



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY –THIRD SESSION

THE HANSARD

Monday, 6th May 2019

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

[The Temporary Speaker (Hon. Mumba) in the Chair]

PRAYERS

PAPERS

KILIFI COUNTY PROGRAMME BASED BUDGET ESTIMATES FOR THE PERIOD ENDING
30TH JUNE 2020

Hon. Mwayaa: Thank you Mr. Speaker. I beg to lay on the Table of this House the Kilifi County Programme Based Budget estimates for the period ending June 30th 2020. Thank you.

(Hon. Mwayaa laid the Paper on the Table)

The Temporary Speaker (Hon. Mumba): Hon. Members, pursuant to Standing Order 208, I now commit the Kilifi County Programme Based Budget Estimates for the period ending 30th June 2020 to the Budget and Appropriations Committee and all the Sectoral Committees. Thank you. Yes Chairperson PIC/PAC kindly proceed.

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REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF MALINDI WATER AND SEWERAGE COMPANY (MAWASCO) LIMITED FOR THE FINANCIAL YEAR ENDING 30TH JUNE 2014, 15 AND 16

Hon. Baya: Thank you Mr. Speaker, Sir. Pursuant to the provisions of Standing Order 187(6), I wish to lay on the Table of this honourable House the Report of the select Committee on County Public Investment and Accounts on the consideration of the Reports of the Auditor General on the financial statements of Malindi Water and Sewerage Company (Mawasco) Limited for the financial year ending 30th June 2014, 15 and 16. Thank you.

(Hon. Baya laid the Paper on the Table)

NOTICE OF MOTION

ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON THE REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF MALINDI WATER AND SEWERAGES COMPANY (MAWASCO) LIMITED FOR THE FINANCIAL YEAR ENDING 30TH JUNE 2014, 2015, 2016

Hon. Baya: Thank you Mr. Speaker. I beg to move a Notice of Motion;

That this House adopts the Report of the Select Committee on County Public Investments and Accounts on the consideration of the Reports of the Auditor-General on the financial statements of Malindi Water and Sewerage Company (Mawasco) Limited for the financial year ending 30th June 2014, 15 and 16 laid on the Table of this House today Monday 6th May 2019. Thank you.

STATEMENTS

ORDER OF BUSINESS FOR THE WEEK COMMENCING MONDAY, 6TH MAY 2019

Hon. (Ms.) Sidi: Thank you Mr. Speaker. Pursuant to the provisions of Standing Order 41 (2) (a), I wish to present and lay on the Table of this House the Statement regarding the Business of the week commencing today being Monday 6th May 2019.

Business of Monday 6th Monday 2:30 p.m. we have Papers and that has been done by the Leader of Majority and the Chairperson PIC/PAC. Then we have Statement response to a Statement sought by hon. Kiraga from the Department of Road, Transport and Public Works. Two; response to a Statement sought by hon. Kiraga from the Department of Roads, Transport and Public Works. Then we have a Notice of Motion and that has been done by the Chairperson PIC/PAC.

On Tuesday from 9:30 a.m. the Business of the day will be Paper on the Report of the Sectoral Committee on Lands, Physical Planning and Urban Development on the vetting of the nominee for the position of Member of the Board for Malindi and Kilifi Municipalities and that will be Tabled by the Chairperson Lands and Physical Planning. Then we have a Notice of Motion on the Report on the Sectoral Committee on Lands, Physical Planning and Urban Development on the vetting of the nominee for the position of Member of the Board for Malindi and Kilifi Municipalities and that will be given by the Chairperson Lands and Physical Planning.

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On Tuesday 7th May 2019 from 2:30 p.m. the Business will be a Motion on the Report of the Sectoral Committee on the County Public Investment and Accounts Committee on the consideration on the Report of the Auditor-General on the financial statements of Mwasco Limited for the financial year ending 30th June 2014, 15 and 16 which will be moved the Chairperson PIC/PAC.

On Wednesday 8th May 2019 from 2:30 p.m. the Business will be a Motion on the Report of the sectoral Committee on Lands, Physical Planning and Urban Development on the vetting of nominees for the position of Members of the Boards for Malindi and Kilifi Municipalities. The same will be moved by the Chairperson for Lands then we would be adjourning for the first part long recess from Thursday 9th May 2019 to Friday 7th June 2019. That is the Business for the week. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Thaura): Is the Chairperson for Roads, Transport and Public Works around?

Hon. (Ms.) Carol: No, I am standing on his behalf.

The Temporary Speaker (Hon. Thaura): Just kindly have your seat. I wanted to also confirm if hon. Kiraga is around as well. Okay proceed.

RESPONSE TO A STATEMENT SOUGHT ON IMPASSABLE SECTION OF ROAD LEADING TO
MAPIMO PRIMARY SCHOOL

Hon. (Ms.) Carol: Thank you. This is the Statement that was sought.

Whether the County Executive Committee Member in charge of Roads, Transport and Public Works is aware that a section of a road leading to Mapimo Primary School is impassable especially during rainy season, forcing pupils to jump over a church wall to reach the school.

If yes, what measures is the County Executive Committee Member doing, bearing in mind that we are approaching the rainy season to address the above challenges?

Mr. Speaker, Sir the response from the Executive Member is as follows:

Reference is made to your letter of 25th March 2019 on Statement by hon. Member of Gongoni Ward seeking to know why section of road leading to Mapimo Primary is impassable and Jambian makeshift has not been done.

The access road to Mapimo Primary School had been impassible during the rainy season due to stagnated storm water and clogged storm drain. However, in the financial year 2017/2018, the Department employed casuals who distilled the existing drain and removed garbage along the road which was blocking fresh flow of the storm water. This matter was therefore addressed. Signed by Professor Josphat Mwatela County Executive Committee Member for Roads, Transport and Public Works.

The Temporary Speaker (Hon. Mumba): Before you sit hon. Member I think there is item number two on Jambian Makeshift bridge.

Hon. (Ms.) Carol: Okay that is on a separate Statement, Mr. Speaker, Sir and I shall read

THE JAMBIAN MAKESHIFT BRIDGE

The Statement that was sought is as follows;

Whether the County Executive Committee Member in charge of Roads, Transport and Public Works is aware that a project by name Jambiani makeshift bridge for the FY 2017/2018 has not been constructed?

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If yes, when is the makeshift bridge going to be constructed as a temporary measure awaiting a permanent solution? Signed by hon. Albert Kiraga, Gongoni Ward.

The Response given is as follows;

The Jambian makeshift bridge has been allocated ksh. 500,000/=. This amount was to cater for timbered bridge. However, this type of bridge is only applicable to small seasonal rivers. Hence it was recommended that a further allocation of ksh. 5,000,000/= be done before the same can be implemented. Signed by Professor Josphat Mwatela County Executive Committee Member for Roads, Transport and Public Works. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Mumba): Thank you. Hon. Kiraga, do you have anything to say in regards to that Response?

Hon. Kiraga: Thank you very much Mr. Speaker. Before dwelling on the subject matter, I would wish to give my appreciation to the Muslim community as they start observing the Holy Month of Ramadhan. I understand that we have hon. Members in this House who are Muslims and this county holds quiet a big number of Muslims. Therefore, on behalf of Gongoni residents, my family and I wish them a happy Ramadhan and we are together. The month of Ramadhan is very important in the Muslim calendar as it strengthens their prayers and extends help to the needy people in this county and in the Republic at large.

Coming to the subject matter; the first Response about Mapimo Primary road, I wonder whether the Executive went to the ground and did a fact finding. This is because what has been written here is totally different from the reality. In fact I do not know whether they were responding to this Statement or another Statement. They cannot say that they have addressed this issue by removing garbage; we are not talking about garbage. It is a stretch of a road of about 100 meters which is impassable during rainy season so if they talk of garbage collection that is the work of the Department of Environment and it is not connected whatsoever with road issues. I was trying to listen whether the Response will touch on doing some culvert or murraming somewhere. These are the things that I was expecting but to tell us that we removed the garbage; so what? I am not happy with this Statement.

On the second Statement, the response is talking of allocating or is it increasing 5 million. If you look at this Statement I do not know whether the County Executive Member in charge of Roads, Transport and Public Works is aware that a project by name Jambian makeshift bridge for the financial year 2017/2018... I sat with the community members around that area and we made a proposal to allocate 500,000 for a makeshift bridge. Earlier on there was a makeshift bridge which used to help the residence and some of them are school going children. The area is landlocked and most of the activities are done outside especially school; there are major services that are not found in that area and this means that they solely depend on this bridge.

The nucleus point is less than 10 meters; there used to be a makeshift bridge earlier on but it got damaged since it had been there for over 10 years. It was made of timber and we thought as a community that 500,000 could repair it. If the Department has got good intentions to create a permanent solution to that place ...we are talking of 2017/2018 this is the same statement... if this intention was to be implemented I believe this could have been factored in the budget. We are talking of a permanent solution and these things are not found in the budget and we are talking of issues which emanated since the financial year 2017/2018 so I was expecting probably to see... I do not know because we have not gotten the 2018/2019 estimates. Probably it might have been factored in that place but I thought such sentiments could also have been projected into their response. The response is insufficient; is it that it has been factored in the

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estimates or is it yet to be factored in the other financial years while the people on the ground are getting problems?

I am also not happy with these responses and these are what we call sub-standard responses which the Executive just sit on their tables and do some responses without even going to the ground. So I am not happy with both responses.

The Temporary Speaker (Hon. Mumba): Yes hon. Carol

Hon. (Ms.) Carol: Thank you Mr. Speaker. I am standing on a Point of Information to hon. Kiraga. The CECM stated here clearly; I am talking in regards to the Jambian makeshift bridge that the permanent structure has been captured in the 2019/2020 budget.

The Temporary Speaker (Hon. Mumba): Hon. Member, are you reacting to what the hon. Member was submitting or are you standing on a Point of Information to the hon. Member?

Hon. (Ms.) Carol: I am standing on a Point of Information Mr. Speaker, Sir.

The Temporary Speaker (Hon. Mumba): Then hon. Member for Gongoni, are you ready to be informed?

Hon. Kiraga: Mr. Speaker, let me read the Statement read by the response mover...

The Temporary Speaker (Hon. Mumba): The Member wanted to inform you, so are you ready to be informed?

Hon. Kiraga: Yeah very ready...

The Temporary Speaker (Hon. Mumba): Then have a seat so that she can inform you...

Hon. Kiraga: With all due respect, I think she has already informed me...

The Temporary Speaker (Hon. Mumba): The Member went ahead to request to inform you that is why I had to ask if you are ready to be informed...

Hon. Kiraga: I am very ready Mr. Speaker.

The Temporary Speaker (Hon. Mumba): Then take your seat and allow hon. Caroline Kalume to inform you.

Hon. (Ms.) Carol: Thank you Mr. Speaker. I wanted to inform the hon. Member since he has said he was wondering when this structure will be implemented in which financial year and I wanted to inform him that the CECM stated here in his response that ...

(Hon. Mwarandu stood on a Point of Order)

Hon. Mwarandu: Mr. Speaker, I am standing on a Point of Order number 87 that is on the Statement of Facts. The hon. Member for Gongoni Ward, in other words...

The Temporary Speaker (Hon. Mumba): Hon. Member, are you on a Point of Order to hon. (Ms.) Carol or hon. Kiraga?

Hon. Mwarandu: Yes I am on a Point of Order on the hon. Member who is reading the response, hon. Caroline Maku Kalume.

The Temporary Speaker (Hon. Mumba): You can proceed.

Hon. Mwarandu: I am standing on Point of Order number 87 on Statement of facts. You see we cannot rely on hearsay information. I am saying that because the information she is giving to the hon. Member; if I know that she is well educated and can speak and read in English. Let me read the statement that she is relying on; "...this therefore can only happen...", the word here is "can", so that cannot really stand to be information because it can only happen during the financial year. It is not a fact so we cannot rely on that information. Thank you.

The Temporary Speaker (Hon. Mumba): Thank you. Hon. (Ms.) Kalume (Carol) kindly proceed.

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Hon. (Ms.) Carol: Thank you Mr. Speaker, Sir. I was standing on a Point of Information because the hon. Member for Gongoni wanted to find out whether this has been captured in any financial year and I am just reporting what the CECM has indicated. That it can only happen during the financial year 2019/2020. I am just standing on a Point of Information and I am reading a response from the CECM. Whether it is hearsay or not, to me this I understand is to be and I take it as a response from the Executive.

The Temporary Speaker (Hon. Mumba): Thank you. The Member for Gongoni, I understand you are the Chair for Budget and Appropriations committee and so you are better placed to inform this House whether the Budget for this financial year had that provision as indicated in that response.

Hon. Kiraga: Thank you Mr. Speaker. You will agree with me that the budget estimates have just been committed today to the sectoral committees and as a committee we have not received that document. So I cannot say whether this project is in the budget or not but...

The Temporary Speaker (Hon. Mumba): Hon. Member, I am not referring to the estimates that have been tabled in this House today. I am referring to the Ksh.500, 000 that was captured in the current financial year, has it been utilized?

Hon. Kiraga: No. but you see my statement was directing how the Department could utilize the Kshs. 500,000 in implementing that project but again the Department is coming up with another version that they want to do a permanent solution and if I am to go with the response; you know we have two versions of grammar. We have the Greek grammar and grammar from Britain. I am a person who went through the British one and if you look at this statement “therefore can only happen” that means I am not very much sure but this project is not within the Budget 2019/2020 as hon. Humphrey (Mwarandu) has put it.

That is why I am saying these are some of the sub-standard responses which are being issued to this House by the executive. I think something has to be done to the Executive. We cannot sit here and consume such sub-standard and vague responses from very highly learned people. If they tell us that “therefore it can only happen”, now who are entitled to do that Mr. Speaker. If they are not the ones, where does the budget start? I think something has to be done but this is not a response which this House can come and consume.

Hon. (Ms.) Sidi: Thank you Mr. Speaker. First allow me to appreciate the hon. Member for Gongoni for wishing us a good Ramadhan; thank you. Secondly, it is in regard to the responses we have received. Allow me to be in line with the Member for saying that we have received a sub-standard response because one, if you go to the first statement he wrote on Mapimo Primary. Where he was asking the Member what measures is he taking. The Member has said he did this in the financial year 2017/18 so does that mean for this year 2019 people will not pass through that place?

That has not been addressed. No measures have been taken for that road to be passable. Then also for the Jambian makeshift, we had allocated Kshs. 500,000 for the financial year 2017/18 but the CEC Member has not told us how he utilized that money; yet he is telling us he wants to allocate a sum of Kshs. 5,000,000. First we want to see how he utilized it in making the makeshift bridge which he has not addressed and also the way forward. Thank you.

The Temporary Speaker (Hon. Mumba): Thank you. Hon. Members; I want to give direction on this matter that is before us and it is clear that the response as we experienced last week is not satisfactory. It is by coincidence that response comes from a Professor in the Department of Roads, Transport and Public Works. In my view as the Chairperson, the response did not address what the Member sought from that Department because if you are talking of

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employing casuals to remove garbage from that road, surely that is not even your role in that Department.

So, for that CEC Member to respond to this House that he is in charge of another docket rather than the one which he is responsible for I think it sounds ridiculous before us. We have been receiving such kind of responses before this House and as a House we should be handled with dignity and they should respond to this House matters with a lot of seriousness and we are not going to take such shoddy responses as a House.

So, I really take it back to you as a Committee. Go find the details of this Road and get the necessary information about that road and bring a comprehensive response to this House within 21 days. Going back to Jambian makeshift bridge, I expected the Member to tell this House whatever was allocated in this financial year and how was it implemented and if it was insufficient you should now go ahead and request for more rather than running away from that Statement and giving us another proposal. In short he was running away from addressing these issues before this House. I still commit it back to the committee for 21 days and nothing less than that. Thank you.

COMMUNICTAION FROM THE CHAIR

BENCHMARKING VISIT BY HON. MEMBERS AND STAFF FROM THE COUNTY ASSEMBLY OF HOMA BAY

Hon. Members, we have visitors in this House. As we were proceeding they came in and I would like to acknowledge their presence at the Speaker's gallery. This afternoon hon. Members and Staff from the County Assembly of Homa Bay are here for a benchmarking visit and I request each person to stand when called upon so that they may be acknowledged in the parliamentary tradition and practice.

We have; hon. Nzira Peter who is the Minority Leader, Hon. Peter Kaula MCA Wachieng' Ward and Chairperson Energy, Mining and Natural Resources Committee. We have Members of Staff also Vera Oteng' who is Senior Clerk in charge of Committee services and Everline Atieno who is Senior Clerk legislative services and committee clerk. Thank you and on behalf of this County Assembly of Kilifi and on my own behalf, I welcome you all and wish you well in your study. Feel at home.

ADJOURNMENT

There being no any other business to transact, this House stands adjourned until tomorrow at 9:30 a.m. Thank you.

The House rose at 3:16 p.m.

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