

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 2nd August, 2016

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

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

PRAYERS

BILLS

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairperson (Hon. Mwambire) took the chair]

THE KILIFI COUNTY PETITION TO COUNTY ASSEMBLY (PROCEDURE) BILL, 2016

The Chairperson (Hon. Mwambire): Welcome hon. Members to the Committee of the Whole House. As usual most of the rules are relaxed. A Member can speak more than once but the other rules are still enforced. So we are now making considerations for the Kilifi County Petition to the County Assembly (Procedure) Bill, 2016. Here the Clerk will take us through the Clauses so that we can move at the required speed. Thank you very much.

Clause 3(b)

Hon. Matsaki: Hon. Chairperson, I beg to move:-

THAT, Clause 3(b) be amended by inserting the phrase “or Braille” between the word “Kiswahili” and the word “and.”

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

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(Clause 3 as amended agreed to)

(Clause 4 as amended agreed to)

Clause 5(2)

Hon. Matsaki: Hon. Chairperson, I beg to move:-

THAT, Clause 5(2) is amended to read as follows: “ A petition that is tabled in the County Assembly under this Act shall stand committed to the relevant sectoral committee for sixty days and shall be considered in accordance with the Standing Orders of the County Assembly”.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 5 (2) as amended agreed to)

(Clause 6 agreed to)

(Schedule agreed to)

(Clause 2 agreed to)

(Long Title agreed to)

(Short Title agreed to)

The Chairperson (Hon. Mwambire): Hon. Members, we have come to the end. I will now let the Chairperson of the Justice and Legal Affairs share his position.

Hon. Matsaki: Hon. Chairperson, I beg to move that the Committee do report to the House its consideration of the Kilifi County Petition to County Assembly (Procedure) Bill, 2016 and its approval thereof with amendments. Thank you Sir.

The Chairperson (Hon. Mwambire): I will put the question, which is that the Committee do report to the House its consideration of the Kilifi County Petition to County Assembly (Procedure) Bill, 2016 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Hon. Mwambire): Thank you very much hon. Members for your cooperation and proper consideration. May God bless you all.

(The House Resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE KILIFI COUNTY PETITION TO COUNTY ASSEMBLY (PROCEDURE) BILL, 2016

Hon. Mwambire: Hon. Mr. Speaker, Sir. I beg to report that the Committee of the Whole House has considered the Kilifi County Petition to the County Assembly (Procedure) Bill, 2016 and approved the same with amendments. Thank you very much Mr. Speaker, Sir.

Hon. Matsaki: Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report. I call upon hon. (Ms.) Barka to second. Thank you.

(Hon. (Ms.) Barka stood at her place to second)

The Speaker (Hon. Kahindi): Hon. Members, the Chairperson has moved a Motion to allow the House to agree with the Committee Report and I now propose that the Motion is ready for debate.

(Question proposed)

Hon. (Ms.) Barka: Asante Bw. Spika. Nimesimama kuunga mkono swala hili la kuleta maombi kwenye Bunge hili ili tupitisha. Moja kwa moja natoa shukrani zangu kwamba huu Mswada wa kupitisha mapendekezo ya sheria ya kuleta malalamiko au maombi kwenye Bunge hili tupitisha. Hii ni kwa sababu Bunge hili hutoa waheshimiwa pamoja na wafanyikazi kule nyanjani kuzungumza na wananchi kuleta mapendekezo yao na saa nyingine huwa hayaambatani na mapendekezo ya wananchi kule chini.

Kwa hivyo, wanapoleta Mswada huu ama kuleta maombi kwenye Bunge hili ili yaweza kuwasaidia wananchi wenzi wao, sisi tukikubali itakuwa ni jambo bora zaidi. Kama tukiangali kwa mfano, tulipokuwa tunapitisha pendekezo la sheria ya watu wenye kuishi na ulemavu kulikuwa na mambo mengi ambayo hatukuyafikiria lakini tuliposhuka chini tukapata wale wenye kuishi na ulemavu wana maswala mengi ambayo sisi hatukuwa tumeyafikiria; wakatuletea maombi ambayo kwa lugha ya kimombo tunasema *petition* kwenye Bunge hili na kwa heshima yako na waheshimiwa walio hapa mkayakubali na yakapita salama. Nimesimama kuunga mapendekezo haya ambayo yatasaidia wananchi. Asante na nimesimama kuunga mkono.

The Speaker (Hon. Kahindi): Hon. Members, a Motion to deliberate on the proposal to adopt the Committee Report has been deliberated. I now want to put the question.

(Question put and agreed to)

Hon. Matsaki: I beg to move that the Kilifi County Petition to County Assembly (Procedure) Bill, 2016 be now read a Third Time. I call upon hon. Mwambire to second.

(Hon. Mwambire stood at his place to second)

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been moved by the Chairperson to allow the Kilifi County Petition to County Assembly (Procedure) Bill, 2016 be read for a Third Time. The same has been seconded by hon. Mwambire. I now propose that the same is ready for debate.

(Question proposed)

Yes hon. Mwambire.

Hon. Mwambire: Thank you for giving me this opportunity to support this Bill to go for the Third Reading. This will give us an opportunity to fast track the process so that we can at least have a legal position in the county where the Assembly will be legally receiving petitions from the public which will guide us in a number of issues including legislative work.

Mr. Speaker most members of the public are not fully aware of how they should present their petitions. Though we are having a template in the Standing Order of this Assembly, most people think that the template that we have is a preserve for the County Assembly Members. By passing this Bill especially if it is allowed to go to Third Reading, we fast track it so that we can see that we have an Act that will be giving guideline to the public on different issue especially when they want to reach the Assembly. That way we will get a clear feeling of the public in regards to different issues.

I believe if we go to Third Reading today, then probably by next week we will be concluding this Bill and the Governor can put a signature and waiting for the Government printer to fast track the process so that Kilifians can be in a position to access the Assembly and we get the “feeling” of the public. By that, we can also prepare ourselves in the next general elections because their feelings can guide us on how best we can boost our position as far as legislation is concerned. We will be meeting the expectations of the people and if we do that I believe, if not 100 percent because some of us might be looking for other positions but most of us will have high probability of coming back as a result of meeting the requirements of the people. With those few remarks, I stand firm to support and call my colleagues to support and proceed to the Third Reading. Thank you.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion has been moved by hon. Matsaki to have this Bill be read for the Third Time and the same has been deliberated. I now put the question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

THIRD READING

THE KILIFI COUNTY MATERNAL, NEWBORN AND CHILD HEALTH BILL, 2016

Hon. (Ms.) Kwekwe: Thank Mr. Speaker Sir. On behalf of the Chairperson of Health Committee, I beg to move that the Kilifi County Maternal, Newborn and Child Health Bill, 2016 be read a Third Time. I call up on hon. Hamza to second.

(Hon. Hamza stood at his place to second)

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The Speaker (Hon. Kahindi): Thank you hon. (Ms.) Kwekwe. Hon. Members, a Motion to have the Kilifi County Maternal, Newborn and Child Health Bill, 2016 to be read for a Third Time has been moved. I now propose that the same is ready for debate. Yes hon. Hamza.

(Question proposed)

Hon. Hamza: Asante sana Bw. Spika kwa kunipa nafasi hii ili kuchangia katika Mswada huu ambao unahusu mzazi wa kike na mtoto mdogo. Nataka kuchukua fursa hii kushukuru Kamati kwa kazi njema ile waliyoweza kufanya. Hasa tukiangalia yale Mswada huu umebeba, kwa hakika ikiwa Bunge hili litapitisha huu Mswada, kuna mambo mengi ambayo ni ya muhimu sana haswa katika mzazi wa kike na mtoto mdogo. MATHALANI Bw. Spika, kipengee cha kumi hapa, kuna maswala ya mawasiliano kama kwa mtoto mdogo ambaye atakuwa ame...kuna ile kufanyiwa utafiti haswa katika maswala ya virusi; haya ni mambo ambayo yanafaa kuwa ya siri sio mambo ya mtu anaweza kwenda mahali na kuyazungumzia.

Haya ni mambo ambayo yakifanyika ni lazima kuwe na idhini ya yule mwenyewe. Kwa mfano, akiwa anaishi na anataka kufanyiwa utafiti ili kujua kama anaishi na virusi, haitakuwa jukumu la daktari kufanya hivi kwa sababu yeye ni mweledi wa shughuli hiyo, lakini ni lazima apate idhini kutoka kwa mwenyewe; hii inapatia nafasi ya kulinda. Uzima hauletwi na kwamba mtu anatembea bali akili pia hutatizika kwa jumbe ambazo haziko sawa. Singependa kuongea mengi sana mheshimiwa Spika, kwa sababu mengi tayari yamejieleza katika nakala hii ama katika sheria hii ambapo naamini wengi wako na nakala hizi lakini tu kuzungumzia hasa katika swala ambalo ni muhimu sana niligusie. Kuna maswala kama vile mtoto wa kike amefikia umri fulani na amebeba ujauzito na kwa bahati mbaya kwa sababu pengine hayuko tayari kuishi na uja uzito ule. Kuna sheria maalumu ambazo ziko hapa ndani ambazo zinanakili jinsi ikiwa amefika mahali na ameamua labda mimba ile anataka kuitoa kuna njia ambazo zitafwatilizwa kuhakikisha kwamba ikiwa ujauzito ule anataka kuutoa basi kuna njia maalumu ni lazima kuwe kunajulika ile athari ambayo inaweza kutokea.

Yeye mwenyewe pia awe anaweza kujieleza kwamba yuko tayari kuavya mimba hiyo na kama mtoto mwenyewe labda pengine yuko chini ya umri wa miaka kumi na minane kwa mujibu wa sheria anaweza kupata ruhusa kutoka kwa mzazi wake yule ambaye anaishi naye ama yule ambaye ni mlezi wake. Inawezekana kuwa wazazi wake walienda mbele za haki ama kwa sababu moja ama nyengine hana wazazi wake basi yule ambaye ni mlezi wake anaweza kupeana ruhusa hiyo.

Bw. Spika, naomba tu nikomee hapo isipokuwa tu kuunga mkono kwamba sheria hii iweze kupitishwa na Bunge hili kwa minajili ya kuinga mzazi huyo wa kike kuweza kupata haki zake kikamilifu. Pamoja na wale watoto wachanga na wale watoto wale ambao kwa mjibu wa sheria nimesema ni watoto kwa sababu tunaweza kuwa sote tuna wazazi lakini kuna umri ambao tunaweza kusema huyu ni mtoto. Bw. Spika asante sana.

The Speaker (Hon. Kahindi): Thank you very much. The same has been deliberated. I now put the question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

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 in the afternoon. Thank you.

The House rose at 3:25 p.m.