

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 7th May, 2018

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

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

PRAYERS

STATEMENTS

INCOMPLETE CONSTRUCTION OF ICT LABORATORY AT JARIBUNI POLYTECHNIC

Hon. Maitha: Thank you Mr. Speaker, Sir. Allow me to seek the following Statement directed to the County Executive Committee Member in charge of the Department of Education and ICT through the Chairperson of Pre-Primary Education and Vocational Training Committee:-

Whether the County Executive Committee Member (CECM) in charge of the Department of Education and ICT is aware that the construction of an ICT Laboratory at Jaribuni Polytechnic which was in the approved FY 2016/2017 budget is not complete.

If yes, what measures has the Department taken to ensure the completion of this project?

The Temporary Speaker (Hon. Thaura): Thank you. Is the Chairperson for ICT here? If not then, the Committee Members should take charge and bring a Response in the next 14 days.

STATUS OF MBONGA MIGUMOMIRI WATER PROJECT

Hon. Maitha: Thank you Mr. Speaker, Sir. Allow me to read the following Statement directed to the County Executive Committee Member (CECM) in charge of the Department of Water, Environment, Natural Resources and Forestry through the Chairperson of Water, Environment and Natural Resources Committee:-

Whether the County Executive Committee Member (CECM) in charge of the Department of Water, Environment, Natural Resources and Forestry is aware that rehabilitation of Mbonga Migumomiri water project which was in the approved FY 2015/2016 budget was completed but it is not in use to date.

If yes, what are the reasons for the water project not being in operation and what are the measures the CECM is planning to ensure the project is operational?

Thank you Mr. Speaker, Sir.

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The Temporary Speaker (Hon. Thaura): Is the Chairperson for Water, Environment and Natural Resources present? If not, then the Committee Members should take up the matter and bring up a Response to this House in the next 14 days.

STATUS OF MIJOMBONI MARKET IN DABASO WARD

Hon. Changawa: Thank you Mr. Speaker, Sir. I have the following Statement directed to the County Executive Committee Member in charge of the Department of Trade, Tourism and Co-operative Development through the Chairperson of Economic Planning, Trade and Co-operative Development Committee:-

Whether the County Executive Committee Member in charge of the Department of Trade, Tourism and Co-operative Development is aware that Mijomboni Market was constructed and completed before the inception of the County Government of Kilifi but has never been operationalized.

If, yes why has the project not been operationalized and handed over to the community? Thank you.

Is the Chairperson for...

(The Temporary Speaker spoke off record)

Hon. Baya: He is not here but I can read the Response on his behalf.

(The Temporary Speaker spoke off record)

The Temporary Speaker (Hon. Thaura): No, I was giving direction in connection to the Statement directed to the Committee on Economic Planning, Trade and Co-operative Development; so the Committee please take it up and bring a Response to this House in the next 14 days. Yes hon. Baya, you are standing on behalf of?

COLLAPSED PUBLIC TOILETS AT BAMBA MARKET

Hon. Baya: The Chairperson for Trade, Co-operative Development and Tourism... but before me I think it was the Department for Agriculture in the list or should I proceed? Thank you Mr. Speaker, Sir. I stand to read the Response on a Statement sought by the Hon. House from the Department of Trade, Co-operative Development and Tourism. The Statement was on collapsed public toilets at Bamba Market.

“The Department received the information on the collapsed toilets at the market place early 2017 and went ahead to allocate some funds in the budget for FY 2017/2018, Ksh10 million, for the construction of the market and the ablution facility. The proposal did not get through the approvals and were advised to push the new construction projects to FY 2018/2019. We have since incorporated the budget of the shades and toilets in the next financial year estimates.”

Thank you Mr. Speaker, Sir. Kindly allow me to read the second Response on the market shades/stalls.

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The Temporary Speaker (Hon. Thaura): Before you proceed, hon. Baya please sit down. Hon. Mwambire, I am aware that you are the one who sought this Statement. Are you satisfied with the Response?

Hon. Mwambire: Thank you Mr. Speaker, Sir. First and foremost, I would like to say that the Member who is presenting the Response has not addressed it properly. I would like him to address it properly. This is because he started by saying that the Statement was raised by this House. Thank you.

The Temporary Speaker (Hon. Thaura): Do we have any Member who would wish to raise a concern or would like to respond to the Response given by the CEC? Okay, if we do not have any Member who would like to respond to that, I will therefore direct that the Chairperson to this Committee should again take it up and consult the CEC and in the next 14 days bring...

(Clerk-at-the Table consulted with the Temporary Speaker)

Hon. Mwambire, are you contented with the answer or your only problem is in the way the Member presented the Response?

Hon. Mwambire: Thank you Mr. Speaker, Sir. Firstly, is how he stated it; it lost its track so let him address it properly and give me the answer.

The Temporary Speaker (Hon. Thaura): Hon. George Baya, the Member says that you have addressed your Response to the wrong person; he is the one who sought the Statement.

Hon. Baya: Thank you Mr. Speaker, Sir. I am taking this responsibility on behalf of someone, so you should excuse me on this one, but let me repeat it. The Response states that it is to the County Government of Kilifi, Department of Trade, Cooperative Development and Tourism:-

“The Clerk of County Assembly, County Government of Kilifi, through the County Secretary, County Government of Kilifi. Re: County Assembly Statement. The above matter refers, kindly find attached herewith Responses for two Statements sought by the hon. House for your action and record. Thank you. By Nahida M. Athman, County Executive Committee Member Trade, Cooperative Development and Tourism.”

The Temporary Speaker (Hon. Thaura): Are you reading the specific Response or you are reading all of them? Just read the specific Response.

Hon. Baya: I am responding so that he can get it clearer.

The Temporary Speaker (Hon. Thaura): No, mheshimiwa, just go to his Response.

Hon. Baya: Okay, the Statement on collapsed public toilets at Bamba market. The Statement was sought by hon. Christopher Mwambire stating that; “Statement to the County Executive Committee Member in charge of the Department of Trade, Tourism and Cooperative Development through the Chairperson Economic Planning, Trade and Cooperative Development Committee.

Collapsed Public toilets at Bamba market; whether the County Executive Committee Member in charge of Trade, Tourism and Cooperative Development is aware that at Bamba market public toilets collapsed last year. If yes, what measures has the County Executive Member taken?”

The Response states that; “the Department received the information of the collapsed toilets at the market grounds early 2017 and we went ahead to allocate some funds in the budget for the financial year 2017/2018, Ksh10 million, for the construction of the market and the ablution facility. The proposal did not get through the approvals and we were advised to push the

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new construction projects to the financial year 2018/2019. We have since incorporated the budget of the shades and toilets in the next financial year estimates.” Thank you.

The Temporary Speaker (Hon. Thaura): Yes, hon. Mwambire, are you okay now?

Hon. Mwambire: Thank you Mr. Speaker. This Statement seems to be hanging because currently, members of the public are facing a problem. Toilets there have collapsed and every Wednesday there is a very big number of people gathering there. So, the end of this Statement; we have since incorporated the budget of the shades and the toilets in the next financial year estimates...

The Temporary Speaker (Hon. Thaura): So, are you contented or you are not contented with the Response?

Hon. Mwambire: I am not.

The Temporary Speaker (Hon. Thaura): You are not contented?

Hon. Mwambire: Yes.

The Temporary Speaker (Hon. Thaura): Yes, sit down.

Hon. Mwambire: I can add something maybe Mr. Speaker. We need something to be done; maybe a short budget which can at least make renovations of those toilets which is there as we wait for the main budget. Thank you.

The Temporary Speaker (Hon. Thaura): Hon. Kiraga, please.

Hon. Kiraga: Thank you very much Mr. Speaker, Sir. I wish to first of all give praise to the Chairperson of the Committee and more so the Response which has been brought forward. Mr. Speaker looking at the response, I was trying to look at the prayer of the Statement vis-a-vis the Response and I am seeing the CECM (County Executive Committee Member) has responded according to the prayer of the Statement.

Mr. Speaker, the Statement as read by the Member for Watamu who is standing in for the Chairperson that “whether the CEC Member in charge of Trade, Tourism and Cooperative Development is aware... and if you look at the response, they are aware. Furthermore, what measures has the CEC Member taken? You can see the CEC Member has even attached...

The Temporary Speaker (Hon. Thaura): So in your words, mheshimiwa his question has been answered?

Hon. Kiraga: To me according to the prayer of the Statement it has been answered because there is even some allocation for the same. So unless...

The Temporary Speaker (Hon. Thaura): So, what is your advice to the Member?

Hon. Kiraga: Unless Mr. Speaker, the Member clarifies more if this Response is insufficient, then what kind of Response he needs to add on this Response so that you can direct the same to the Chairperson to seek further clarification to the CEC Member but in my opinion Mr. Speaker, the Statement has been well responded to. Thank you.

The Temporary Speaker (Hon. Thaura): Okay, thank you hon. Kiraga.

Hon. Pascal: Okay, thank you Mr. Speaker. Let me also add my sentiments to hon. Kiraga. Mr. Speaker, this Statement has well been articulated and even before that when this Statement was brought to the House, it became the property of the House and that is why the Member was saying that he was responding to the whole House because initially it was brought by hon. Mwambire only for it to become the property of the House. It is normal to pin anything that is contributed on this House as a House property.

Mr. Speaker, again, if you look at the Response here, everything has been taken into account and that is why the CEC Member is talking about a budgetary allocation that is there.

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We all know that all the projects are pinned to a budget; so what we need to do is to ensure that this thing has been taken care of the current financial year's Budget.

Now, the next year's budget Mr. Speaker, it is upon the Member and this House to ensure that everything that has been planned for takes effect. Otherwise, everything starts from the prayer of the Statement and the answer from the CEC Member tallies because they all speak about the same thing. I think to my own understanding, I will applaud hon. Kiraga's sentiments that this Statement has conclusively been taken care of. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Thaura): Thank you. So, hon. Mwambire do you feel like you can change the wording of the Statement then bring it back to the House?

Hon. Mwambire: Not really Mr. Speaker. I think I concur with whatever that has been written here but what I was trying to add on is that the problem which is there at the moment was left in suspense. I wish these two hon. Members could visit the market place one day and get that call.

I am putting it this way because this is something that needs action at the moment. You see, there are these portable toilets which do not need a lot of budget, so in my view according to the Statement the Response is somehow okay because it is referring to the budget...

The Temporary Speaker (Hon. Thaura): It is okay? Then *mheshimiwa* if it is okay...

Hon. Mwambire: But I was trying to put it to the Chairperson that there is an urgent need of something to support or stand for the situation at the ground during this moment because these people wait until the sand ...take bags and we have water pans. The place becomes ...

The Temporary Speaker (Hon. Thaura): Okay, I think if you need more clarification you can draft the Statement but as far as this Statement is concerned I think you are okay.

Hon. Mwambire: Thank you Mr. Speaker.

LACK OF SHADES AT BAMBA MARKET

Hon. Baya: Mr. Speaker, Sir; allow me to read the Response for the second Statement sought by hon. Christopher Mwambire. "Statement to the County Executive Committee Member in charge of the Department of Trade, Tourism and Cooperative Development through the Chairperson Economic Planning, Trade and Cooperative Development Committee.

Whether the County Executive Committee Member is aware traders at Bamba market have no shades to shelter them during rainy and sunny seasons thereby inconveniencing trading activities.

If yes, what measures has the County Executive Committee Member taken?

The Department had seen the need for market shades in Bamba and had planned for it this financial year 2017/18. We included an initial budget of Kshs10 million in our budget proposal with a provision of expansion of the market stalls in the following financial year 2018/2019 of Kshs15million with the aim of providing conducive work places for traders and diversify businesses in the area. (Copy of the Department's proposal for financial year 2017/2018 is attached)

The proposal did not pass approvals due to issue of low budget ceilings and the Treasury directive that we needed to concentrate on the completion of the ongoing projects for this financial year. We have since included in the market in our next budget proposal for the next financial year 2018/2019 estimates for approvals. (Copy of 2017/2018 Department's approved budget attached.)

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As a temporary measure, we shall provide the market with tents by early May to cushion the traders from the coming rains although this may not be sufficient especially taking in mind the Wednesdays' population during the open market day. Thank you.

Hon. Mwambire: Asante Bw. Spika. Nimeridhika na haya majibu yaliyopeanwa. Asante.

STATUS OF CATTLE SALE YARD IN TSANGATSINI

The Temporary Speaker (Hon. Thaura): Hon. Noordin, I am made to understand that you were to confirm to this House that there was evidence that this matter was in court? Go, ahead please.

Hon. Noordin: Thank you Mr. Speaker, Sir. I stand to respond about the request for further evidence to show that the matter was in court, but before that if you will allow me to read the statement;

“Whether, the County Executive Committee Member for Agriculture, Livestock and Fisheries is aware that the cattle sale yard in Tsangatsini has stalled but the material used is at risk of theft and insects destruction e.g. termites. This could lead to collapse of the project hence causing further financial implications and also not being of help to the residents.

If yes, what is the Department taking to complete the project and make it operational?

This is to confirm to your Office that I the County Executive Committee Member for Agriculture, Livestock and Fisheries I am aware that the cattle sale yard at Tsangatsini has stalled. This is because when we went for the final phase of fencing construction toilets, Mr. Kenga Kiraga and Kassim Kiraga went to court and obtained an injunction to stop access and all other works on the said plot until the land ownership dispute is determined.”

The matter has been taken up by the County Legal Department. Mr. Speaker Sir, I have the evidence here with me.

The Temporary Speaker (Hon. Thaura): Hon. Mwayaa, the evidence has been brought before the House.

Hon. Mwayaa: Asante Mheshimiwa Spika. Nami nimeridhika kufikia hapo mpaka wakati mwingine.

STATUS OF BAMBA LIVESTOCK SALES YARD

Hon. Noordin: Thank you Mr. Speaker, Sir. There is a Response from County Executive Committee Member responding to a Statement that was from hon. Christopher Mwambire, MCA Bamba Ward.

“Whether the County Executive Committee Member in charge of the Department of Agriculture, Livestock, Development and Fisheries is aware that the Bamba Livestock sales yard which was constructed in 2014 is in a deplorable condition notably lack of locking logs.

If yes, what action are you planning to ensure that the facility is restored to?

Yes, the County Executive Committee Member in charge of Agriculture, Livestock, Development and Fisheries is aware that the Bamba Livestock Sale Yard was constructed in 2014 and the locking logs were in place. The current state is that the locking logs are available but some bulls fight in the paddocks. At times, the paddocks timber may break and the perimeter fence is also rusting and required repairs.

Assessment will be done to develop Bill of Quantities (BQ) for repair of the facility. To restore the normalcy, we will budget for repair of the Bamba livestock sale yard in financial year

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2018/2019. We also plan to activate the livestock marketing committee who will take care of manual repair. Thank you.

The Temporary Speaker (hon. Thaura): Hon. Mwambire, Member for Bamba.

Hon. Mwambire: Thank you Mr. Speaker. I accept the Response to be valid.

(Hon Kiraga stood on a Point of Order)

The Temporary Speaker (Hon. Thaura): Yes hon. Kiraga.

Hon. Kiraga: Mr. Speaker since this is a property of the House, I would also wish to debate on the same. Mr. Speaker if given...

The Temporary Speaker (Hon. Thaura): But the Member who brought it is contented.

Hon. Kiraga: Yes, but Mr. Speaker you see this is not his personally. It is a property of the House. I am sure he is very comfortable but I am not comfortable myself. The CEC Member is talking of 2018/2019 budget estimates. If I may read Mr. Speaker; 'to restore the normalcy, we will budget for the repair of the Bamba livestock sale yard in the FY 2018/2019'.

Mr. Speaker, I thought the CEC Member could tell this House that we have budgeted but if she says we are going to budget and already the budget estimates were received by the County Assembly Clerk here, we are left to wonder whether that budget has been factored in the 2018/2019 budget estimates or what budget estimates is the CEC talking about?

Mr. Speaker, I think we need some clarification as far as that part is concerned because we want to be assured that that project has been factored in the 2018/2019 budget estimates. Thank you.

The Temporary Speaker (Hon. Thaura): Now that the Member is contented, I feel like, but your concern is... because he is already contented. Do you have a response concerning the response? Yes hon. Philister (Messo).

Hon. (Ms.) Messo: Thank you Mr. Speaker Sir. According to the Statement, what hon. Kiraga said I think it was just misunderstood English because if you read it well, "...to restore, we will budget for repairs for the Bamba livestock sale yard in 2018/ 2019." So I think it was just an English word mistake. Thank you Mr. Speaker sir.

(Hon. Kiraga stood on a Point of Order)

The Temporary Speaker (Hon. Thaura): Yes hon. Kiraga.

Hon. Kiraga: Thank you Mr. Speaker. It is not an oversight. I do not think this project was budgeted for and if it was really budgeted for, they could have annexed the Departmental budget estimates here in this Response Mr. Speaker.

It is not an oversight; I do not believe that the project was budgeted for in the FY 2018/2019. I still do not believe it unless further clarification is sought by the Member, or you direct further clarification be sought from the CEC.

The Temporary Speaker (Hon. Thaura): Yes hon. Pascal.

Hon. Pascal: Thank you Mr. Speaker. I think time has come for us to get accurate answers from the relevant people. The Bamba sale yard, is a sale yard that serves, Mwanamwinga, Kayafungo; it serves the bigger part of the lower Kilifi County Mr. Speaker.

It provides the livelihoods for many cattle keepers. So getting answers that are not reliable is not proper because we know that we are almost concluding the current budget 2018/2019, and for a CEC Member to keep on assuming that they will budget...They should be

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clear if they budgeted for it; let that CEC Member point out clearly that it was budgeted for. If it was not budgeted for then he tells that it will be in the next financial year budget but telling the whole House that he will budget for it, that is not clear. I think this Statement needs to get more clarity from the relevant CEC. Thank you, Mr. Speaker.

(Applause)

The Temporary Speaker (Hon. Thaura): Now that I personally feel like the issue was not addressed properly, again owing to the fact that *mheshimiwa* says he has been answered but we have other concerned Members, because they are also concerned parties, then may I put some task to the Committee that in the next 14 days, they can seek for more clarity. So Chairman, please take that initiative. Next order!

BILL

(Second Reading)

THE KILIFI COUNTY SCHOLARSHIP FUND BILL, 2018

Hon. Mramba: Mr. Speaker, Sir, I beg to move that The Kilifi County Ward Scholarship Fund Bill be read a Second Time and I call upon hon. Pascal to second my proposal. Thank you.

(The Clerk-at-the-Table consulted with the Temporary speaker)

(Hon. Pascal seconded)

(Question proposed)

Hon. Pascal: Thank you Mr. Speaker, for giving me this opportunity, I stand to support the Second Reading of this Bill. This is because this Bill's Second Reading will culminate into us as a House passing this Bill to go to the next stage. We have for many times stalled as a County Government in terms of providing scholarship to our pupils in schools because we did not have a proper law that was not properly guiding the distribution of scholarship.

So here we are today making a law that will actually guide us into assisting our students get a brighter future. With those brief remarks, I want to support this Bill and I ask you to give the nod so that we move to the next stage.

The Temporary Speaker (Hon. Thaura): Hon. Members, who among you have contributions to make towards the Scholarship Bill? I am made to understand that there was the First Reading and today we have the Second Reading.

Hon. Mramba: Thank you Mr. Speaker. It is well known to all Members that the current Act has some sections that do not conform to the Public Finance Management Act and the controller of budget picked those issues and raised them to the honourable Assembly that those Clauses must be amended and because we had amended this Act severally, the Law did not allow us to amend it further. Therefore, we were only supposed to repeal the whole Act.

After it came for the First Reading, the same was committed to the Committee on Ward Scholarship Fund and we started public participation. We went to Rabai, Kaloleni, Kilifi South,

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Ganze, Kilifi North, Magarini and finally we came to Malindi. After taking all the proposals from the *mwananchi*, we thought it better that we call the CEC Member in charge of Education together with his counterpart in charge of Finance. We sat with them in Mombasa at Reef Hotel so that we could get their proposals as well.

Thereafter, we talked with the hon. Speaker of the County Assembly of Kilifi and finally we came back to this Assembly in an informal *kamkunji* last week where we invited Members so that they could air their views and finally we went back to Reef Hotel to sit with the original drafter of the Bill, Dr. Okello, who is a renowned legislative drafter. We invited him from Nairobi and he came to Mombasa and we sat with him and he took us through the whole Act and we did radical changes.

Mr. Speaker I believe this Act has really addressed most issues that were bringing conflict and the copies are being done so that each one of us Members can have the same so that tomorrow we...

(Hon. Mramba spoke off record)

The Temporary Speaker (Hon. Thaura): I want to acknowledge there is a problem with the system. Go ahead.

Hon. Mramba: Mr. Speaker, the Act as it is now, once it is passed by this Assembly it is going to deal with so many issues that were bringing conflicts. We have addressed the management right from the top; Board up to the Ward level that is the Ward Scholarship Committees. We have even addressed their remuneration...

(Hon. Kiraga stood on a Point of Order)

Hon. Kiraga: Thank you very much Mr. Speaker. The Member who is on the Floor is not in decorum. I do not think that we will allow someone to get in the Chamber with jeans. I was to believe you as the Speaker will give directions on that matter.

The Temporary Speaker (Hon. Thaura): Let me give direction now that the Member on the Floor has a very sensitive matter to present to this House. We will give him a lee way for only today.

Hon. Mramba: Mr. Speaker, I am not in jeans. What I am putting on today cannot be classified as jeans.

The Temporary Speaker (Hon. Thaura): Go ahead.

Hon. Mramba: Okay. We have addressed issues that were bringing conflicts. We started with the Board; the recruitment of the fund manager at the top. We recommended the involvement of the County Assembly right from the word go after the process had started at the Ward level. We said that the names will go to the Board but before anything is done, the County Assembly must be involved.

We have gone ahead to remove the names or the titles of the Ward Administrators from the fund. The Ward Administrators are no longer members of the scholarship fund. Instead, we have proposed that within six months after the passage of the Act, the Scholarship Fund Board will now second 35 officers from Kilifi County Government to various wards; one in Magarini, Kakuyuni, Gongoni and in all wards we shall have a Scholarship Fund Manager the same way we have Fund Managers for CDF (Constituency Development Fund).

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Therefore, Mr. Speaker, we have really dealt with it accordingly and I want to believe that once this Act is passed, it will make this fund viable and will create easier measures for our students to access these scholarships. Therefore, I beg to move that it goes for a Second Reading. Thank you.

(Question put and agreed to)

*(The Bill was read a Second Time and
committed to a Committee of the Whole House tomorrow)*

The Temporary Speaker (Hon. Thaura): There being no other business, the House stands adjourned until tomorrow in the morning.

The House rose at 3:32 p.m.

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