

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 12th July, 2016

The House met at the County Assembly Chamber, Malindi Town, at 9.00 a.m.

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

PRAYER

PAPER LAID

SENATORIAL ADDRESS

The Leader of Majority (Hon. Mwingo): Mr. Speaker, Sir. I beg to lay on the Table of this hon. House the address from the hon. Senator delivered on Monday, 11th July, 2016. Thank you, Mr. Speaker.

(The Leader of Majority (Hon. Mwingo) laid the document on the Table)

The Deputy Speaker (Hon. Mwambire): Thank you very much. That will be deliberated as from this afternoon. Hon. Stanley Kenga you are making a request?

Hon. Kenga: Mr. Speaker, I thought it was an opportunity for us to start debating on the speech of the Senator.

The Deputy Speaker (Hon. Mwambire): No, it will be discussed in the afternoon.

Hon. Kenga: Thank you.

NOTICES OF MOTIONS

THANKS FOR THE SENATORIAL ADDRESS

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker, for giving me this chance to move this Notice of Motion:-

THAT, pursuant to Standing Order 20 (6), the thanks of the County Assembly be recorded for the exposition of public policy contained in the address of the Senator delivered on Monday, 11th July, 2016. Thank you Mr. Speaker.

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DEVELOPMENT OF A POLICY TO AID YOUTH POLYTECHNICS ACHIEVE PRACTICAL LESSONS

Hon. Nzaro: Thank you Mr. Speaker, I rise to read this Notice of Motion to the House on behalf of the Hon. Teddy Mwambire of Sokoke Ward. The Notice of Motion is directed to the County Secretary and County Executive Member for Education.

AWARE THAT, the Kenya Constitution 2010 Schedule Four, part two, number nine gives mandate to the youth polytechnics to be fully devolved.

FURTHER AWARE THAT, Article 55 (a) of the Constitution assures the youths in accessing relevant education and training.

NOTING THAT, for credible technical trainings, there should be elaborate practical engagement to all the trainees.

AWARE THAT, most or all current youth polytechnics across this County either lack or have outdated practical materials including outdated motor vehicles among other technical related practical machines and materials.

This County Assembly, urges the County Secretary and the County Executive Member for Education to develop a policy which will see all the County unused motor vehicles, machines and other possible training materials are supplied to all the youth polytechnics so as to facilitate the attainment of credible and/or reliable technical knowhow to our trainees.

Thank you Mr. Speaker.

REQUESTS FOR STATEMENTS

IMPASSABLE ROAD TO MAPIMO PRIMARY SCHOOL

Hon. Matsaki: Thank you Mr. Speaker. I am standing on behalf of hon. Albert Kiraga. I want to read a Statement to the County Executive Committee Member in charge of Transport and Infrastructure through the Chairperson, Transport and Public Works Committee:-

Whether the County Executive Committee Member in charge of Transport and Infrastructure is aware that a section of the road leading to Mapimo Primary School of about 100 meters is impassible thus leading to pupils diverting to peoples plots or land in the course of accessing the school.

Whether he is aware that the lives of the pupils are endangered because they are forced to climb a perimeter wall of a church building to access the school. If yes, what measures is the County Executive Committee Member in charge taking to address the problem?

OWNERSHIP OF MAGARINI CULTURAL CENTRE IN GONGONI

Hon. Matsaki: Thank you Mr. Speaker, Sir. I would like to request for a Statement to the County Executive Member in charge of ICT, Culture and Social Services through the Chairperson Culture, Youth, Sports and Social Services Committee:-

Whether the County Executive Committee Member in charge of ICT, Culture and Social Services is aware that there exists Magarini Cultural Centre situated in Gongoni Township in Gongoni ward. If yes, does this facility belong to a private person, community or the county government?

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LACK OF DESKS AT SOGOROSA EARLY CHILDHOOD DEVELOPMENT (ECD)
CENTRE

Hon. Matsaki: Thank you Mr. Speaker, Sir. I would like to request for a Statement from the County Executive Committee Member in charge of Education, Youth Affairs and Sports through the Chairperson, Early Childhood Education and Children Welfare Committee:-

Whether the County Executive Committee Member is aware that Sogorosa ECD unit has over 300 hundred pupils sitting on the floor. When shall the Department supply the school with sitting facilities?

Thank you Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Yes, hon. Emmanuel Chai please make your request.

CONSTRUCTION OF STORM WATER MANAGEMENT SYSTEM AND CABRO
FOOTPATH IN KILIFI TOWN

Hon. Chai: Thank you Mr. Speaker, Sir, for allowing me to stand and request for a Statement from the Department of Transport and Infrastructure through the Chairperson, Transport and Public Works Committee:-

Whether, the County Executive Committee Member in Charge of Transport and Infrastructure is aware that the storm water management systems (the drainage system) along the *Charo wa Mae* hospital road and the cabro footpath along the office of the Governor to Tuskys road are constantly demolished and reconstructed. Why the demolishing and the reconstructing of the storm water management system and the cabro footpath along the said roads and who meets the cost?

Thank you Mr. Speaker, Sir.

MOTION

ADOPTION OF THE REPORT ON THE KILIFI COUNTY ANNUAL DEVELOPMENT
PLAN, 2015

Hon. Mangi: Mr. Speaker, Sir, on behalf of the Budget and Appropriations Committee and pursuant to Standing Order 188, I beg to move:

THAT, this hon. Assembly adopts the Report of the Committee on Budget and Appropriations, The Kilifi County Annual Development Plan, 2015 laid on the Table of this hon. House on Tuesday, 3rd May, 2016.

Mr. Speaker, Sir, the County Annual Development Plan entails short term strategic programmes and projects to be implemented under the medium term expenditure framework.

Mr. Speaker, Sir I wish to confirm that the Annual Development Plan, 2015 is extracted from the County Integrated Development Plan (CIDP) and distinguishes the budget process as stipulated in section 126 of the Public Finance Management Act (PFM), 2012.

Mr. Speaker, Sir, I beg to move and call upon hon. Jared Kaunda Chokwe Barns to second the adoption of this Report. Thank you, Mr. Speaker, Sir.

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(Hon. Kaunda stood at his place to second)

(Question Proposed)

Hon. Kaunda: Thank you Mr. Speaker, Sir, for giving me the opportunity to put my remarks before this hon. House. First, I congratulate the Chairperson and I usually call him the undisputed Chair of the Budget and Appropriations Committee for his hard work and the way he has lead the Committee especially on the issues of Budget and Appropriations and the issue of CIDP and ADP (Annual Development Plan).

Mr. Speaker, Sir, the ADP actually emanates from the CIDP; these two very important documents collected the views of the Kilifians and it has their inputs. Without these two key documents, the implementation of the projects cannot be done. This particular time, I do not want to waste a lot of time because number one; the Committee did deliberate from the observations at the same time, and did recommendations to this hon. House. So, I stand to support and I call for the adoption of this Report and all the Members to support it. Thank you so much.

Hon. Kenga: Thank you very much Mr. Speaker. I rise to demonstrate my support for the business that is before this Assembly. Looking at the document that has been tabled, there are issues that as a county we must put our strength and effort in making sure that we achieve and realize the aspirations of the great people of Kilifi.

The Annual Development Plan gives an overview of the plans that we have regarding the issues of development but the greatest challenge that we have is the issue of oversight. In each and every financial year, funds are set aside; they are appropriated to undertake various projects within the county. For us to be able to achieve and have these projects implemented, it is the position that we have to play as Members of the County Assembly. The issue of oversight; being representatives of the people of Kilifi, we must play our role fully to ensure that these projects are completed within the timelines that have been set.

Mr. Speaker, if this Assembly fails to undertake its oversight functions then we are not going to be able to realize the dreams that we have for the people of Kilifi. It is only until when as Members of the County Assembly, we realize that the oversight function is very paramount in achieving the development of our people then we can be able to realize our goals. In that regard therefore, I support and I call upon all hon. Members to support this Report. Thank you very much.

Hon. (Dr.) Chitibwi: Thank you very much Mr. Speaker, Sir, for giving me the opportunity to contribute to this Report. I stand to support the adoption of the Report.

Mr. Speaker, this House as my colleagues have already said, has the responsibility of oversight and representation. We are very happy that the county went through the process of preparing the CIDP. We are going through other documents which are passed through this House and the development plan is one of them. I am happy to note that it incorporates the views of the public.

I wish to congratulate the Chairperson of the Committee and his Committee, which includes me, for this good job. Over the years, we may have had teething problems as a Committee but this Committee now is fully mature to carry out its work, and taking into account what the Executive proposes, I am also happy that at every point of this document we sat with the Executive and consulted; this is one of those areas. The only thing that I will say which will

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be slightly out of the adoption is that, the Executive implement what they have planned together with the public and implement what has been approved by this House. The Budget Committee has done its job. I request other Members to support the adoption of this Report. From there on, I urge the Executive to implement whatever has been approved, starting from the *wananchi* (people) to the Assembly for the benefit of Kilifi County.

Our Senator was here yesterday and he reminded us on a number of things which need to be done. What is important is, I know as an Assembly we have done our part, I request other Members to adopt it. Thank you.

(Hon. Kenga stood on a Point of Order)

Hon. Kenga: Thank you. Mr. Speaker. The Member who was contributing is reminding us of the presence of the Senator yesterday. I need to be guided if he is in order for him to remind us about the presence of the Senator yet we have not started debating the Senator's Speech.

The Deputy Speaker (Hon. Mwambire): I believe it is just an oversight of what he was sharing. There are a number of issues that Members are going to be given time on. It is supposed to be four sittings whereby Members are going to ventilate. So maybe, there is a possibility that he was making us to be aware of what we are supposed to do or maybe he might have been out of order but Members are going to ventilate on that so there is no need for us to rush into.

Hon. Nzaro: Thank you. I rise to support the adoption of this Report on the County Annual Development Plan for the County. In budgeting, this County Development Plan is a tool for enabling us to do our development work in the county under Section 126 of the PFM Act, 2012, where there are mandates on how the County Development Plan starts the budgeting process. If you look at our County Development Plan it has been very precise on the issues of food security. What is happening at the moment is there are some areas in the county where residents are finding it hard to put food on the table.

If you look at the document which is before us, it is trying to address some of the challenges which we have as a county. I think it is legible; the only thing that I would wish to happen is the implementation part because we have very good plans. We should enhance the implementation part so that what we plan is what is implemented. Otherwise, if we fail to plan that means we are planning to fail. As a county, the issue of food security should be considered highly and I would have wished when we were looking at the budget, these issues should have been addresses so that money could be allocated to the Agriculture sector so that every part of this great county and its people can have food on their tables. In essence, I congratulate the Committee because it has done a candid job. It is my hope that the treasury will go ahead and implement what is envisioned in this County Development plan. I support.

Hon. Gambo: Asante sana Bw. Spika kwa kunipa nafasi hii ili niweze kuchangia katika Ripoti hii. Kwanza, wacha nipatie kongole Kamati hii ya mipangilio ya fedha kwa kuja na Ripoti hii. Hii ni dhahiri kwamba Bunge letu limekomaa na sasa liko na Kamati ambazo zinajua kazi yake. Mipangilio ya maendeleo ya kaunti hii ndio chanzo cha kuwezesha Kamati ya Bajeti kuweza kuja na mipangilio ya matumizi ya fedha. Ripoti hii tukiisoma, inaonyesha vile mipangilio ya matumizi ya pesa ilivyo sambamba na mipangilio ya maendeleo ya kwanza ili kuweza kuendesha serikali yetu ya Kaunti ya Kilifi. Tukikubali Ripoti hii ni kwamba hata mipangilio ya matumizi ya fedha imeenda sambamba na Ripoti hii.

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Kwa hivyo, sasa ni kuangalia iwapo mipangilio iliyopangwa mashinani ndio inayofanyika. Kazi hizo hufanywa na wajumbe wa Kaunti ikiwa ni moja ya kazi zilizotuleta hapa. Naunga mkono nikiuliza waheshimiwa waunge mkono Ripoti hii ili tutimize kazi yetu iliyotuleta ndani ya Bunge na pia kuona mipangilio ya miaka kama ilivyopangwa inaenda sambamba na matarajio ya wananchi wa Kaunti yetu ya Kilifi. Nimesimama kuunga mkono kukubalika kwa Ripoti. Asante.

Hon. Chai: Asante sana kwa kunipa nafasi ya kusimama na kuunga mkono utekelezaji wa mjadala ambao tuko nao. Kupitishwa kwa Ripoti hii kutawezesha miradi yetu ifanyike kwa wakati unaofaa. Jambo ambalo ningesisitiza, na itakuwa ni aibu kwa sababu hapa Bunge tuko na ile Kamati ya utendaji kazi ambayo tumekuwa tukiilaumu kila wakati lakini sijajua kama hiyo Kamati inajua kazi ambayo ni wafanye. Mpaka sasa hiyo Kamati imefanya mara nyingi tuunde kamati za dharura ambazo mara nyingi ingekuwa hii kamati inafanya kazi yake hakungekuwa na haja ya kuunda kamati hizo. Inaitwa kamati ya utendaji lakini katika mambo mengi inabidi tuje tuyaulize hapa. Kamati ingekuwa inauliza maswali kama haya ya *Executive* na kuona wanafanya kazi vizuri na nina uhakika kamati hiyo ikiwa ina waheshimiwa kadhaa katika Bunge hili ni wakati wao wa kuona kwamba wamechukua hiyo nafasi na kuhakikisha kwamba utendakazi katika kaunti yetu uko katika hali nzuri. Mheshimiwa Spika nimesimama na naunga mkono Ripoti hii. Asante.

The Deputy Speaker (Hon. Mwambire): Hon. Members, allow me to call upon the Mover to respond.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. Mangi: Thank you Mr. Speaker, Sir. Let me begin by applauding hon. Members for supporting the adoption of this Report. The Annual Development Plan is a duplicate of the CIDP only that the CIDP is a five year plan while the Annual Development Plan (ADP) is an annual plan.

Mr. Speaker, not only is it necessary for the adoption of the ADP but it is mandatory as the Controller of Budget will only release money for development if such projects are included in the ADP. It is therefore important to note that the Budget process or the Budget estimates have to be in tandem with the ADP for them to be legally binding. May I join hon. Members in the implementing perspective; they have voiced their concerns as to how good the plan maybe but if the implementing entity does not implement this Report we shall not reach far.

I therefore urge the executive arm to implement the ADP. It is prudent that in our Report there is an area of concern that the executive has no otherwise but to ensure that it addresses that area of concern. The area of concern is revenue collection; all along since the County Government came into existence, we have never achieved our targeted revenue collections.

This is therefore to say they have to move with speed and address the loopholes that maybe a challenge to this area. By the hon. House adopting this Report, it will pave way for the Controller of Budget and Executive to execute the development agenda by implementing the projects entailed in this Report. I therefore beg to request hon. Members to join me in finalizing the adoption of this Report. Thank you, Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Hon. Members, a Motion to adopt the Report of the Committee of Budget and Appropriations on the Kilifi County Annual Development Plan, 2015 that was laid and tabled in this hon. House has been debated.

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(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairperson (Hon. Kenga) took the Chair]

THE KILIFI COUNTY MATERNAL, NEW BORN AND CHILD HEALTH BILL, 2016

The Chairperson (Hon. Kenga): Let us take our seats. Let me take this opportunity to welcome all the Members. We have now converted to a Committee of the Whole House and we want to consider the Kilifi County Maternal, New Born and Child Health Bill, 2016. Therefore, I expect that each and every hon. Member will fully participate so as to make this session a success. Thank you and welcome.

(Clause 4, 5 and 6 agreed to)

The Chairperson (Hon. Kenga): Yes proceed hon. Chiriba for the amendments.

Hon. Chiriba: Thank you hon. Chairperson. Let it go on record that I am holding brief for the able Chairperson hon. Albert Kiraga who is not in.

The Chairperson (Hon. Kenga): Thank you very much. Proceed.

Hon. Chiriba: I beg to move:-

THAT, Clause 7 is amended by deleting sub-section 1(ii) (iii) (iv) (v) and sub-section (2).

The Chairperson (Hon. Kenga): Thank you very much. The hon. Chair has moved the amendments that Clause 7 as amended be part of the Bill.

(Question of the amendment proposed)

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

(Clause 7 as amended agreed to)

Clause 8

The Chairperson (Hon. Kenga): I now propose that Clause 8 be part of the Bill? I can see now the hon. Chair has amendments to move. Proceed.

Hon. Chiriba: Thank you hon. Chair, I beg to move:-

THAT, part of Clause 8 (3) is deleted; that Clause 8 section 3 where it reads “refusal or deliberate failure to do so shall constitute an offence whereby upon conviction be liable to a fine

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not exceeding two hundred and fifty thousand or an imprisonment term not exceeding three years or both”, insert the word “shillings” immediately after “thousand.” Thank you.

The Chairperson (Hon. Kenga): Thank you very much hon. Member who is holding brief for the Chair; he has moved an amendment.

(Question of the amendment proposed)

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

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

(Clause 8 as amended agreed to)

(Clause 9 agreed to)

Clause 10

The Chairperson (Hon. Kenga): I now propose that Clause 10 be part of the Bill? Yes, hon. Member proceed with the amendments.

Hon. Chiriba: Thank you, hon. Chair I beg to move:-

THAT, sub- Clause (4) is added immediately after Clause 10 (3) to read; “A medical practitioner attending to a pregnant woman shall provide her with information on the best nutrition practices, including breast feeding practices.” Thank you hon. Chair.

The Chairperson (Hon. Kenga): Thank you very much hon. Member.

(Question of amendments proposed)

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

(Clause 10 as amended agreed to)

(Clause 11, 12 and 13 agreed to)

Clause 14

The Chairperson (Hon. Kenga): I now propose that Clause 14 as amended be part of the Bill? Proceed hon. Member.

Hon. Chiriba: Thank you hon. Chair. I beg to move:-

THAT, Clause 14 (1) (a) be amended to “less than six hours and a maximum of 12 hours” to read as “No health service provider may restrict benefits for any hospital stay in connection with child birth for the mother or new born child following a normal vaginal delivery to less than six hours”.

THAT, Clause 14 (1) (b) be amended to “less than 48 hours” and therefore to read as “no health services provider may restrict benefits for any hospital stay in connection with child birth

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for the mother or new born child following cesarean section to less than forty eight hours.”
Thank you very much.

The Chairperson (Hon. Kenga): Thank you very much hon. Member, for moving those amendments.

(Question of amendments proposed)

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

(Clause 14 as amended agreed to)

(Clause 15 agreed to)

Clause 16

The Chairperson (Hon. Kenga): I now propose that Clause 16 as amended be part of the Bill? Yes, hon. Member proceed with the amendments.

Hon. Chiriba: Thank you hon. Chair. I beg to move:-

THAT, Clause 16 is deleted and replace with the wording “pregnant mothers are encouraged to give birth in hospitals to reduce cases of maternal deaths.”

The Chairperson (Hon. Kenga): Thank you very much hon. Member for moving those amendments.

(Question of amendment proposed)

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

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

(Clause 16 as amended agreed to)

(Clause 17, 18, 19 and 20 agreed to)

Clause 21

The Chairperson (Hon. Kenga): I now propose that Clause 21 be part of the Bill? I can see a request from hon. Daniel Chai Chiriba ready to move amendments. Proceed.

Hon. Chiriba: Thank you hon. Chair. I beg to move:-

THAT, Clause 21(1) is amended by inserting the words “by a parent or guardian” immediately after given to read “A child may be subjected to medical treatment or surgical operation only if consent for such treatment or operation has been given by a parent or guardian”.

THAT, sub-Clauses 21 (2) (3) (4) (5) (7) (8) are deleted.

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THAT, Clause 21 (10) is amended to read, “ No parent, guardian or care-giver of a child may withhold consent in terms of sub-section (1) by reason only of religious or other beliefs, unless that parent or guardian can show that there is a medically accepted alternative choice to the medical treatment or surgical operation concerned”

THAT, Clause 21 (9) is amended by deleting “A high Court or” and inserting the words “A welfare officer may not move the court for the purpose of obtaining consent to” Thank you hon. Chairperson.

(Question of the amendments proposed)

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

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

(Clause 21 as amended agreed to)

Clause 22

Hon. Chiriba: Thank you Mr. Chairperson, I beg to move: -

THAT, Clause 22 be amended by deleting sub-Clause (2a and b) and insert “by a parent, guardian or care-giver” in Clause 22 (2) after the word “by” to read “Consent for HIV-test on a child may be given by the parent, guardian or care-giver”

THAT, Clause 22 (e) is amended by deleting No. 3 and 4 and replacing thereof with (i and ii)

THAT, Sub-Clause 22 (4a) is amended to (f)

(Question of the amendment proposed)

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

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

(Clause 22 as amended agreed to)

(Clause 23 agreed to)

Clause 24

Hon. Chiriba: Thank you Mr. Chairperson, I beg to move: -

THAT, Clause 24 (1) be amended by deleting the word “of” and insert “if”

(Question of the amendment proposed)

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

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

(Clause 24 as amended agreed to)

Clause 25

Hon. Chiriba: Thank you Mr. Chairperson. I beg to move:-

THAT, Clause 25 (2a) be deleted.

THAT, Clause 25 (2) be amended by inserting “the parent, guardian or care-giver” after the word “by” to read “Consent to disclose the fact that a child is HIV positive may be given by the parent, guardian or care-giver”

The Chairperson (Hon. Kenga): Thank you hon. Member for moving those amendments. Hon. Members as we proceed with the business that is before us, you are free to consult. I have witnessed hon. Nzaro consulting and at the moment hon. Hamza is consulting hon. Bakari so you are free and are allowed to consult. Make sure that as you consult you also make contributions. Thank you.

(Question of the amendment proposed)

The Chairperson (Hon. Kenga): Yes we have an intervention from hon. Jared Kaunda Chokwe.

Hon. Kaunda: Thank you hon. Chairperson. Sorry for taking you back but in Clause 24, I would like to be informed here because you have replaced the word “if” instead “of” but when you read 24 (1) (a) where you put “if” then there is “if the child” and then “ if the child is of sufficient maturity” is this an error or repetition?

The Chairperson (Hon. Kenga): You are talking about Clause 24?

Hon. Kaunda: Clause 24 (1) (a) in the amendments the Chairperson holding brief has said you remove “of” and then you put “if”. When you read 24 (1) (a) when you end “if “and then you start with “if the child” it starts with the “child” then “if the child” again it is repeated. I don’t know whether it is correct or it is an error?

The Chairperson (Hon. Kenga): Members, I am going through the Clause and I am making consultations with the office of the Clerk so that we can be guided on the way forward. Proceed hon. Japhet Nzaro.

Hon. Nzaro: Thank you Chairperson. I think to my understanding...may be I need to be corrected but from this Clause, there are some two persons who can be sought so that they can counsel these people. The first one is the child if he or she is of maturity age and the second one is the parent or the caregiver. So, I think by starting with the word “child” it is appropriate to me. I do not know whether I will be correct but I think the wording of this Clause if you look at it critically, is correct.

The Chairperson (Hon. Kenga): Maybe we need to hear from the Members of the Committee on how they were able to do the business as regards to the Clause. Any contributions? Because according to hon. Chokwe Kaunda, the amendment that was moved by hon. Chai Chiriba, he is referring to 24(1) not even (a) or (b), it is 24(1) the last word which is “of” that is supposed to be “if” and that amendment has been moved and adopted. Now, the

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challenge is on 24 (a) as raised by hon. Jared Kaunda Chokwe that if the child is of sufficient maturity to understand the benefits, risks and social implications of such a test. I do not know the position from Members of the Committee. Yes, hon. Mangi.

Hon. Mangi: Thank you Chairman. To my understanding, the Clause is self explanatory. It may be about grammar but sometimes you may understand an issue in a different perspective. To me, I am convinced that it is very clear unless otherwise but the Clause is direct and self explanatory. Thank you.

The Chairperson (Hon. Kenga): Thank you very much hon. Members. I want to... so that we may be able to proceed and finish the business of the session. It is important that hon. Kaunda Chokwe has been able to raise issues of concern and it is allowed since it is part of the process as we consider Bills in the Committee of the Whole House.

Again, there is also the procedure of moving amendments that they can be moved through a certain procedure that is provided for in the Standing Orders and this must have been communicated to the Chairperson before the start of the session. In that regard therefore, the first amendment that was already moved is okay and stays as part of the Bill. For any other amendments that Members would wish to put across, we shall be guided by the office of the Speaker once we are through with the business of the day. Therefore, I say thank you. Yes hon. Japhet Nzaro.

Hon. Nzaro: Thank you Mr. Chairperson but when we are in a Committee of the whole House where the rules are somehow relaxed so that we can share the issues. In fact, I was just looking at this amendment. If you look critically at what it entails then we did not require this amendment to be here in the first place. I think it should be deleted because if you look at Clause 24, the grammar and all those things are very self explanatory. In fact they did not require an amendment. Thank you.

The Chairperson (Hon. Kenga): So, hon. Nzaro in your opinion you feel there is something to do with the grammar?

Hon. Nzaro: No Chairperson. The concern on this amendment that was raised is that if we insert the wishes of the Committee that we amend Clause 24, then it means we will be changing some of the wordings of that Clause and to my understanding, if we change the wordings of that Clause to portray what is envisioned in the amendments then it will bring some problems on the wording.

Maybe Chairperson you can guide us on that but I think it requires no amendment. Furthermore, I think maybe you should guide us and relax some of these rules because the Report we are dealing with, I think most Members have just seen it today in their pigeon holes. So, there are times where we have to make these amendments so that we have a very good law. Thank you.

The Chairperson (Hon. Kenga): Thank you hon. Member. Just to tell you that the Report has not been tabled today; this is a Report that was prior. I am informed by the office of the Clerk that the amendments were part of the Report that was tabled in the recommendations. Yes, (Dr.) Mzungu Chitibwi.

Hon. (Dr.) Chitibwi: Mr. Chairman, considering that we are making a law, it will probably be desirable to consider adjournment of this process at this point because both presentations seem to have some weight and we may be hurrying and we come up with a law that is contradictory. May be Mr. Chairman, you just consider that. Thank you.

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The Chairperson (Hon. Kenga): Thank you very much hon. Member for your contribution but remember all that we are saying must be provided for in the Standing Orders. Therefore, you have to either go on record that you are seeking for the adjournment through the Standing Orders so that you are now allowed on record but we cannot just say that we want to adjourn because there seems to be conflicting ideas from various Members. Please, let us all be guided by the Standing Orders. So, if you want to move that we adjourn, and then maybe that could be allowed guided by the Standing Orders. Yes, Hon Japhet Nzaro

Hon. Nzaro: Chairman, I think we should also be guided by the Standing Orders because they are very clear. Not all amendments that come to the Floor of the House should be approved when the question is put. We have an opportunity to leave it as it is if it is correct. So if you put the question we have the opportunity to deny the amendments and it is quite in Order.

The Chairperson (Hon. Kenga): Thank you hon. Nzaro. That is the procedure but I want to remind you that I had already put the question. We are past that. I had already put the question, Members had already given a response to that and we had moved to Clause 25. Therefore, whatever we are doing now is of no consequence. I beg that we proceed and if there are issues that you would wish to raise then they will be raised later. Let us proceed. Hon. (Ms.) Arafa what do you have?

Hon. (Ms.) Arafa: Thank you Mr. Chairperson. I also want to contribute on this matter especially on what hon. Nzaro was contributing on. As per the amendments that were forwarded before the Committee, I find it as a grammatical error because if you go back to the sentence it says “A child may be tested for HIV only after proper counseling by an appropriate trained person of the child”. If we use the word “if”, I agree we remain with the word “of” but as per what you have been guiding us, I think we need go back and be guided by the office of the Speaker but it will be very relevant if we come up with a Bill which can help our people. It is a very simple word but when we come to laws it can bring up another meaning to this law. Thank you.

The Chairperson (Hon. Kenga): Thank you. Hon. Mangi.

Hon. Mangi: While I concur with you that we should proceed, at the same time it is very prudent and important that before any issue comes to the plenary, the Committee responsible for that particular issue should sit and consult widely with the Clerk’s office to prevent such predicaments at the last minute. This is a challenge that we should not relegate at this particular moment. In future, every Committee should give their input in all areas of concern so that when issues come at this level they pass with ease. Thank you.

The Chairperson (Hon. Kenga): There is an interjection from hon. Kaunda.

Hon. Kaunda: Thank you hon. Chairperson. I would like to agree with the Members who have said that there should be no amendments and it is important that whenever any amendment is done...

(Hon. Kaunda’s mic went off)

Hon. Chairperson there is something wrong here whenever I want to speak you... I do not know whether it is the machine or what.

The Chairperson (Hon. Kenga): It is not me but it is the system.

Hon. Kaunda: Hon. Chairperson, I also concur with the Members who have said that there should be no amendments to be moved there. So in future how do we try not to bring such

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interventions? The best that should be done, like in the previous Clauses where there are amendments, whenever an amendments is put a whole Clause or statement should be written again, so that the Chairperson should read it fully for us to understand.

As I read it now, I start to get the point “an appropriate trained person of the child”, now that brings more meaning than the putting only the word “if”. The best way to put the amendments especially in the Order Paper, every Clause that is amendments should again be written fully the way it has been amended so that we understand.

The Chairperson (Hon. Kenga): Thank you. Hon. Members, I beg that we proceed. As I said earlier that Clause 24 has already been adopted, the question has already been put and we have adopted the Clause with the amendments that had been moved. Therefore let’s proceed to Clause 25. I had already proposed and the hon. Member has already moved amendments. I now want to put the question.

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

(Clause 25 as amended agreed to)

Clause 26

Hon. Chiriba: Thank you hon. Chairperson. I beg to move the following amendment:-
THAT, Clause 26 be deleted.

The Chairperson (Hon. Kenga): There is a request from hon. Matano. Yes proceed.

Hon. Matano: Asante Mheshimiwa mwenyekiti. Mimi pia nimekuwa nikiangalia kwa kina kipengee hiki na nikakiona hakikuwa kinaongea maswala ya mtoto bali ni mtu wa miaka zaidi ya 18 na ni mtu mzima. Kwa hivyo naunga mkono kwamba itolewe kabisa.

The Chairperson (Hon. Kenga): Thank you. You are early before...you are making contribution before the question is proposed. I now propose the question.

(Question of the amendments proposed)

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

(Clause 26 as amended agreed to)

(Clause 27, 28, 29, 30 and 31 agreed to)

(Clause 32, 33 and 34 agreed to)

(Memorandum of Objects and Reasons agreed to)

(Clause 3 agreed to)

Clause 2

Hon. Chiriba: Thank you hon. Chairperson. I beg to move:-

THAT, Clause 2 be amended by deleting the definition of “termination of pregnancy” and substituting therefore with the following new definition-

“Termination of pregnancy” for the purpose of this Act means the separation, expulsion, by medical or surgical means, of the contents of the uterus of a pregnant woman before the foetus has become capable of sustaining an independent life outside the uterus “for the purpose of saving the life of the mother”.

That, the definition of right to safe motherhood is amended by inserting the words “and post delivery care to the mother” immediately after “mother and baby.” Thank you.

(Question of the amendment proposed)

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

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

(Clause 2 as amended agreed to)

(Long Title agreed to)

(Short Title agreed to)

The Chairperson (Hon. Kenga): Thank you very much hon. Members. We are now going to request that the hon. Member move so that we proceed.

Hon. Chiriba: Thank you hon. Chairperson. I beg to move that the Committee reports to the House its consideration of the Kilifi Maternal, New Born and Child Health Bill, 2016 and its approval thereof with amendments. Thank you.

The Chairperson (Hon. Kenga): Thank you very much.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND CONSIDERATION OF REPORT

THE KILIFI COUNTY MATERNAL, NEW BORN AND CHILD HEALTH BILL, 2016

Hon. Kenga: Thank you very much hon. Speaker. I beg to report that the Committee of the whole House has considered The Kilifi County Maternal, New Born and Child Health Bill, 2016 and approved the same with amendments. Thank you.

Hon. Chiriba: Thank you very much hon. Speaker. I beg to move that the House do agree with the Committee said Report and I call upon hon. Hamza to second.

(Hon. Hamza stood at his place and bowed to second)

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been read to have the Report of the Committee of the Whole House agreed upon by the hon. House. I now propose that the same is ready for debate.

(Question proposed)

Hon. Hamza: Asante sana Bw Spika. Mimi nasimama kuchangia katika huu Mswada ambao uko mbele ya Bunge hili ambao unahusu maswala ya mzazi wa kike, mtoto mchanga na mtoto mdogo kwa mjibu wa sheria. Nataka kushukuru kwamba Kamati husika ambayo iliweza kutembea katika kila vitongoji ambavyo viko katika eneo la Kaunti ya Kilifi kwa sababu ya kuweza kuchukua maoni ya wanakilifi kuhusu maswala ambayo yameweza kuratibiwa katika Mswada huu ambao uko mbele yetu.

Bw Spika, iwapo Bunge hili litaweza kupitisha Mswada huu, Mswada huu utaweza kutoa nafasi ya kuhakikisha kwamba kuna afya njema zaidi haswa kwa mzazi yule wa kike, na pia mtoto mchanga anapozaliwa na mtoto mdogo haswa tukiangalia maswala ambayo yameweza kuangaziwa hapa ndani.

Tukiangalia maswala ambapo mama anapokuwa mjamzito, taratibu ambazo anapaswa apitie kuhakikisha kwamba afya yake inakua vizuri. Maswala ya kuweza kupimwa na kuweza kujua kama kwa mfano mathalan yuko vizuri na iwapo ingekuwa vizuri ni taratibu gani ambayo anatakikana afuatilizie kabla kuhakikisha mtoto amezaliwa? Kwa hivyo kuna mambo mengi ambayo yamezungumziwa hapa ndani kuhusu mchakato mzima wa afya kuanzia mama akiwa mja mzito kufikia mtoto akizaliwa mpaka kufikia umri ule ambao ametoka katika ule umri ambao unasemekana yeye ni mtoto kwa mujibu wa sheria. Kwa hivyo Bw Spika, iwapo Mswada huu utaweza kupitishwa utakuwa msaada mkubwa sana kwa kizazi cha Kaunti ya Kilifi. Asante sana.

The Speaker (Hon. Kahindi): Yes, hon. Stanely Kenga.

Hon. Kenga: Thank you very much. Mr. Speaker, I would also like to air my contributions as regards the Report that has already been considered by the Committee of the whole House. Mr. Speaker, allow me to cite part two of the Bill on maternal care Clause 4 that has been able to give the people that have got authority to offer maternal care.

Mr. Speaker, for quite some time we have witnessed many women losing their lives during delivery. Some of the issues; the other time I was talking to the gynecologist and he was

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trying to tell us that as leaders we need to discourage our women from going to people in the communities for the act of, I do not know the right word in English but I want to put it in Kiswahili so that all of us are able to understand. There is this habit of *kukanda* (massage) where pregnant women visit some people in the village and they undergo the *kukanda*. It has been found to have lead to the issues of death of these women and the only reason is that there has not been a Bill to regulate maternal care.

With the adoption of this Report and passage of this Bill, it has clearly given us light on who is supposed to offer maternal care. That we have the medical practitioners, clinical officers, nurses and community health workers whom I want to believe are registered and so they have the knowledge and they are informed and they can give the best care so that we avoid the issues of death that they are brought about by the issues of *kukanda*. I therefore support the adoption of this Report. Thank you.

The Speaker (Hon. Kahindi): A Motion to deliberate on the Report on the Committee of the whole house has been done. I now put the question.

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Deputy Speaker (Hon. Mwambire) took the Chair]

THE KILIFI COUNTY HEALTH FACILITIES IMPROVEMENT FUND BILL, 2016

The Chairperson (Hon. Mwambire): Hon. Members, welcome to the Committee of the Whole House. We are now going to deliberate on the issues of the establishment of the Kilifi County Health Facilities Improvement Fund Bill, 2016 but I am seeing hon. Japheth Nzaro wants to make some interventions before we even move ahead. Hon. Nzaro proceed.

MOTION FOR ADJOURNMENT

UNDERSTANDING ORDER NO. 50 (b)

Hon. Nzaro: Thank you Mr. Chairperson. I wish to seek an adjournment of this debate under Standing Order 50 (b). My reasons being, if you look at the charges which are attached to this Bill, I am afraid that there are others which require further consultations. For example, on circumcision, I can see about three charges which are attached. One is Ksh.100, the other is Ksh.1, 875 and the other is Ksh.500. So, I think these issues require some explanations and more time so that we can share before we pass these charges. In essence, if we pass these charges we

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do not know whether these will be captured in the Finance Bill which we also have to pass as an Assembly. It is my candid submission that Members adjourn this debate on this Bill so that we give ourselves more time to consult widely on the charges which our residents are going to be charged in various aspects of illness when they are seeking medical attention in our hospitals. Thank you.

The Chairperson (Hon. Mwambire): Have you gone through the amendments because it is at this stage whereby we are going to make amendments. If maybe they were not considered that is when you can move an adjournment Motion.

Hon. Nzaro: Okay, I have gone through some of the amendments and I have noted that some of them do not address our worries. I believe it will be prudent if we are given some time to ventilate on all issues pertaining to these charges before passing this Bill.

The Chairperson (hon. Mwambire): A Motion has to be seconded.

Hon. Nzaro: Yes.

The Chairperson (Hon. Mwambire): So I will not call it a Motion unless you get a seconder then we make the considerations. Who is seconding?

(Silence)

(Hon. Hamza stood at his place to second)

(Question proposed)

Hon. Members, a Motion to adjourn the deliberations of the Whole House on the Kilifi County Health Facilities Improvement Fund Bill, 2016, has been moved by hon. Japheth Nzaro and seconded by hon. Hamza. It is now up for deliberations. Hon. Hamza, please make your request so that you can share your views.

(Silence)

The Chairperson (Hon. Mwambire): Do you have a card hon. Hamza?

(The Sergeant-at-Arms walked towards hon. Hamza)

Hon. Hamza: Thank you Mr. Chairperson. I have seconded this Motion with a reason based on the document which is attached at the back of this Bill which ventilates so much on the payment. We have tried to go through the charges and it is prudent that we have our reservation and more time should be give to this House so that we are able to digest more. This is because at this time some may be dismayed as to why as a Member of the Committee on Health, I am supporting the Adjournment Motion. However, my support to this Adjournment Motion is because when we were going through the public participation out of the meetings that I was able to attend. We were clearly told that these attached documents which touch on the health funds were going to be deliberated by the Budget Committee during their public participation.

I am a very active Member in my Ward and normally accompany my people to the public participation meetings. It does not matter which area as long as it is within Kilifi County and more so I know that the determinations of public participation are done as per the sub-location.

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We have always tried to see whether we can be able to deliberate on this. There have been reservations as per my understanding unless maybe there are things which were done in my absence; if so then I will give myself the blame. Yet, if these things have not been done in accordance...Mr. Chairperson once we adopt this Bill and it becomes law, we do not understand what the consequences will be in regards to these proposed figures which we had a lot of concerns on as Members to see whether we were in a position to make adjustments. In my understanding, we have had divergent directions on these figures up to this moment I stand to be one of the Members who is confused on the issues of cash which are attached to this Bill. I thought today while we are here we will have the Bill separate and the fund proposed for the charges should be separate. This is because all the time we have seen it attached but we have never had good contributions. Thank you.

The Chairperson (Hon. Mwambire): There is an interjection.

Hon. Chiriba: Thank you hon. Chairperson. I stand on a Point of Information. I think the Member who was on the Floor should give us clear information. Having been an active Member who had been going around collecting the public views, I never came across a place where we got that kind of challenge he is sharing. That we told the public we had to go and inquire from the Budget Committee. I think he should be specific in which meeting those queries arose.

Hon. Hamza: Thank you Mr. Chairperson. I thought he stood on a Point of Information and I was very keen to see what he was going to inform me on. I speak with no fear and I have a lot of information on what I am saying. I do not find it prudent at this moment to engage one on one with a Member wanting me to pin point which place exactly.

I do not speculate Mr. Chairperson. I speak things that I am very much sure of. There are meetings which I personally attended where the Member who is holding brief for the Chairperson of Health had not attended. Probably on such meetings these issues could have arose and I do not know at what capacity he should be informed in absence. He would have consulted with the clerks; he should have gotten even the HANSARD because as I speak these things are on record.

Therefore, the hon. Member holding me to pin point the areas we visited is not in order. I want to inform this House that when we were going through public participation, I was very keen on what the public was contributing not mastering the places, finding out which place that was nor the name of the venue; that one I was not very keen on.

Mr. Chairperson, I believe when we were going through public participation the clerks were very keen. They know where we went and they have all the public contributions on record. Thank you.

Hon. (Dr.) Chitibwi: Mr. Chairman, I raise on a Point of Order. The present speaker is saying that he was there during public participation. I believe this Report was made after the public participation. Can he tell this House if he was present in the meetings to make this Report or not? Because this House is now becoming confused.

The Chairperson (Hon. Mwambire): Hon. Members, I think the Motion is on the Floor and we want the Members to make their interjections whether they support or not. If they will be supporting then we will adjourn and if they are not supporting, we will just proceed. So, I do not think it will be prudent for us to just hold on one Member to keep on sharing his position. He wants this debate adjourned; the Committee of the Whole House to be adjourned until further notice so that they can have more time to consult. He has supported the Motion that has been

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moved by hon. Nzaro. I think that position still remains. So, let us hear from other Members please. Hon. Nzaka.

Hon. Nzaka: Thank you Mr. Chairman for allowing me to air my concerns. I rise to oppose the adjournment of this Motion. I would like this motion to continue. This Bill went for public participation all over the seven Sub-counties and the Committee had enough time to ventilate on everything including the charges. This Bill came to this House on Tuesday, 3rd May, 2016.

The Members who are opposing this Motion had enough time to ventilate and make some amendments. I am wondering why some members here have delaying tactics. You see, the Committee on Health has a lot of duties to perform and as a House we have a lot of work to do. The amendments brought to this House at this moment are here to delay the job of this House. So, I urge my fellow hon. Members to strongly oppose the adjournment of this Motion so that we can continue and give room to the Committee on Health to continue with their job. I rise to strongly oppose the adjournment. Thank you.

Hon. Matsaki: Asante sana Bw. Mwenyekiti. Mimi nimesimama hasa kupinga Mswada wa kuwa tusizungumze Ripoti hii. Bw. Mwenyekiti, nafikiria nataka tuwe na muongozo kwa sababu itakuwa si vizuri na ninaona tunarudishana nyuma hasa ikiwa Mwanakamati wa kamati ile ambayo imeleta Ripoti hapa izungumzwe, yeye ndio mtu wa kwanza kupinga.

Nafikiria, kama kulikuwa na shida katika kikao cha Kamati wangezungumzia hayo ili kwamba wakati ikiletwa hapa Kamati iwe yote inakubaliana nayo lakini kwa wakati huu kama tutasema hii ripoti isizungumzwe, kusema kweli ni kama ambaye ule muda wa Kamati ilipokaa huko nyuma tumeupoteza. Sijui ni kwa nini hawakuelewana kama Kamati huko.

Kwa hivyo, mimi napinga wale wanaosema Mswada usizungumzwe. Mimi naomba tuendeleo na Mswada huu ili kwamba hata kama yale malipo yamekuwa na shida, nina hakika muda umekuwa mrefu sana na ziko pia sheria na njia ambazo kama kuna shida tunaweza tukaambiana lakini kwa wakati huu, kwa Mwanakamati wa Kamati hiyo kusema tusizungumze baada ya hapa ni kina nani watazungumza? Je watarudi kwenye kikao cha Kamati wafanye yale marekebisho ambayo wako nayo ndio watulettee kwa Bunge au ni tusizungumze halafu ibaki vile vile? Kwa hivyo mimi napinga mambo hayo. Asante sana.

Hon. (Dr.) Chitibwi: Mr. Chairman, I stand to oppose the adjournment Motion. We all know the process that we go through in bringing these Bills to the House and if there is any disagreement within the Committee, then I believe there is a provision for that disagreement to be brought as a Minority Report. This House has a number of Bills to go through. The workload is heavy and the earlier we finish the better. It may even give us an opportunity to go and meet people in our constituency. So, I do not see any valid reason at this point for adjournment of this debate. I propose that we continue and if there is anything that is serious, I am sure there is always a way of amending whatever it is after the Bill has been passed. Thank you Mr. Chairman. I oppose the adjournment.

Hon. Kenga: Thank you very much Mr. Speaker. We need to be guided as we make our contributions. Why I am having these sentiments is because I was just looking at the Report that is before us and there is an area that touches on the issue of burial permit and it is talking about Ksh. 500 for a child and Ksh. 600 for an adult. I do not know whether that is the practice that is taking place at the moment that if you want to burry your person, if that person is a child then you pay Ksh.500 and if that person is an adult then you pay Ksh. 600.

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The Chairperson (Hon. Mwambire): Is it a person or a body? Put it clear so that it can go to the HANSARD. We burry bodies not persons.

Hon. Kenga: A dead person Mr. Chairperson; we burry dead persons.

(Laughter)

I believe I am right. Therefore, the reason why I am saying we need to be guided is because the Mover of the Motion is not against the passage of this document but he is seeking that we adjourn may be so that we can have more time to consult on the same and once the Report is tabled then we can proceed and even adopt it.

There are concerns; like the issue of circumcision where one has to pay Ksh. 1,000 is clearly indicated although there are two areas; in-patient charges for circumcision Ksh. 600 then on the other category there is Ksh. 1,000. We need to be guided because as much as we say this is a way of raising our own revenue, I do know if that is the position we should be taking but we should not be seen to be burdening members of the community on health issues. Health is very basic and if our people cannot afford health services, then it becomes a very great problem. Therefore, let us be guided. Thank you.

The Chairperson (Hon. Mwambire): Hon. Members, allow me to call upon the Mover to respond.

Hon. Nzaro: Thank you Mr. Chairman. The essence of this County Assembly is to pass laws which are good and for the benefit of the people of this county. It is not only the issue of circumcision which I have just pointed out, but if you look at also the area where we are to look for ambulance services, for example, there is no mention of the areas where some of the ambulances are found like in Ganze, Vitengi, Bamba e.t.c. So, what does this mean? It means no charges should be charged for our citizens who want to have these services in those areas because when we pass it as it is, then it means we are discriminating how these charges must be charged. That is why I candidly urge the Members to see the light of this law that we are about to pass. It is in the best interest of this Assembly if Members can understand that it is not in the wish of this Assembly to not pass this law. If we want to pass a better law, I think it is good advice for the Members that we adjourn.

Hon. Kenga: Mr. Speaker, I am raising on a Point of Information.

Hon. Nzaro: Yeah. I wish to be informed.

Hon. Kenga: I wish to inform the Member that there are various charges and categories that seem to be very high apart from the few issues that he is trying to pin point. This information must now circulate to all the Members who are in this Assembly because immediately he is through with his contributions, we have to make a determination whether we proceed or not. Therefore, Members must be able to know that we are not against this document but we are saying that we need more time to consult, so that we engage each other and make an informed decision.

Hon. Nzaro: Thank you Chairperson. That was the information I was trying to air...

The Chairperson (Hon. Mwambire): There is an interjection from hon. Nzaka. What is it? He switched off after making an interjection.

Hon. Nzaka: Mr. Chairperson, before you put the question, I have realized that we have no quorum.

The Chairperson (Hon. Mwambire): Clerk, is there quorum?

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Clerk-at-the-Table: Yes Mr. Chairperson we have quorum.

The Chairperson (Hon. Mwambire): Proceed hon. Nzaro.

Hon. Nzaro: Mr. Chairperson, I think the Member just wants to delay this issue because of mathematics, accounting is a problem. A quorum should be of 18 Members and we are more than that. I want to reiterate that we should pass good laws. I want to also concur with the hon. Member who has just informed me that there are many areas which we would like to have consensus on. I think the essence of passing law is through consensus but if all Members wish to continue the way it is then so be it. I think it is good that I have highlighted the shortcoming of what we want to pass; that is why I sought the adjournment so that we can agree on the best way forward for the best interest of the people of this county.

(Question put and agreed to)

(Committee of the Whole House deferred)

(The House resumed)

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

REPORT

THE KILIFI COUNTY HEALTH FACILITIES IMPROVEMENT FUND BILL, 2016

Hon. Mwambire: The Committee of the Whole House has been adjourned through a Motion which has been moved by Members so that they can have consensus on different issues. They have gone through the proposed amendments by the Committee and they feel that there is a lot that they need to share before coming to this Assembly. The passage of this Bill will have a direct impact to the citizens of this county and it is in that regards that the Members thought it wise to adjourn the Committee of the Whole House so that the Committee and the Members can have a *Kamkunji* to deliberate on different issues before compromising on the proposed amendments. Thank you.

The Speaker (Hon. Kahindi): Thank you hon. Mwambire. Fortunately, I was watching the debate. So I did not have to wait to be called I just walked myself in. It is good that the will of the people has prevailed. That's what democracy is all about.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

Hon. Members, in the absence of any other business in the Order Paper, I wish to adjourn the House until 2:30 in the afternoon.

The House rose at 11.06 a.m.

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