vijana.

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Hata hivi ambavyo tunaongea msheshimiwa Spika, kuna baadhi ya makundi ambayo yanadai na niko tayari mimi kama msheshimiwa wa Tezo kuhakikisha kwamba makundi haya nimeyaleta kutoka kwa wadi yangu ili kudhibitisha hali hii. Mimi namuunga mkono msheshimiwa Kiraga ili msheshimiwa aliyelea hoja hii ahakikishe ya kwamba amerekebisha ili kila mmoja aweze kuukubali na hatimaye tuupitishie kwa sababu utakuwa...

The Speaker (Hon. Kahindi): Yes hon. Chai, you have an intervention?

Hon. Chai: Thank you very much Mr. Speaker,

The Speaker (Hon. Kahindi): You have an intervention?

Hon. Chai: Yes, I just wanted clarification from the Member who is on the Floor to tell us whether the Motion is talking about payments or giving jobs to groups?

The Speaker (Hon. Kahindi): Do we have a point of clarification in the practice of parliament?

Hon. Chai: I just wanted him to clarify on that.

The Speaker (Hon. Kahindi): We either have a point of Order or a Point of Information?

Hon. Foleni: Asante msheshimiwa Spika. Kwa sababu hakuna *Point of Clarification*, msheshimiwa Spika naomba kuendelea.

Hon. Chai: Then will you allow me to inform you about the Motion?

Hon. Foleni: La, sistahili kuelezewa kile ambacho niko nacho. Msheshimiwa Spika, hii ndio sababu ya kwamba nimesimama kidete kuunga mkono kuahirishwa kwa hoja hii. Asante.

Hon. (Ms.) Christine: Asante msheshimiwa Spika kwa kunipa nafasi nami niweze kuzungumzia kuhusu mswada...tumeambiwa si mswada ni Hoja iliyoko mbele yetu ya kuhairishwa kwa Hoja iliyoko mbeleni ili iwekwe siku nyingine. Nimesimama kuunga mkono kwamba tuweze kuahirisha kwa sababu zifuatazo.

Mimi pia nikiangalia vile ilivyoandikwa haijakuwa na mshiko ule ambao ningetaka kuchangia kwa sababu si uchafu peke yake ulioko katika hiyo miji midogo ama kwa hiyo mitaa yetu isipokuwa hata maji pia yamekuwa kikwazo kwa sababu utakuta uchafu na maji vinaandamana.

Mahali hakuna maji lazima uchafu utakuweko na mara nyingi mahali panakuwa na uchafu pengine hata choo hakuna kwa hivyo hii Hoja ni nzuri lakini kuna vitu fulani ambavyo imekosa. Ingekuwa vizuri vikiwekwa tukipitisha tunapitisha vyote kwa pamoja lakini tukisema saa hii kuwe na makundu ambayo yatakuwa yanaondoa huo uchafu... ni kweli na namshukuru kwa sababu ametambua kwamba hata Katiba imepeana hiyo fursa ya kwamba kuna asilimia thelathini ya kina mama, vijana na walemavu kupewa nafasi ya kazi kama hizo.

Ni vyema kuwe kuna njia mwafaka ambayo itakuwa na mwelekeo ambao watakuwa wanaufuata, lakini hii tukipitisha itabidi ije tupitishie tuseme kwamba kila mji mdogo uwe na maji, choo, uwe na hivi ambapo ingekuwa vizuri haya yote yawe yamewekwa kwa mpangilio wa pamoja. Asante msheshimiwa Spika nimesimama kuunga mkono.

Hon. (Ms.) Arafa: Thank you very much Mr. Speaker, Sir. I stand to support the adjournment of this Motion after much lobbying from hon. Kiraga and also going through the Motion being the very first time as Arafa to oppose a Motion on issues of Environment. Based on the prayer of the Motion, I think there is more that needs to be done on the Motion. The prayer of the Motion on the second to last sentence says that "the County Executive Committee Member for Water, Environment and Natural resources to come up with a policy that will see all the potential trading centres manned by resident groups who will manage the general sanitation and solid waste management of these areas." The issue of waste management the groups can do,

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but the issue of sanitation is not easy to be done by groups working on the ground. There is a lot of mechanical equipment which the groups are supposed to have first.

When we say these groups to be manned by local residents, I do know whether he was talking of groups manning trading centres or groups who want to manage waste management. There are a lot groups doing this work on the ground and in this House we have been passing a lot of Motions on waste management. While the Mover of the Motion decided to come up with this Motion, I think it was good for him to find out what measures have been taken by other Motions which have passed in this House on issues of waste management. When you say that the emerging trading centres, even Malindi being the oldest town and being a big town which attracts a lot of tourists is higher in terms of economy, so should we just... the issue of emerging trading centres and leaving Malindi and the other big towns very dirty the way they are.

So, when we are talking of issues of waste management and sanitation, it is inclusive of each and every town in Kilifi County. I urge hon. Pascal to see me after this House and then we come up with a very good Motion for this House. Thank you very much Mr. Speaker, Sir.

Hon. Chiriba: Thank you Mr. Speaker for giving me this opportunity. To be very clear, hon. Kiraga has convinced me and I stand to congratulate him for bringing up this adjournment Motion. Being the Chairperson for the same docket, I would also want to reap the best out of this Motion and I believe if we get more time, they will be able to bring in important issues that can add value and even the policies that shall come up will be of great value to the people of Kilifi. So, I even call the hon. Members of this hon. House to concur with my fellow friend hon. Kiraga and pass this Motion as quickly as possible. Thank you Mr. Speaker, Sir.

(Applause)

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. I rise with no option but to support the adjournment of this Motion. I was reading through the Motion and it being brought here as a Notice of Motion, we thought the Mover of the Motion was too smart to write this English but I am reading so many issues that we need to look into. I know he meant devolution brought about the emergence of more townships and trading centres, but when he said emergence of many townships, this brings the whole commotion about this and I stand to support the adjournment of this Motion. Thank you Sir.

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker, for giving me an opportunity to actually ventilate on the Motion that is before this House. As much as I would like to concur or rather respect the views of my fellow hon. Members who have contributed to this...

The Speaker (Hon. Kahindi): Hon. Stanley Kenga you have something?

Hon. Kenga: Thank you very much Mr. Speaker. I had also wanted to make my contributions as regards to the Motion and I am worried because you have already given an opportunity to the Mover...

The Speaker (Hon. Kahindi): No! We are deliberating on Standing Order 50 (b); it is not the main Motion.

Hon. Kenga: Okay, thank you.

The Speaker (Hon. Kahindi): Hold your horse's hon. Stanley Kenga. Yes hon. Pascal.

The Leader of Minority (Hon. Pascal): Thank you. I want to say that being the second time we are going through this Motion since it came in the first time as a Notice of Motion where I felt like Members would actually bring in their views based on how this Motion was brought to

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this Floor, but it is a bit sad and I am saying sad because I am seeing like Members have not been attentive; Members have not been following exactly what should have happened and in my own view I feel like we are strolling somehow. That notwithstanding, I oppose this Motion on the Floor because I feel like we will actually ventilate on the entire...

(Hon. Mramba stood on a Point of Order)

Hon. Mramba: Mr. Speaker, I am standing on a Point of Order. I think the hon. Member from Mwanamwinga ward is misleading this House. If he says that the Members have not been attentive, what is he saying? We have been very attentive and we have gone through this Motion but bringing a Motion here does not mean that I must support it. This is a hon. House; some will support while others will oppose; we are within our constitutional right. Let him withdraw that statement that we have not been attentive.

(Applause)

The Leader of Minority (Hon. Pascal): Mr. Speaker, I am very keen on my words and I am saying that this is not the right time that Members should look for amendments of this Motion. That is what I have said and if we are to go on, what we should say is we should just push ahead until a decision is made on this Motion on the Floor of this House. Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): Okay, Order! You know why they say ‘the law is an ass?’ Because the Mover of the Motion under Order 50(b) has been very clear that there was room for amendments and that is your contention hon. Pascal. They should have brought an amendment but the law says that you can also stop a debate at any time as long as that Motion is supported. They may not have taken the time to do their amendments as you wish but I still concur with hon. Nixon Mramba that hon. Kiraga is still within his constitutional right to say we cannot proceed because the same Standing Orders that say you have to give a Notice of Motion, allow members to bring amendments to that Motion is the same Standing Orders that gives them the right to suspend a debate.

I will rule that hon. Pascal in saying that Members have not been attentive... They have only pulled a fast one on you but I do not think they have not been attentive. If hon. Kiraga was not conversant with the Standing Orders he would have stood up to seek an amendment but because he is attentive and knows the Standing Orders, he says if we do not want amendments we want to stop the entire debate. On this matter my hands are tied and therefore request that you withdraw the statement that Members have not been attentive. That is my ruling hon. Pascal.

The Leader of Minority (Hon. Pascal): Thank you. I do withdraw that statement.

The Speaker (Hon. Kahindi): So you have concluded by saying you are opposing the Motion which again is in order?

The Leader of Minority (Hon. Pascal): Yes.

The Speaker (Hon. Kahindi): Yes. Hon. Mwathethe.

Hon. Mwathethe: I support the Motion for adjournment of the earlier debate that was going on. This will actually give a window for the Mover of the Motion to go back and incorporate the views that are now emerging which perhaps he did not have. Like what hon. (Ms.) Arafa has said in relation to the passage of this Motion, the Chief Executive Committee

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Member (CEC) will be tasked to come up with policies that will look only into small towns which have emerged during devolution which have not been mentioned. We do not know which ones they are thereby leaving other towns like Malindi, Kilifi, Mtwapa and other big towns that have been there before devolution. That is why we are telling him in a very kind way. I stood for the first time to oppose because I thought like the passage of that Motion could have left out these other towns.

Now that we have a window that the debate be suspended, I am of the view that this Motion would have failed but now we are giving him, on a kind note, a window to go back to bring something that will be inclusive. If we talk about including Malindi, Kilifi and Mtwapa, let me tell you everybody will be in support of this Motion. I stand to say that the debate should be suspended. Thank you.

The Speaker (Hon. Kahindi): I think hon. Pascal you should have also supported the move in the essence that you are very lucky that a Motion to suspend the debate has been moved. Otherwise by reading the mood, it could have died.

(Laughter)

That could have meant you would have to wait for another six months for you to re-introduce it. Having said that let me give time to hon. Kiraga to sum up. Hon. Stanley Kenga, I do not think it is necessary for you to speak now. You are the only one in my... okay.

Hon. Kenga: Thank you very much Mr. Speaker. I also stand to demonstrate my support for the Motion of adjournment. I am convinced and even persuaded by the Motion to seek for the adjournment so that we accord the Mover of the Motion an opportunity to be able to see if he can take into account the ideas that are emerging from the Members.

Mr. Speaker, I am the student of the Constitution 2010 and I am also a student of the Acts of Devolution. There is also a provision in the Urban Areas and Cities Act that provides for those who will manage the villages and the townships that are found within the counties. Therefore, we want to give him an opportunity. I believe he has not read and has not had an opportunity to go through the Urban Areas and Cities Act, the County Government Act and the Constitution are also there and these are vital documents. For anybody to be able to move a quality Motion that will meet the threshold, the hon. Member must have gone through these Acts.

(Applause)

It is not just sleeping and come up with an idea and then you re-frame it and maybe have a feeling that it is going to get the support of the Members. We are not just passing Motions or adopting Motions just for the sake of it but we want to make sure that anything that we pass is something that can be implemented by the Executive. Therefore, we must also be guided by what the relevant Acts that are there in terms of giving guidance to each and every Mover of the Motion.

Mr. Speaker, there are some truths in this Motion but again there are falsehoods in this Motion that towns emerged because of the issues of devolution. We have had these towns very many years before the coming of devolution. The only challenge that we have had is these towns have been denied an opportunity to expand and to develop because of lack of various social services that are very important. Therefore I support the adjournment of this Motion. Thank you.

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The Speaker (Hon. Kahindi): Yes hon. Chai.

Hon. Chai: Thank you very much for giving me a chance to stand and oppose the adjournment of this Motion. From what everybody is looking at and as all those who have contributed, I think they are reading very differently. From what I am reading in this Motion, the Mover of the Motion was talking about emerging towns and trading centres. These emerging towns have been brought by devolution, this is some development. He did not mean that the towns before devolution should be left out from the prayer of the Motion, and this is why I wanted to read the English which is in this Motion. The prayer of the Motion says “ this House urges the County Executive Committee Member for Water, Environment, Minerals and Natural Resources, to come up with a policy that will see all the potential trading centres” that include Malindi can be manned by some groups like what I was putting it; youth and women can man these...

The Speaker (Hon. Kahindi): Yes, hon. Mramba you have a Point of Order?

Hon. Mramba: Mr. Speaker, the hon. Member for Jaribuni hon. Emmanuel Chai is misleading this House. Malindi is not a trading centre...

(Laughter)

... Malindi shall never be a trading centre, Malindi is a town and it is fast growing at an alarming rate; it is becoming a city...

(Laughter)

...so by him saying Malindi is a trading centre he is demeaning the town of Malindi and I will never at any time...

The Speaker (Hon. Kahindi): Order! Order! We cannot have two people standing. Yes hon. Chai is it...

Hon. Chai: Mr. Speaker, I just wanted us to follow what is written in the Motion. I did not say Malindi is a trading centre. The Motion says “townships and trading centers” they are two words “townships and trading centres” that is what the Motion is telling us. So we should not say that the Motion Mover said emerging trading towns or emerging trading centres. That the Executive Member for Water and Environment should see that all the potential trading centres which are coming up should be taken care of like how Malindi is being taken care of at the moment because we have Malindi, Mtwapa and Kilifi because the Waste management Department. I think it is taking care of these towns. What I meant is that the emerging potential trading centres should also be manned; this is what I was waiting for in this Motion. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): Hon. Pascal, I think you have already spoken into this issue. You want to rise on a Point of Order because you have eaten into your time when you had your opportunity to speak. Yes hon. Albert Kiraga make your final submission on this matter.

Hon. Kiraga: Thank you very Mr. Speaker. Looking at this Motion, it is a very vital Motion and that is why I did not want this Motion to die a natural death. Hence I thought it better to help the Mover of the Motion so that he can rectify some of these issues in this Motion to warrant its passage in this Assembly. So, it is not that I am against this Motion but I even want to help the Mover of the Motion.

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Mr. Speaker, I just want to thank the Members who have contributed positively to the Adjournment Motion so that the Motion Mover can have some room to put his house in good order so that when it is put in the Order Paper, it may not raise any alarm in this House. I therefore want to thank my fellow Members and those who have not seen the importance of the adjournment were it not for this Motion because I believe this Motion could just be opposed in this House. Otherwise, thank you very much and may God bless you.

(Question put and agreed to)

(Motion deferred)

COMMUNICATION FROM THE CHAIR

GOVERNOR'S MEMORANDUM ON REFUSAL TO ASSENT TO THE KILIFI COUNTY APPROPRIATIONS BILL NO. 23, 2016

The Speaker (Hon. Kahindi): Lastly, hon. Members, I have a communication. This is in respect of a memorandum that was sent to my Office by his Excellency the Governor of Kilifi on the refusal to assent to the Kilifi County Appropriations Bill No. 23 of 2016. Now, the Governor in his memorandum has highlighted his reasons which I will read in brief and then I shall handover the same to the Budget Committee to have a consideration on this matter.

Among the reasons that have been sighted for the refusal to assent is that the County Assembly did not take into consideration the views of the County Executive Member for Finance and explanation has been given there. Number two; there was failure in submitting the budget estimates for comments to the CEC Member Finance. Number three; there was failure to abide with regulation 25(f) of the (Public Finance Management) PFM Act and the County Government Regulations. Number four; there was failure to abide with Regulation 37 (1) of the PFM Act and County Government regulations. Number five; there was a disregard of the doctrine of the separation of powers and sanctity of responsibility bestowed upon the County Treasury in public finance management of the County Government.

I will now read the recommendations; that in the view of the foregoing, I recommend that the Appropriation Bill, 2016 be considered and approved in line with the above amendments and above all ensuring adherence with the law and respect for the doctrine of separation of powers. This memorandum is dated the 15th day of July, 2016 and I believe this is the day when we were on recess. Hon. Members, as a matter of procedure, I hand over this document officially to the Chairperson for Budget and Appropriations Committee to consider the memorandum and as provided for in law, the Appropriations Committee will bring a Report that will guide the County Assembly on the way forward. Thank you very much. Next Order!

ADJOURNMENT

The Speaker (Hon. Kahindi): Hon. Members, in the absence of any other business in the Order Paper, I move to adjourn the House until tomorrow at 9 o'clock in the morning. Thank you very much.

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The House rose at 3:48 p.m.

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