



REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
SECOND ASSEMBLY –THIRD SESSION

THE HANSARD

Monday, 26th August 2019

*The House met at the County Assembly Chamber,
Malindi Town, at 2:30 p.m.*

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

MCAS MEETING WITH KILIFI COUNTY WOMEN REPRESENTATIVE

The Deputy Speaker (Hon. Kenga): Hon. Members, there are two Communications I would want to make to this hon. House. The first one is on the Kilifi County women representative hon. Gertrude Mbeyu Mwanyaje who would wish to meet Members of the County Assembly immediately after the plenary today. Kindly be informed.

REPORT FROM THE AUDITOR GENERAL ON FINANCIAL STATEMENTS OF
THE COUNTY GOVERNMENT OF KILIFI; THE KILIFI WARD SCHOLARSHIP FUND

Secondly, there is a Report from the Auditor General on the financial statements of the County Government of Kilifi; the Kilifi Ward Scholarship Fund for the year ended 30th June 2018.

That, pursuant to Article 229 (7) of the Constitution of Kenya 2010, the County Assembly is in receipt of a Report of the Auditor General on financial statements of the County Government of Kilifi; the Kilifi Ward Scholarship Fund for the year ended 30th June 2018.

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That, pursuant to Article 229 (8) of the Constitution of Kenya 2010, I hereby commit the Report to the Committee on County Public Investments and Accounts for consideration and later report back to the House within a period of three months. I want to believe that the Chairperson is present. Please be informed.

PAPERS

REPORT ON IMPLEMENTATION STATUS OF ECDE PROJECTS IN KILIFI COUNTY

Hon. Maitha: Mr. Speaker, Sir, today being 26th August, 2019 I wish to lay on the Table of this hon. House, the Report of the Select Committee on Implementation on the status of resolution on the Sectoral Committee on Pre-Primary Education and Vocational Training Report on the status of ECDE (Early Childhood Development Education) projects in Kilifi County.

(Hon. Maitha laid the Report on the Table)

REPORT ON IMPLEMENTATION STATUS OF SHORTAGE OF ECDE CAREGIVERS

Hon. Maitha: Today being 26th August, 2019, I wish to lay on the Table of this hon. House, the Report of the Select Committee on Implementation on the status of resolution on the Motion on shortage of ECDE caregivers.

(Hon. Maitha laid the Report on the Table)

REPORT ON IMPLEMENTATION STATUS ON PERFORMANCE MANAGEMENT IN THE COUNTY GOVERNMENT OF KILIFI

Hon. Maitha: Today being 26th August, 2019, I wish to lay on the Table of this hon. House, the Report of the Select Committee on Implementation status of resolution on the Performance Management in the County Government of Kilifi.

(Hon. Maitha laid the Report on the Table)

REPORT ON IMPLEMENTATION STATUS ON ESTABLISHMENT OF A COUNTY INSPECTORATE UNIT

Hon. Maitha: Mr. Speaker, Sir, Today being 26th August, 2019, I wish to lay on the Table of this hon. House, the Report of the Select Committee on Implementation status of resolution on the Establishment of a County Inspectorate Unit.

(Hon. Maitha laid the Report on the Table)

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REPORT ON IMPLEMENTATION STATUS OF FINANCIAL STATEMENTS OF THE KILIFI-MARIAKANI
WATER AND SEWAGE COMPANY LIMITED FOR FINANCIAL YEAR ENDED 30TH JUNE, 2016

Hon. Maitha: Today being 26th August, 2019, I wish to lay on the Table of this hon. House, the Report of the Select Committee on Implementation status of resolution on the Report on the financial statements of the Kilifi-Mariakani Water and Sewerage Company Limited for the financial year ended 30th June, 2016.

(Hon. Maitha laid the Report on the Table)

REPORT ON IMPLEMENTATION STATUS OF PETITION ON EMPLOYMENT DISCRIMINATION
AGAINST THE LESS PRIVILEGED RESIDENTS

Hon. Maitha: Mr. Speaker, Sir. Today being 26th August, 2019, I wish to lay on the Table of this hon. House the Report of the Select Committee on Implementation status of the Sectoral Committee on Administration Labour and Social Services on the Petition made to the County Assembly on the employment discrimination against the less privileged residents by the Department of Health and County Public Service Board.

(Hon. Maitha laid the document on the Table)

NOTICE OF MOTION

ADOPTION OF THE REPORT ON THE IMPLEMENTATION STATUS OF RESOLUTIONS
IN THE DEPARTMENT OF EDUCATION

Hon. Maitha: Mr. Speaker, Sir, I rise to give a Notice of Motion:-

THAT, this House adopts the Report of the Select Committee on Implementation on the implementation status of resolutions on;- The Sectoral Committee on Pre-primary Education and Vocational Training Report on status of ECDE projects in Kilifi County; Motion on Shortage of ECDE caregivers laid on the table of this House on 26th August, 2019.

The Deputy Speaker (Hon. Kenga): There is an intervention from the Member for Watamu Ward.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 50

ADJOURNMENT OF DEBATE

Hon. Baya: Mr. Speaker Sir, I stand under Standing Order No. 50 (b). I wish to move a Motion to adjourn this House for about 20 minutes because there are issues that we want to convey concerning the Punguza Mzigo Bill and CASA (County Assembly Sports Association) games and I wish to have the Speaker to address this in person. I call upon hon. Kadege to second.

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(Hon. Kadege seconded)

The Deputy Speaker (Hon. Kenga): Hon. Member for Watamu Ward, if you are keen the Punguza Mzigo Bill is somewhere in the Order Paper. We are yet to get there unless you wish to expound on the issues that you have risen. The urgency on why we need to adjourn for the 20 minutes....

(The Deputy Speaker spoke off record)

Apart from the matter appearing on the Order Paper especially the Punguza Mzigo Bill, we are also going for our long recess, unless you are able to explain why.

(Hon. Baya spoke off record)

Hon. Baya: ...raised and we need to discuss those in a *Kamkunji*.

The Deputy Speaker (Hon. Kenga): Yes, hon. Member.

Hon. Mwarandu: Thank you very much for this opportunity. Now, it is in your prerogative. You can use Standing Order number one because you do not know what it is that the hon. Member for Watamu Ward wants to inform us. Let us give him that chance so that he can tell us what he has. Maybe it is something that is very important and we should not ignore that because we are not breaching any law. I think you can use Standing Order number one to grant that prayer Mr. Speaker. Thank you very much.

The Deputy Speaker (Hon. Kenga): I want this Assembly to be guided by the Standing Orders that we have that we adopted as an Assembly the reason being that there are types of Motions that would warrant the adjournment of the House and you see when I gave the Member time to be able to tell this House what is it in CASA games, Punguza Mzingo Bill; just take your time and let us hear what it is. Can you move the Motion? What is it that you have? Yes, Humphrey (Mwarandu).

Hon. Mwarandu: I think the hon. Member was very clear. I think it is something that he doesn't want to be on record so it is a prayer; as I have said you can use Standing Order number one. Maybe it can raise some eyebrows or breach some certain Orders but I think it is also good to listen to one another.

Hon. Ziro: Thank you Mr. Speaker. I am also in support of what hon. George Baya has said because we do not know what he has to tell this House. Maybe there is some danger somewhere and that is why he wants us to debate on business of this House until we discuss that off record.

So Mr. Speaker, we depend on you to give us direction but as far as I'm concerned, I think I feel I should also register my concern that hon. George Baya should be given time to ejaculate whatever he has to this House. Thank you, Mr. Speaker.

Hon. (Ms.) Sidi: Thank you Mr. Speaker, for this opportunity. If it is something that is of importance, I think hon. Baya should say it before this House. We do not want to go somewhere where something will be quoted out of record. If it is very important let it be said here so that we can listen to it and it is captured. Thank you.

Hon. Mramba: Mr. Speaker, if I got the hon. Member for Watamu right, he was seeking suspension not adjournment. He was implying that we suspend the business of the House for a

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few minutes off record, we consult then we come back. According to him, it seems there is something very important he would like to share with us and therefore we need to suspend then come back again after consultations. I hope that is true.

The Deputy Speaker (Hon. Kenga): Can you be advised by the Clerks-at-the-Table. As he is being advised, I want us to proceed to the next order that is a Notice of Motion.

(Hon. Baya approached the Clerk's Table)

NOTICE OF MOTION

ADOPTION OF THE REPORT ON THE IMPLEMENTATION STATUS OF RESOLUTIONS TO THE
OFFICE OF THE COUNTY SECRETARY

Hon. Maitha: Thank you Mr. Speaker, Sir. I rise to give a Notice of Motion:-

THAT, this House adopts a Report of the Select Committee on Implementation on status on resolution on performance management in the County Government of Kilifi, establishment of a County Inspectorate Unit, Report on the financial statement of Kilifi-Mariakani Water and Sewerage Company Limited for the financial year ended 30th June 2016 laid on the Table of this House on 26th August, 2019.

Thank you Mr. Speaker, Sir.

POINT OF ORDER

ADJOURNMENT OF DEBATE

Hon. Mwarandu: Thank you Mr. Speaker. I think the hon. Member for Watamu Ward raised a very important issue and I do not know if we can overrule a certain thing that has been put forward by a hon. Member and continue with the other business. In my view, we have to seek a way forward on that matter before we continue with the business. I seek your guidance Mr. Speaker but I think we cannot overrule on a matter which is very important.

(Loud consultations)

Hon. (Ms.) Messo: Thank you Mr. Speaker, Sir. I think you can read the mood of the House. This House is not in order. People are murmuring so let us find out what hon. George (Baya) has to say, it could be about our security and anything can happen to us. Please.

Hon. Mramba: Mr. Speaker, I was only adding on what hon. Mwarandu has said because even in a competent court of law, once a judgment has been passed in a lower court and the complainant decides to appeal against that decision, you cannot proceed with the court until such an appeal is heard and determined Mr. Speaker.

Hon. George Baya has put forward his case. If you just ignore him and proceed with Business, I do not think we are doing justice to him. So let us hear him out and give us your direction before we move to any other business.

Hon. Baya: Thank you Mr. Speaker, Sir. After consultations, I have been advised to go by Standing Order 92, that we adjourn this House until further notice so that we deliberate on the

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issues in a *Kamkunji*. So I call upon hon. David Kadenge to second me under Standing Order 92 Mr. Speaker, Sir.

Hon. Mwarandu: Thank you very much Mr. Speaker Sir. I want to insist and this is my prayer now. Under Standing Order number one and I want to refer to it. I know it might not be procedural what is happening here but nobody here is above the Standing Orders. Mr. Speaker, you are the only one who is above the Standing Orders.

The prayer is that you allow this House to adjourn or maybe to suspend it's Business for twenty minutes as requested by the hon. Member. I want to refer to Standing Order number one which says, "In all cases where matters are not expressly provided for by this Standing Order or by any other orders of the County Assembly, any procedural question shall be decided by the Speaker". It is upon you to give the direction Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Members. That is why I am saying I we be guided. I am saying given an opportunity to remember be advised so that whatever you do to the Assembly, we do it in the right way possible as per the Standing Orders. That is why I want you to be guided so that as we adjourn, we do it as per the Standing Orders we have. We have an intervention from hon. Kiraga.

Hon. Kiraga: Thank you so much Mr. Speaker, Sir. The question the House might be asking is a Motion has been moved by hon. George Baya and after being advised by the Clerks... the first Motion probably there were some issues but he was advised by the Clerks and he moved the Motion under Standing Order 92.

This Motion has been seconded, meaning that it has been admitted to the bar and needs to be debated. As per Standing Order 92, we should be in order to debate this Motion as it has already been seconded. I want to advise hon. Mwarandu that Standing Order number one only applies where there are cases of extraordinary issues to be discussed which cannot be affected by any Standing Order or the proceeding Standing Order after Standing Order number one. Mr. Speaker, this Motion is in the Standing Orders which need to be discussed. Thank you.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 92

ADJOURNMENT OF DEBATE

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Members, let it be very clear that we want to do this Business guided by the provisions of these Standing Orders. I want to say that hon. George Baya has been advised. Kindly proceed with the advise you have been given.

Hon. Baya: Thank you Mr. Speaker, Sir. I stand to move a Motion under Standing Order No. 92. I move that this House adjourns until the matters of Punguza Mzigo Bill and CASA games are determined. I call upon hon. Kadenge to second me.

(Hon. Kadenge seconded)

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Members, a Motion of adjournment has been moved by hon. Baya to debate two issues; the Punguza Mzigo Bill and CASA games. The same has been seconded by hon. Kadenge. I know propose the same is ready for debate. Hon Kadenge proceed.

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(Question proposed)

Hon. Kadenge: Asante Bwana Spika. Mimi pia nasimama kuunga mkono Hoja hiyo ya kufupisha kuendelea kwa Bunge kwa dakika ishirini (20) mpaka hizi Hoja ambazo ziko mbele yetu tuzizungumze kwa *Kamkunji* ili tupate mwelekeo. Punguza Mzigo ni *Bill* ambayo yaja na inaathiri moja kwa moja wananchi wa kawaida kwa hivyo ina umuhimu tupate mwelekeo. Naomba waheshimiwa wenzangu tuunge mkono Hoja hii ya kufupisha mijadala ili tuzungumzie jambo hili. Asanteni.

The Deputy Speaker(Hon. Kenga): Hon. Members, so that we do not waste a lot of time on this, let us here from the Members who have made requests, that is hon. Shaban and then hon. Mwamtsi. You will proceed with your intervention whether you would wish to contribute. Hon. Shaban, proceed.

Hon. Shaban: Thank you very much Mr. Speaker, Sir. I stand to support the Motion which has been moved by the able hon. Member for Watamu Ward. Mr. Speaker, it is important that we adjourn and go to *Kamkunji* to discuss the two issues and other issues so that we can go in the same direction. I stand to support the Motion. Thank you.

The Deputy Speaker (Hon. Kenga): Hon. Members, a Motion of adjournment has been moved by the Member for Watamu, seconded by the Member for Malindi Town Ward and the same has been debated.

(Question put and agreed to)

ADJOURNMENT

In the absence of any other Business, this House stands adjourned.

The House rose at 3:05 p.m.

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