

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

Tuesday, 22nd November, 2016

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

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

PRAYER

PAPERS

REPORT ON THE KILIFI COUNTY FINANCE BILL, 2016

Hon. Mangi: Thank you, Mr. Speaker, Sir. Today being 22nd November, 2016 I beg to lay on the Table of this hon. House, the Budget and Appropriations Committee Report of the Kilifi County Finance Bill, 2016. Thank you.

(Hon. Mangi laid the Paper on the Table)

REPORT ON THE KILIFI COUNTY
SOLID WASTE MANAGEMENT BILL, 2016

The Speaker (Hon. Kahindi): Thank you. Next, Chairperson, Environment.

Hon. Chiriba: Thank you, Mr. Speaker. Today being 22nd November, 2016 I beg to lay on the Table of this hon. House, a Report on Environment and Natural Resource Committee on the Kilifi County Solid Waste Management Bill, 2016. Thank you.

(Hon. Chiriba laid the Paper on the Table)

REPORT ON THE KILIFI COUNTY PLANNING BILL, 2016

Hon. Muhambi: Thank you, Mr. Speaker. Today being 22nd November, 2016, and on behalf of the Lands, Housing and Settlement Committee, I beg to lay on the Table of this House a Report of the Committee on the Kilifi County Planning Bill, 2016. Thank you.

(Hon. Muhambi laid the Paper on the Table)

GOVERNOR'S MEMORANDUM ON
THE KILIFI COUNTY BETTING,
GAMING AND LOTTERY BILL, 2016

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Hon. (Dr.) Chitibwi: Mr. Speaker, Sir today being Tuesday 22nd November, 2016, I beg to lay on the Table of this hon. House, the Report of the Planning, Trade and Cooperatives Committee on the Kilifi County Betting, Gaming and Lottery Bill Governor's Memorandum. Thank you.

(Hon. (Dr.) Chitibwi laid the Paper on the Table)

GOVERNOR'S MEMORANDUM ON
THE KILIFI COUNTY ANTI-PORNOGRAPHY BILL, 2016

Hon. Matano: Thank you, Mr. Speaker. On behalf of the Committee on Youth, Sports, Culture and Social Services, I beg to lay in this hon. House, a Report of the Committee on Youths, Sports, Culture and Social Services on the Governor's Memorandum on the Kilifi County Anti-Pornography Bill, 2016. Thank you.

(Hon. Matano laid the Paper on the Table)

GOVERNOR'S MEMORANDUM ON
THE KILIFI COUNTY PUBLIC ENTERTAINMENT
AND AMENITIES BILL, 2016

Hon. Matano: Mr. Speaker, Sir, today being 22nd November 2016, I beg to lay on the Table of this hon. House, the Report of the Committee on Youths, Sports, Culture and Social Services on the Governor's Memorandum on the Kilifi County Public Entertainment and Amenities Bill, 2016. Thank you.

(Hon. Matano laid the Paper on the Table)

REPORT ON THE KILIFI COUNTY INVESTMENT
AND SOCIAL DEVELOPMENT BILL, 2016

Hon. (Dr.) Chitibwi: Mr. Speaker, Sir, today being Tuesday 22nd November, 2016, I beg to lay on the Table of this hon. House, the Report of the Planning, Trade and Cooperatives Committee on the Kilifi County Investment and Social Development Bill, 2016. Thank you.

(Hon. (Dr.) Chitibwi laid the Paper on the Table)

MOTION

ADOPTION OF THE REPORT OF THE COMMITTEE ON
GENERAL OVERSIGHT ON THE INTERROGATION OF THE CEC MEMBER FOR EDUCATION, YOUTH
AFFAIRS AND SPORTS

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Hon. Mwambire: Mr. Speaker, Sir I beg to move that this hon. House adopts the Report of the Committee on General Oversight on the interrogation of the County Executive Committee Member in charge of Education, Youth Affairs and Sports on the status of its Departmental Projects for the Financial Year 2013/2014, 2014/2015 and 2015/2016 laid on the Table of this hon. House on Monday, 21st November, 2016. I call upon hon. Nixon Charo Mramba, the Kakuyuni Ward Representative to second the Motion.

(Hon. Mramba seconded)

The Speaker (Hon. Kahindi): Thank you hon. Teddy Mwambire and thank you hon. Mramba for seconding the Motion. Hon. Members, a Motion has been Tabled for adoption of the Report of the Committee on General Oversight on the interrogation of the County Executive Committee Member in charge of Education, Youth Affairs and Sports on the status of its Departmental Projects for the Financial Year 2013/2014, 2014/2015 and 2015/2016 laid on the Table of this hon. House on Monday 21st November, 2016. I do now propose that the same is ready or debate.

(Question Proposed)

Hon. Mramba: Thank you, Mr. Speaker, for giving me this chance to air my views regarding this Report. First and foremost, I would like to thank the Committee on Oversight that is lead by the hon. Speaker Jimmy Kahindi for the work well done. This Committee has done a wonderful job and truly speaking, it has put the image of Kilifi County high simply because several people were hitting us very bad that we were not very keen on our oversight role but here we are. It was a very rigorous exercise and finally we are here.

In the social media platform today, a political activist called Clay posted an article regarding the anticipated sacking of the CEC for Education. He claimed that the Muslim community was being targeted because Dr. Swabah who was in Health went, Dr. Salma, a Muslim as well is not with us and now it is Madam Salma. When we come to work we must not go into religion nor should we look into tribalism but rather each one of us should carry their own cross.

If you are a Muslim or a Christian, it is well and good but you must work to the satisfaction of the people of Kilifi. This Assembly passed a budget in the financial year 2013/2014 and we set aside a lot of money to go into scholarship because we believe that education is the only weapon that will enable our people go into the job market; the foundation is the ECD and we are putting a lot of money in that docket. However, it is a shame because out of the 178 projects, only 16 projects are completed while others we are told that they have only reached the lintel level.

Therefore, I want to thank this Committee for the wonderful job that it has done. For those who were mentioned in this Report let it be so while those whom we have recommended that disciplinary measures be taken, let us ensure that the Executive follow through with our recommendations. For those who will have to go then let them go in good faith. I believe that in the year 2014, I was the first person to bring a Motion to this County Assembly, that, Daniel Dadu Chome was irregularly employed as the town manager and ultimately he went to Kilifi.

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This proves that even if Daniel Chome comes from my area but truth must be said. Being a Muslim is not a *prima facie* for any person to do ill then hide under religion. Whether somebody is a Christian or a Muslim, let us not focus on religion but focus on the job he or she is entitled to do. So, Mr. Speaker, Sir, I beg to support this Report. Thank you.

Hon. Nzaro: Thank you Mr. Speaker, Sir, for giving me this opportunity to air my sentiments on the Report. I first want to start by looking at recommendation number one; the Chief Officer for Education who has been in charge of that Department since 2013 appear before this Committee. This is a very candid recommendation because it goes to the provisions of the Constitution in Article 47 and 50 where a person has the right to be heard; we should not condemn these people unheard and I think this recommendation is in the right direction because we will be following what the Constitution provides.

When you look at recommendation number two which says the CEC Member for Education be removed from office, I think we were very right because looking at the number of projects since the time of interrogation; if you go to the year 2013/14 there were 13 projects which were still ongoing and if you look at the number of years which have elapsed since 2013 to date, then something wrong is surely happening in this Department. When you move further to the year 2014/15, 40 projects have not been started since the time of interrogation and in the year 2015/16, 36 projects. If you add these projects Mr. Speaker, Sir, they tell us a lot about the performance of this Department. Personally, if you look at the area I am representing (Ganze Ward), there are a lot of projects which fall under this category and when we were elected in office, we were elected so that we can help in alleviating these problems which have been happening. As we speak, some of our students are learning under stress because these projects have not been done since 2013/14 and 2015/16. This portrays that this Department has been lagging behind in the much needed implementation of our budget.

When I was listening to hon. Mramba talking about the issues of the performance of our public officers in this county, it should not be pegged on race, religion or tribe and people should not hide behind these tribal cocoons to justify their non performance. Everybody should be judged on his performance and the ability of an individual should not be pegged in any way on matters which are not indicated during their job evaluation. Article 227 of the new Constitution specifically guides on the sanctions to be taken against contractors who have not completed their projects in good time but when you look at the Report when we were trying to enquire whether sanctions were taken on these contractors you find that we did not get a very reliable answer and they are specifically provided for in the Constitution.

When a contractor has failed to perform his duties, there are sanctions which should be taken. I do not understand why there are projects from 2013 to date which have not been started. What is happening? Is it that there is no one in charge of the Department? Then I deduce from the deliberations that something wrong was happening since 2013/14 and at this point it will be very much in order that the Executive Member for Education who I really thought was a very good servant of this County but going by the performance, I have no option but to give my support for her removal from office on these grounds and I hope Members will agree with the recommendations so that we can ensure that when we set money for some projects then the money is utilized for those projects so that we also save the face of this Government and take it to a level where all *Kilifians* deserve. Thank you very much, Mr. Speaker. I support.

The Speaker (Hon. Kahindi): Thank you hon. Japhet Nzaro for your presentation. Hon. Daniel Mangi.

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Hon. Mangi: Thank you, Mr. Speaker, Sir. I rise to demonstrate my support to this Report and before I give my supporting sentiments, may I take this opportunity to thank the Vice Chairperson of this General Oversight Committee for a job well done. May I also thank all the Members of this Committee individually and collectively for a job well done. Mr. Speaker, Sir, also let me take this special opportunity to thank you for your wisdom, courtesy, understanding, vision, decorum and direction that has spearheaded this County Assembly to the effect that we have initiated Standing Order 153 that is now leading in this oversight role. I am sure you will agree that maybe we are leading in the oversight role today because the other counties do not have these Standing Orders in place and therefore they are witnessing wrong things happening but they have nothing which they can do to counter attack.

I think it is obvious that as MCAs we have three fundamentals duties; Representation, Legislation and Oversight. On representation, we have done what is expected of us because we are representing our electorates. For legislation, we were below per but because of your wisdom we have now managed to legislate more than 40 Bills that have been signed into law by his Excellency, the Governor. That is a plus for us as hon. Members but oversight rating was below per. It was 30% when we had not managed well to counter attack the evils but for today we are rated 60% and this is the way to go; let us rise above our party affiliations, religious affiliations and stand firm and be united as we execute our oversight roles.

There are three very important factors that we should fight as a County Assembly; mediocracy, incompetence and corruption. These three vices we have to fight if we have to make sure that we safeguard Kilifi County and this notwithstanding, Kilifi County is rich in natural resources but we have to safeguard these natural God given resources and ensure that through good oversight we are going to reach far. May I quote the late hon. George Saitoti who once said Kenya is bigger than an individual. I am saying today Kilifi County is bigger than an individual. We are not against any individual but we are against a corrupt and an incompetent officer and any officer whether he or she is a Muslim or a Christian or whether he or she is from my Ward in Bamba or my Kadu Asili party but provided that he or she does not meet this threshold, then I will not be ready to accommodate him or her.

Hon. Members, let us rise above other trivial issues and stand firm and ensure that we fight and execute our mandate diligently. I support this Report and there is one recommendation that I really support which states that 'all projects be completed by 28th February 2016'. This is a recommendation that gives me pride and a new beginning because if this is implemented, then we will head towards a period where we can stand before a public rally and be proud and state our achievements.

For now, all those incomplete projects that we have allocated funds we are yet to be advised whether these projects will be executed with the already allocated funds and if the funds are available. That is why we are overseeing the Executive. What I am pleading with the hon. Members is that, this is a special Motion so let us forget all our differences and be united as we fight mediocracy, incompetence and corruption. With those few words, I rise to support this Motion. Thank you.

(Applause)

The Speaker (Hon. Kahindi): I am surprised by the eloquence of Members today. It seems like Martin Luther King has been reborn.

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Hon. Chai: Thank you very much, Mr. Speaker, for giving me a chance to stand and support the adoption of this Report. I do not have much to say but I would like to add one point; as Members were contributing, I took note of the issue of religion, tribalism and ethnicity. We should not engage on these matters because many of the people that we shall call to this House will come from different Wards and of different religions. So, it is upon us to go beyond such petty issues and demonstrate to the people out there that we are not divided on matters of religion, tribalism or ethnicity. It should also be known to everyone that, this is just the beginning on the execution of our oversight mandate. For all the officers who have been mentioned to appear before this House, they should take it very seriously and start getting ready for interrogation.

If I may give an example in my Ward, there is a stalled project of 2014 which I have heard that the contractor alleged its incompleteness due to its distance. Following the calling of the Chief Officer for Education, I will be in a position to know the truth behind its stoppage. As one of the hon. Members has pointed out, we should know whether the monies allocated for these 2013/2014 projects are still intact and can still be utilized. With those few remarks, I stand firmly in support of this Report and it is my hope that we will all be in support of it. Thank you.

Hon. Hassan: Asante sana mheshimiwa Spika kwa kunipatia nafasi hii. Mimi pia nimesimama kuunga mkono Hoja hii iliyoko mbele yetu. Niko na ombi moja ya kwamba hili jukumu lisipewe mtu mmoja kwa sababu hicho kitengo kina watu wengi ambao kila mmoja anajumuika. Utakubaliana na mimi ikiwa itawezekana wangelifanyiwa, samahani nitatumia neno la Kiingereza, *lifestyle audit* wale wafanyikazi wote walioko kwenye orodha ya kushukiwa. Kupitia hapo tutafaulu kwa sababu utakubaliana na mimi kwamba hawa maofisa maisha wanayoishi ni tofauti kabisa na kile kipato chao cha siku. Kupitia heshima ya Bunge hili, ikiwa itachukuliwa jukumu la kisawa kwamba mtu aingizwe mahali vizuri basi itakuwa mfano bora kwa wale wengine watakaokuja nyuma yao. Asante sana mheshimiwa Spika.

Hon. (Dr.) Chitibwi: Thank you very much, hon. Speaker, for giving me this opportunity. I stand to support the adoption of this Report. I think I have said it in this House several times that this Assembly is either going to lay the correct foundation for this county or not. This county will fail or succeed by our actions. Any House, however beautiful on top, will never stand if the foundation is poor.

I am prepared and I can see my colleagues are prepared to lay this foundation. The Assembly did a very good job in helping the Governor appoint the officers and during the interviews, I know these people did very well. Unfortunately, what is failing us is they were probably too clever during the interview or during the nomination process. They might have been covering our eyes because we are seeing that the performance of the officer starting from the County Executive Committee Members, the Chief Officers and the Clerks is very disappointing. We had high hopes but they are now diminishing.

The colonialist or the white person has been saying that Africa cannot govern herself. It has been said because of what is happening in Africa. When that is said, we all say it is because we chucked them out of our land. We coastal people and especially the people of Kilifi, very many things are being said about us by our fellow Kenyans. We are called lazy, incompetent and I can say it with authority because I have worked in very many areas of Kenya and what I have heard is very sad. I have been saying it is untrue and now as a county, we have been given an opportunity to correct that image but unfortunately we are only confirming what other Kenyans

and what the *Mzungu* thinks of us. It is up to us Members; are we going to allow it to go on? And if we do, it will be a pity for Kilifi County.

It is not easy; these people that we are dealing with are our brothers, our sisters, sons and daughters but we have to take action and somebody said if you do not discipline your child the world will discipline that child. We have given the opportunity to our Governor to take action. I am very supportive of the Governor and this Assembly has been very supportive of the Governor. We have been telling our Governor where we think things are going wrong but unfortunately he is not seeing it the way we are seeing it.

Now, let us help him and we are not saying we are targeting so and so in Education. I can say this House should target the whole Executive. We put them under the microscope and tell them what you are doing is wrong; take the right path. I am hoping by adopting this Report, the Governor is going to take the actions that this Assembly recommends. I am hoping by adopting this Report, other Members of the Executive are going to see where they are going wrong and correct themselves.

Fortunately, we know that very many things that are going wrong are deliberate. It is not out of incompetency or any other challenges but they are deliberate. Allow me to give an example hon. Speaker, Sir; when we questioned officers of this Department including the CEC, I just made a telephone call to complain about a 2013/14 project in my ward which is 99% complete; it has been lying like that and nothing has been done. Three days later the contractor went back and they are now finishing. What was stopping them doing that two years ago? Did it have to take this House to call those officers for that job to be done? Now I support this Report and the date that has been given by 28th.

What is happening out there is that mistakes of the Executive are being heaped on us and I do not blame Wananchi since they do not know the Executive. They never voted for the CEC Members; they voted for Daniel Mangi. We have to defend this county and defend our integrity as Members of this Assembly. We have to discipline that child if that parent is not disciplining. Without any malice; we love them since they are our children and they are our brothers but please start straightening yourselves. I support the adoption of the Report. Thank you very much.

Hon. Pascal: Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to the Motion before this House. Let me thank the entire House Oversight Committee which did a tremendous job. Secondly, let me again applaud your efforts as the Chairperson of this Committee. I believe we are on the right track and you have assisted this House to attain the required levels.

Let me again start by supporting this Motion. As a House, we have been passing the Budget in the subsequent years with an aim of assisting our people. We understand that when the Executive brings about the Budget here it will have pointed out on the areas that we feel when well implemented then Kilifians will have a good ride over the challenges that affect its people.

It is very ironical that despite our good effort to pass this budget and have very high hopes in tackling the issues that affect the Kilifian, it is very sad that somebody somewhere stands to actually distort the high levels of expectations of this House. In my own thoughts, I cannot in whatever circumstance entertain such efforts. These officers were brought here and we assigned them those duties hoping that they have the capacity to implement all the policies that the Government and this House passes. If you look at the recommendations of this Report, we will all understand that there is a mess that we need to correct as a House.

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The projects that were not implemented in the three subsequent years were projects that were meant to assist our people. Looking at these projects, you will see that many of these projects were aimed at bringing serenity in the ECD section and this is the sector that has left our children behind because we believe many of these children have not been able to go through early childhood education just because they lack the infrastructure in those areas. Our children have been attending classes when they are about ten years and this is an age where children are in class six or seven which I believe if we would have completed these projects in the relevant areas then our children would get early education at the right time and as they mature then they will actually be getting into advanced levels of education at the right age.

So, if somebody stands in between to make any effort that will deny our children education then that person is an enemy of the Kilifian and we need to ensure this person steps aside. In this Report, you can see that there are around 800 pupils who would have been accommodated in these structures that we would have built as a County Government. This is a very big number of children who have missed the opportunity to be in these structures and this is very bad for the County. Again, in these projects we have polytechnics which were supposed to be built and change the educational fortunes of our children. It is very sad that these polytechnics have not been constructed and as you know most of those who did not manage to go to secondary school are at home without any proper care because these institutions have not been installed for them.

As I wind up, I urge for caution especially in hiring of the county staff. Devolution has brought about employment in our midst but then this should not be construed to point out that maybe we hire someone who is not efficient or cannot perform just because he comes around here. I think there is need for us to be a bit cautious especially when hiring. There has been word that we hire people from our midst but then this has affected the performance because some of them are ours but are unable to perform. So, there is need for us to ensure that as we hire then we go for the best. The issues of religion and race should not arise especially when it comes to hiring our staff. I call upon my fellow Members to support the adoption of this Report. Thank you, Mr. Speaker.

Hon. Kenga: Thank you very much, Mr. Speaker. I rise to demonstrate my support for the Report that is tabled before the House. On 4th of March, 2013 the great people of Kilifi County made a decision to put in place leadership that would serve them for five years. This leadership had the Members of the County Assembly with three roles; Legislation, Oversight and Representation. The other arm of leadership within the County Government is the Executive and the Executive have responsibilities in executing the policies and implementing the projects that have been approved in the Budget to make sure that they deliver quality services to the people within the required and stipulated timelines.

What is surprising and guided by the constitution, Article 183 Sub-Article 3, where the County Executive Committee Members are supposed to submit Reports to the County Assembly, One; the CEC Member in charge of Education, Youth and Sports has not been able to submit the quarterly Reports to this Assembly as guided by the Constitution and the County Government Act. Mr. Speaker, even on demand it has not been very easy for us as an Assembly to be able to access this Reports. I am a Member of the Education Committee and I know the challenges that we have had in trying to access these Reports. One funny thing is that the Reports that we have been able to receive even after having to push so hard, we have also realized that these reports

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are not accurate. They have misled this Assembly and this was demonstrated when we had a session with the CEC Member and her entire team.

The Reports they were giving were very much conflicting. An officer in the department would give a contrary report regarding an issue and another one would give a different version regarding the same item. The County Government and I quote Article 183 Sub-Article 3 that:-

“The County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the county.”

These reports would help us as an Assembly to do our oversight role. These Reports would even help us to know what the consumption rates are and the challenges that we are facing as a county that we are not able to reach a certain level as regarding the issues of performance. She was vetted by the Assembly and given all the tools that were necessary for her to be able to perform and deliver. You will realize that in the initial response that was given out, she did not identify the shortage of manpower as a challenge that she was facing that would have hindered performance. Therefore, it is coming out very clear.

Education is one of the key elements of development and the reason why the County Government was given the issues of ECD was to make sure that we put in place a strong and proper foundation that will enable the people within the counties that form the Republic of Kenya, be able to start from a better foundation in terms of education which will now spearhead the development in other spheres of life. We are left worried when out of 172 projects that were intended to be performed in the financial year 2015/2016, only a handful of projects have been completed yet the resources were there; the funds were there. The Chairperson, Budget Committee of the County Assembly of Kilifi will attest that we provided all the funds that were required to make sure that this project could be implanted. Just recently, this issue was brought by the senior most Member in this County Assembly who served in the Defunct Local Authority, hon. Mwayaa; the issues of revoted projects.

This is not the best for us as a county that in our county we have revoted billions of shillings just because we are not in a position to use that money yet we have so many needs and challenges. As I rise to make my contribution, the County Government Act has given us a forum, an avenue to address this and the avenue is once out of the issues of incompetence then we have to initiate the process of removing the CEC Member so that we pave way for another person who given an opportunity will be able to deliver the services to the people. We are already late; the term is coming to an end and we cannot afford to waste more time.

Therefore, we need to make haste and make sure that we address this issue. Mr. Speaker, one of the recommendations that was put in place is even as we put the process and that these people give way for the appointment of another person to take their position, one of the important recommendations that is very key is the issue of stressing that and I will read this recommendation that, ‘all the incomplete projects in the department must be completed on or before 28th February of 2017’.

This is key because it will now give confidence to the public that out of all this that is happening, the County Assembly is implementing its oversight role in articulating the issues and doing representation they have been able even to recommend that all projects must be completed on or before the 28th of February, 2017. I beg to support and in supporting we are not looking at the religious issues, race, tribe, and clan but we are looking at the issues of performance whether

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somebody is in a position to perform. Therefore, time has already given us the answer that for the last three years this person has not been able to perform. I beg to support and I move that all Members of this County Assembly will support this Report. Thank you very much.

Hon. (Ms.) Chiku: Thank you, Mr. Speaker Sir. I rise to support the adoption of the Report of the General Oversight Committee on our CEC Education. This is a very painful decision that I am taking as a woman leader. I find it sad to have to push another woman leader in another position but Mr. Speaker, I do not take inefficiency and I do not tolerate inefficiency in myself. I have worked with Bamburi Portland cement for 29 years. There it was a matter of productivity and not availability. What we are seeing here Madam Salma is available but she is not productive. From what has transpired from the speaker on the floor and even when we interrogate her, she was not on top of things; she was not aware of what was going on in her Department.

Most of the questions we asked her she kept on referring to the Project Officer or to the Chief Officer; to me Madam Salma is just an excess baggage in this County Government. We do not have space for excess baggage; people are hired to work and they are all comfortable sitting in comfortable offices with big cars driving up and down. So, they have to perform. One hon. Hassan said we should also audit the Chief Officers; yes it is true that Chief Officers have made money in that Department and one Mr. Katana was actually asked to step aside and we have to call Mr. Aden here to interrogate him in short. But why is this happening? They have taken advantage of Madam Salma's weakness. If you do not have functional authority you will not perform. Salma was just but a teacher; we gave her that big position and now she lacks functional authority and it has exposed her so much that the whole county is crying on her performance.

As I said earlier, I have worked in Bamburi Portland cement for 29 years before I came into politics in 2002 and we used to have performance contracts and I am sure there are performance contracts here. What the CEC is saying is we have not heard about any performance contract of any CEC. So, I do not know; like what hon. (Dr.) Chitibwi said these things have been done deliberately with one single purpose. It is good that we are doing our oversight role and this is not going to stop at Madam Salma.

There is a lot of overwhelming inefficiency in some of our CECs. Look at what is happening in Ganze; today the Governor is embarrassed and he is going round giving out two kilos of maize flour to people while we have a CEC in charge of Agriculture who every year presents a Budget to this House and we are surprised he could not set aside some money or even get an expert say like from Israel and see that we do not have that problem.

We are now in 2016; the CEC Agriculture has not even tackled anything about the starvation in Ganze. The same thing applies to water. Today sending a water boozer to Ganze to distribute water and yet it rains a lot. Sometimes we get floods there and all this water is just running down; we are not harvesting any water. So in short, inefficiency is overwhelming in this County. Members, I urge you to support this Report so that we get rid of the excess baggage we have in this County. Thank you very much, Mr. Speaker, Sir.

Hon. (Ms.) Christine: Asante Mheshimiwa Spika kwa kunipa nafasi hii nikaweze kuchangia katika mjadala huu ulioko siku ya leo. Naunga mkono Ripoti hii kwamba Waziri wa Elimu akaweze kwenda, na niko na sababu. Sababu nyingi Mheshimiwa Chiku amezizungumzia sitaki kuzirudia lakini inasikitisha sana kuona mwanamke mwenzako unampeleka nyumbani aache ile kazi anafanya ambapo wanawake si wengi ambao wanashikilia zile nyadhifa kubwa.

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Lakini vile vile tukija kwa utenda kazi na hii naipeana hata kwa wale akina mama ambao wanatafuta viti katika nyanja ya siasi. Waache kusimama kwenye majukwaa kwa sababu wanaume wamekuwa hapo wanataka wanawake kubadilisha. Hii si kwamba mtu anataka mwanamke kubadilisha bali ni kwamba tunaangalia uongozi ndani yako; uwe ni mwanamke uwe ni mwanamume ni uongozi ndio unaangaliwa ndani yako.

Tulimuona Madam Salma tangu mwanzo aliitwa wakati mwengine hapa ikiwa tuna maswala mengi sana ya *bursary* na majibu yake alipokuwa akipeana hayakuwa majibu mazuri. Mara nyingi alikuwa analaumu waheshimiwa kwa sababu walikuwa wanampigia simu mpaka usiku na hii idara aliyoingia inashikilia mwananchi moja kwa moja kwa hivyo ni wazi simu zake zitakuwa nyingi na mimi nikiangalia waheshimiwa hasa wale ambao wamepigwa kura.

Mimi sijapigiwa kura lakini wale watu nawapata asubuhi kwangu nyumbani halafu naangalia na wale wenzangu waliopigiwa kura ni watu wangapi wanawapata asubuhi kuangalia mambo yao ya shule. Nikiangalia ile njaa ambayo iko Ganze na wale watu wa Ganze walikuwa wanategemea mifugo. Mifugo ndio hiyo inakufa na Januari inakuja na watoto watataka kwenda shule kidato cha kwanza na wengine wanaendelea tayari sekondari; walikuwa wakiuza ng'ombe wao mmoja au wawili ng'ombe sasa wameisha wote. Huyu waziri kama ndiye atakayekuwa pale atashughulikia vipi hili swala la elimu na *bursary*; naona tayari amefeli.

Kwanza nashukuru Bunge la Kaunti kwa sababu limeonyesha wazi kwamba liko tayari kupambana na hii hali mbaya ambayo inaendelea katika kaunti yetu. Jana nilikuwa katika mkutano na nahuzunika sana kwamba mtu alisimama na akasema mheshimiwa Zawadi simama utwambie maanake sisi kwasikia leo Madzayo amekuja kwenu Bunge na amewaletea milioni 20. Mimi nikashangaa maanake Madzayo tulikuwa naye hapa na hakunipa hata shilingi na sikumsikia akitamka kitu kama hicho. Lakini nikaambiwa elezea maanake Madzayo amekuja kwenu na mumeenda Eden rock, tena wako na habari zote; kutoka Eden rock mkaja Bunge na mlikuwa mnapewa milioni 20 mpaka milioni zingine sijui zimevekwa wapi. Kuna hata wafanyikazi wa benki wameenda kutiwa ndani kwa sababu hizo pesa mnaletewa nyinyi. Sasa mimi nikakuta ni habari ambazo sizijui. Nafikiri sasa ni wakati mzuri wa kupeana Bunge hili heshima yake na kufanya ile kazi ambayo inastahili. Wacheni kaisari apewe vyake na Mungu naye apewe vyake. Tutofautishe hivi vitu ili wananchi waone ni kazi gani tunafanya. Si mambo ya kuonea bali Salma alipoitwa hapa juzi majibu yake aliyoyajibu ilikuwa wazi kabisa ameshindwa na kufanya kazi.

Mimi nikiwa mama nyumbani niko na watoto watano na ninajuwa mtoto mmoja changamoto yake ni nini na ni mahali gani anaharibu na mwengine naye yuko vipi. Itakuwaje mtoto wangu leo amefanya hiki na sijui amefanya kile? Sijui sasa mimi pale wajibu wangu itakuwa ni nini. Kwa hivyo nikimuangalia kama mama mara mbili ya kiongozi mwanamme hapo amenifeli mara mbili maanake yeye kwake naona mwanamke ni kioo cha jamii kwa hivyo kazi yake ni iwe bora zaidi kushinda yule mwanamme lakini hapa mama huyu ametuangusha hivyo nami naunga mkono wale wenzangu na hili Bunge kwa ujumla kwamba mama huyu aende nyumbani; tutafute mtu anayeweza ile kazi. Wale wanachini wake wote na si wizari huyo wa elimu peke yake, ni wizara karibu zote zina ulegevu ndani yake. Tuangalie kila mahali ni ulegevu gani uko ili wale watu wapishe njia wenzao waingie na tufanye kazi. Kwa hayo mengi na machache, naunga mkono.

Hon. Mwachenda: Thank you, Mr. Speaker, Sir. The CEC Member Education together with his entire staff particularly the Project Officer and the Procurement Officer have done more harm than good to this great County of Kilifi. That is why I am now on my feet to

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support the adoption of this Report. If out of 172 projects, only 19 projects are complete, this clearly indicates that this Department has totally failed us and they are heading to gross incompetent.

If I am not wrong, after the thorough interrogation of that Department on that day, it came out clearly that this Department can only work under close supervision, thus it totally shows us that the Department is unfit to serve the people of Kilifi County. The issue of lack of control over the Department for the CEC Member Education also arose. The CEC Member, Education, together with her entire staff is more of a liability than an asset to this county. Come what may but all the incomplete projects in the Department must be completed. There is a Swahili saying that states that, “*Heri Punda afe lakini mzigo ufike.*” It has come a time as a County Assembly to do away with all these people completely and start afresh. Thank you. I stand in support.

Hon. Kiraga: Thank you very much, Mr. Speaker, for giving me this chance to make my contributions. I stand to demonstrate my support for the adoption of this Report. Before I even start my contributions, I would wish to comment on what hon. (Ms.) Christian Fondo has said about the issue of I do not know 2million or 20 million; this Assembly has mature MCAs who cannot be bribed under any circumstance. I think we should not put some politics in these issues which directly affect the common man.

I think what hon. (Ms.) Christine was trying to say in this House came out of a Jubilee meeting she attended and we should not put party issues in this matter. I want to inform hon. (Ms.) Christine and any other Member in this House that, we cannot be bribed under any circumstances. We are fighting for the rights of our people and today we want to demonstrate our fight for the public and the hon. CEC Member should go. The County Government of Kilifi is composed of two arms; the Legislative Arm and the Executive Arm. I want to inform the public that the Legislative Arm has done a lot; we have been rated as one of the best counties after having passed over 30 Bills, and this is a very big credit.

So, we are working as per our mandate but the Arm failing Kilifi County is the Executive. In Education, if you look at the financial year 2013/2014 we had 57 projects and only 44 projects were complete; that means that 13 projects were not only incomplete but they had not been done. 2014/2015 we had 114 projects to be done and only 74 projects were done. We thought that the Department would have solved the challenges that they were facing as the year went by. Look at what happened in the year 2015/2016, we had a totally of 172 projects and only 19 projects were done; this is pathetic. This is a reason to send one home; we do not have to have so many things. These are sufficient reasons to send the hon. CEC home; she has to go.

The recommendation of the Committee on Oversight number six; that all the incomplete projects in the Department must be completed on or before 28th February. These projects have to be completed; in fact before the end of December and it is possible. This is because money is there and if we put good man power in this Department even by December all these projects can have been completed. During the Governor’s tour, it was pathetic because the report which the Department of Education had in their hands was contrary to the report on the ground. That is why when the Governor went to Moeba, the report said that Moeba ECD project was complete which is in Gongoni Ward, Ngomeni Sub-Location. The Report with the Executive from the Education Department claimed that Moeba ECD Project is complete and that is why they planted a sign board where there wasn’t even a stone.

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That is why we had demonstrations from the resident of that area. They were furious why there was a sign post showing a complete project while there was nothing on the ground. We have been getting many confusing and conflicting reports from the Education Department which does not correspond with exactly what is on the ground. I think these are also reasons we should have the CEC going home. They claim to have a service charter. While a service charter as we all know gives one time limit; a certain project will be completed by a certain period. However, it looks like they are not following their service charter and I do not know why this thing should be planted in their officers while it is something that they cannot implement. If you look at our budget since 2013/2014/2015 up to date, the consumption rate for the Department of Education has been the lowest. That is why we have been seeing a lot of revoted money; we cannot revote money as if we do not have challenges on the ground. This Department has every financial year revoted large sums of money.

Another issue, it is the same Department which over 75% of the LASDAP (Local Authority Service Delivery Action Plan) projects went missing. So, it is a Department which had done more harm than good as what hon. Mwachenda has said. So, the CEC should pave way so that we can have a competent person manning this docket. Secondly, I wish that after the CEC Education has gone, the other CEC Members should also follow suit. So many things are happening in this county of which I think there must be change. With those few remarks hon. Speaker, I say thank you very much. I also urge my fellow Members who I think are ready that the CEC should go.

(Applause)

Hon. Gambo: Asante sana Bw. Spika kwa kunipa nafasi hii nami niweze kuchangia Ripoti hii. Mwanzo, nataka kupongeza Kamati na Bunge lote la Kilifi kwa kuweza kuja na ukaguzi huu hatimaye kuweza kufikia kutoa Ripoti yetu. Ni Ripoti hii ambayo imewezesha hata watu wa Kilifi kuweza kujua kazi ya Bunge hili. Ndani ya wiki nikiwa katika ziara za maeneo ya mazishi na pia katika Wadi zetu ndio nilijua kuwa saa hii wananchi wamegundua ya kwamba Nyumba hii ina uwezo kama Bunge na ina uwezo kama ule wa hakimu.

Walipopata Ripoti hizi wananchi wengi wamekuwa na nguvu na pia kujua kwamba wale waliowachagua ni watu wa ukweli na wana uwezo wa kufanya kazi zile ambazo wametumwa. Bw. Spika, nilikuwa nikisikiza kwa umakini niweze kuona wachangiaji wa Ripoti hii wataenda kuona ule uamuzi namba tano kwa ofisaa huyu ndugu yetu Bw. Julius Munga kwamba wamtaje. Nisingeweza kunyamaza kumtaja ofisaa huyu nikichukua mfano wa Wadi yangu. Kuna wakati nilikuwa natembelea miradi na nikakuta mradi wa eneo la Bureni ambao umetendwa hali ya kwamba sidhani kama ni fundi ambaye alipewa mradi huo.

Hatimaye nikaenda kwa Waziri na akaniambia niende kwa watu wa *procurement*. Nilisikia uchungu sana kwamba tulichagua Waziri ambaye hata wakati wakiwa na ukaguzi wa wanakandarasi, walikuwa wanachukua ambao wanajua kazi hii ilhali leo hii Waziri ananiregesha mimi kwa huyu mkaguzi. Sikuwa na ujuzi huo wa kuweza kuona huyu ndiye anayeweza kukagua wanakandarasi kwa nguvu za watu wa Junju walizonipa kuja Bunge hili nikaweza kuenda kwa ofisaa huyu. Ofisaa huyu akanijibu ya kwamba huyo aliyechaguliwa hapo anaonyesha dhahiri kwamba hakuwa na uwezo wa kuweza kuendesha mradi huo. Fundi huyo pia hakuwa na ujuzi wa kutengeneza mradi huo; sasa sikujua ni nani ambaye ni mhusika zaidi ambaye tumemchagua wa kupata kandarasi hizo.

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Leo hii hapa tumetoa uamuzi kwamba ofisaa huyu aweze kuenda nyumbani ili tuweze kupata wakaguzi wa kandarasi ambao wako tayari kuendesha serikali yetu ya Kilifi. Sisemi hivyo kwa uonevu wowote kwani ofisaa huyu anatoka eneo la kwangu na kama ni kabila ni mchonyi na nina haki yoyote ya kumtetea vilivyo lakini hatuko katika ukabila wala dini wala hali yoyote ile. Tunalotaka ni kwamba tuweze kupata maofisa ambao wako tayari na wanaweza kufanya kazi yao kama walivyodhihirisha wakati wakikaguliwa. Nimesimama kuunga mkono Ripoti hii na zaidi ni kwamba ule ulegevu wa Ripoti zikienda kule kwa wale wa kuweza kuchukua hatua basi ningetaka kusema ulegevu huo usionekane tena bali hatua ambazo tumezichukua zichukue mkondo ili Kilifi tufike kule ambako tunatarajia. Asante. Naunga mkono Ripoti hii.

The Leader of Majority (Hon. Mwingo): Thank you, Mr. Speaker for giving me this opportunity to demonstrate my support for the adoption of this Report. I am the Majority Leader of this Assembly and ordinarily I am representing the Government of Kilifi but as I always say, apart from being the Majority Leader I also have a Ward; I represent Mtepeni Ward and the people of Mtepeni are the ones who brought me to this House. One of the factors that my people are looking that can make them to take me to the National Government is the projects. I am not going to be like Aden Duale in the National Government who supports everything that comes in the Assembly.

It is just recently when the Report about Anne Waiguru went to the National Assembly and Aden Duale stood very firm to protect her but then what happened? I am not of that nature because what is happening actually is one way of failing even His Excellency, the Governor. I need to be re-elected, the Governor needs to be re-elected and everybody in this House needs to be re-elected and one of the factors that can make us to be re-elected is the projects. It has shown totally that this docket is not performing so I am not shy to say that madam Salma has to go. I am not ready and I cannot just sit down and watch that the good image of this Government badly tinted; let everybody carry his or her own cross. I stand to support the adoption of this Report. Thank you.

(Applause)

Hon. Ibrahim: Asante sana Bw. Spika kwa kunipatia nafasi hii. Nasimama na wenzangu kuunga Ripoti hii mkono. Madam Salma alipokuja hapa kukaguliwa stakabadhi zake, sisi kama jamii ya waislamu katika Bunge hili na wenzetu wa kikristo hawakuangalia dini. Waliangalia usomi na wakaona ya kwamba Madam Salma anafaa kutumikia Jimbo letu la Kilifi. Na ninashukuru walipitisha na hakuna hata mmoja aliyesimama akasema Madam Salma hafai. Sote tulisimama wima, hatukuangali dini, hatukuangalia chochote, waheshimiwa wakasema Madam Salma afaa kutumikia na ndio tukampatia kazi.

Nashangaa leo wengine wanalalamika wakiwa nje wanasema tunaonea waislamu; tunataka kuwambia katika Jimbo hili na Bunge hili kama wewe ni Muislamu na hufai kufanya kazi uko na utepetevu ama wizi ama kiburi, tutakuondoa. Kama wewe ni Mgiriamu ama kabila gani lakini hutumikii ipasavyo Jimbo letu ni lazima...

(Hon. Ibrahim spoke off record)

Iko sawa sasa; ni mapepo yameingia Bw. Spika.

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(Laughter)

Lakini kwenda nyumbani watu watakwenda; watuletee mapepo watuletee majini lakini kwenda nyumbani watu watakwenda. Nataka kusema na kuwaambia waheshimiwa wenzangu nilifurahi nilipoona kwamba Waheshimiwa zaidi ya 35 wamesaini karatasi kwamba Salma ni lazima aende; niona raha sana. Na hivyo ndivyo inatakikana. Hii imetupatia pumzi kwa sababu mambo yote ambayo yanafanyika katika Jimbo hili tunaambiwa sisi tuko na wale jamaa. Tunaambiwa tunachotewa lakini leo hii ninaweza nikatoka nje na nikaita mkutano na nikaelezea wananchi huyu wa kwanza ameenda bado huyu mwengine ndio tunachunguza naye afanye nini? Aende. Watu watashukuru.

Nataka kuwaambia wenzangu kizungumkuti kitakuja kwenye sakata ya wizi ambayo mamilioni ya pesa yanapotea katika Jimbo letu sio ya kwamba leo hii tunasema Salma aende lakini wakati tunachagua wale wezi katika Bunge hili kuna wengine wamezwe na wale watu. Itakuwa ni makosa Waheshimiwa kwa sababu saa hii wanababaika; wanatetemeka na sisi tunawambia tuko tayari tunawangojea. Wamekula pesa lakini watazitapika; wamekuwa na kiburi lakini tutawarekebisha.

Wakati tulipoapishwa katika Bunge hili, tulikuja na afya nzuri sana lakini ukiangalia Waheshimiwa afya zao saa hii ambao sisi ndio tunakaa katika *air condition* tunapigwa na hewa nzuri. Bunge liko sawa na hakuna vumbi lakini utakuta saa hii Mawaziri wananenepa na *Chief Officers* wananenepa ilhali Waheshimiwa wanakonda.

(Laughter)

Mambo yamegeuka. Hakuna Waziri hata mmoja katika Jimbo hili ambaye anatumikia serikali ana chini ya kilo 60. Wanafanya kazi gani hawa watu? Ni mambo ya kushangaza na ya kuangaliwa vizuri. Hapa tuko na Naibu wa Spika na ni cheo kikubwa sana lakini angalia mwili wake; nenda ukaangalie mwili wa *County Secretary* Owen Yaa Baya. Ninataka kuwaambia Waheshimiwa kwamba ni lazima tusimame wima tushirikiane na turekebishe uchafu ambao umekita mizizi katika Jimbo letu la Kilifi. Asanteni na Mungu awabariki.

Hon. Chiriba: Thank you, Mr. Speaker. I stand to support the adoption of this Report. Beside the fact that many issues have been raised supporting the adoption of this Report, I also want my voice to go on record that I am in support of this Report following some few concerns. I remember when the CEC Member and her team were brought before this hon. House, in their submissions they mentioned of a project in my ward that the project has been done and the truth is that nothing has been done.

This is very much annoying in the sense that I learnt that even they were not in a position of knowing what was on the ground. It was evident that that the CEC Member was not able to visit these places of concern. Even as I stand here today, that area has nothing that has been done, I had even issued a letter that the contractor be changed so that we can have someone who is able to deliver. But I have been getting stories that they had warned the contractor and the contractor had promised to come on site and do the work but it is very unfortunate that nothing is happening. I have seen many complaints that have been brought in this House majorly on the Department of Education. So it is clear that the CEC Member is incompetent. We have been

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empowering the Department by giving out money that would help handle our concerns. But it is to my surprise that this money is lying in waste.

We have encountered losses that are seen and losses that are not seen. With this I mean that I as a hon. Member have always been visiting the offices in Kilifi and you know the distance from Jilore to Kilifi; only to go in the name of pushing for something to be done. While it is already a responsibility for someone to handle, I take the Executive as the muscle of this county. This is because they are the implementing agents and as a matter of concern, the elections are near and the electorate down there do not know anything about the Executive rather they know me as the one who promised them that this and this shall be done so every day they are throwing stones at us. My faith comes only through that recommendation that by February those projects should be done and I pray that they be done so that I can also stand a chance of saying a thing before the voters. I stand in great support. Thank you.

The Speaker (Hon. Kahindi): Hon. Teddy (Mwambire) can you make your submissions?

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

Hon. Mwambire: Thank you very much, Mr. Speaker. Today is a historic day that surpasses even the day...

The Speaker (Hon. Kahindi): Hon. Stanley (Kenga), you have a Point of Information?

Hon. Kenga: Yes. Thank you very much, Mr. Speaker, just a request to hon. Mwambire as he makes his final submissions. I was looking at the prayer as provided for in the Standing Orders of the County Assembly of Kilifi. It is a very good prayer that has some of the values that have been enshrined in the Constitution. That as he winds up his final submissions he takes us through the Kiswahili version of the prayer so that we can now make our decision. Thank you very much.

The Speaker (Hon. Kahindi): I am not sure if you will be able to do that in Kiswahili.

Hon. Mwambire: Of course I can Mr. Speaker but I think that the details that we have in the Report are very okay and the hon. Members in this House are aware of the prayer because they took an oath which will be demonstrated today.

The Speaker (Hon. Kahindi): Proceed.

Hon. Mwambire: Today is a very historic day that surpasses even the day that we officially opened this Chamber. It is the day that we are going to demonstrate the compliance of the oath of office that we took as Members of the County Assembly. Last year November, exactly like this Month, I was nominated and later crowned to be the male champion of women in leadership in East and Central Africa.

That was a position because of my initiative to embrace and to nurture women in leadership. Hon. (Ms.) Salma Muhidin is a good female friend of ours. Someone whom we have had all the belief and confidence that she could perform to the best of our aspirations but when she came to this House for interrogation, I think it is very evident because I took some time to even make a request of her withdrawing the Report that she had brought before to this House because her Report was contrary to the truth. She stood very firm that she was going by the Report because she knew everything in the Report was exactly what was on the ground. That was an indication of an autocratic position that she was ready to bite the bullet from this Assembly and today the officers who said the Report was precise should take the full

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responsibility. One is the CEC Member and two, the procurement officer because in their own Report, they said that contractors have no capacity.

If a Report is signed saying that contractors have no capacity, it stands as an indication that the procurement officer is not able to come up with people who can furnish the best projects which we need in this county. With that realization, it informed us of the kind of officers that we have in this county and this is just the first of a long journey that we are going to undertake. This is because in every Department we have very big challenges. As a Chairperson of the Liaison Committee, I have always had meetings with the Chairpersons of the various Committees and we have been discussing on the various ways and means of engaging the Executive so that we can enhance the absorption rate of each Department but we have failed and that is why the Committee on General Oversight has brought a broad light to every Member because we are now in a position to air the issues that we have on ground vis a vis the lies that we had been feed by the Executive.

It is ironical to discover that the Executive have now turned thinking that the County Assembly is very lenient to the standard that they can be blackmailed by some individuals. By now, we are aware that our colleagues; our big brothers, the Members of the National Parliament have come up with a propaganda claiming that the MCAs are being bribed so as to do certain things. This is just a diversion to make sure that we shy away from the good work that we are doing. Let us stand firm as Members of the County Assembly because even if a whole hon. Member talks of 20 million that is something that we should brush away. This is because 20 million cannot sustain the prize of the Members of this County Assembly.

We are 53 Members, how much can each Member attain from 20 million to the extent that we go by what they think? This is the first Assembly in the history of the Country which is able to remove a member of the Executive. The National Assembly has never done that because the moment they even think of doing so they are given money and they move away. I am telling them that if that is what they think will be done to us then let me assure them that will not happen. Even if they have money, let them bring the money but we will stand by the oath of office that we took.

We said in all our rulings that we will make sure that we do so; without fear, favour or partiality. That is the oath of office that we took and we will go by that. Hon. Members, I know it is very bitter because some of these officers are our brothers and sisters; some of the officers that we are impeaching are our own blood people, while some of them are our very close friends. For instance, the ones we are handling today are our very close friends to each one of us but there comes a time when friendship, blood relationships among other connection or networks are less important than the aspirations of the great people of Kilifi. It is today that we need to make a historic decision; a decision that will distinguish us of whether we are worth coming back and being entrusted with any public position in life or not.

The decision that we are going to make here is very evident because it was manufactured from audio visual exhibits. It is not manufactured from lies and hallucinations. It is something whereby we called somebody and it was televised and all the questions that were raised their responses were very clear. So, if any one of us thinks otherwise from this Report, then I think that, that is not just democracy but it is reserved democracy which does not go as per the aspirations of the great people of Kilifi. With those few remarks, I call upon hon. Members to raise above all our aspirations and stand very firm and think of the betterment of transformative leadership in this county by accepting the adoption of this very first glorious Report of the

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General Oversight Committee. Thank you very much. May God bless you but Salma and the procurement officer must go.

(Applause)

The Speaker (Hon. Kahindi): Thank you very much, hon. Teddy Mwambire. Hon. Members, today being Tuesday, the 22nd Day of November, 2016, the County Assembly of Kilifi has deliberated the Motion for its adoption of the first Report of the Committee on General Oversight on the interrogation of the County Executive Committee Member in charge of Education, Youth Affairs and Sports on the status of its Development Projects for the Financial Year 2013/2014, 2014/2015 and 2015/2016 laid on the Table of this hon. House on Monday, 21st November, 2016. I will now move to put the question.

(Question put and agreed to)

(Applause)

Hon. Members, just to elaborate on the recommendations as having being made by the Committee. By adoption of this Report therefore it means:-

That, the Chief Officers Mr. Adan Mohamed and Emmanuel Katana Joseph and the County Secretary do appear before the Committee on General Oversight to explain their roles in the implementation of the County Government Projects for the County Department of Education, Youth Affairs and Sports for the FY 2013/2014, 2014/2015 and 2015/2016 and as ordinary practice they have seven days within to appear.

Number two, it therefore means, the County Executive Committee Member in charge of Education, Youth Affairs and Sports has been recommended to be removed forthwith. Now to do that a process of impeachment must to be initiated. Otherwise, the County Assembly by that recommendation alone cannot send the CEC home. So, I do expect to receive a Motion of impeachment from the Members.

By the adoption of this Report it also means that, the process for removal of the County Executive Committee Member in charge of Education, Youth Affairs and Sports be initiated with immediate effect due to her incompetence. So the recommendation is the process of removal should commence with immediate effect.

Fourth, it means that by adopting this Report, stern administrative action be taken against the following officer; Mr. Jamal Bugo, Project Office and this recommendation will be sent to the Department so that administrative action is taken.

Number five: by the adoption of this Report also means that the County Public Service Board initiates a process with immediate effect for the summary dismissal of the Procurement Officer in the Department of Education, Youth Affairs and Sports, one Mr. Julius Munga, for gross incompetence. The Clerk should therefore communicate that with immediate effect as it has been adopted by the House.

By adopting this Report, it also means that all the incomplete projects in the Department MUST be completed on or before 28th February, 2017 and to achieve that it also a recommendation of the House that the Executive and in this case the Governor appoints an

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interim team to oversee the completion of these incomplete projects as cited in Recommendation 6 above.

Hon. Members, I want to thank you. That marks the first Report of the Committee on General oversight and as recommended in the next seven days, the Chief Officers and the County Secretary will appear before this House. They will be interrogated and a further Report will be made and I hope it will be done before the break for the long recess so that we close this chapter this year.

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 LIVE SALES YARD BILL, 2016

The Chairperson (Hon. Mwambire): Hon. Members, welcome to the Committee of the Whole House on deliberations of the Kilifi County Livestock Sales Yard Bill, 2016. As you all know that in the Committee of the Whole House some rules are relaxed and a Member can speak more than once but most of them remain the same. So, let us move very first. I will call upon the Clerk to take us through. I believe the Chairperson is in the House.

Clause 3 (1)

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

THAT, in Clause 3 (1) the words ‘or use on’ should be deleted and it shall therefore read as follows; ‘a person shall not hold, operate or manage a livestock sales yard in the County without a valid license issued pursuant to the provision of this Act.’

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

(Clause 3 (1) as amended agreed to)

(Clause 4 agreed to)

Clause 5 (b)

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

THAT, Clause 5 (b), add the word ‘weight’ to read as follows; ‘a description of the livestock, which includes the kind, approximate age, sex, weight and any marks brands or other distinguishing or identifying marks.’

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

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(Clause 5 (b) as amended agreed to)

(Clause 6, 7, 8, 9 & 10(3) agreed to)

Clause 11 (2) (d)

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

THAT, Clause 11 (2) (d) the word 'sick' should be deleted so the sub clause should read as; 'seize and confiscate any stolen and abandoned animals.'

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

(Clause 11 (2) as amended agreed to)

Clause 12 (1)

Hon. Gambo: Thank you Chairperson, Sir, I beg to move:-

THAT Clause 12 (1) be amended by deleting the 10 and replacing it with 11 for it to read; subject to section 11 (1) (b).

(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 in place thereof be inserted, put and agreed to)

(Clause 12 (1) as amended agreed to)

(Clauses 13, 14, 15 and 16 agreed to)

Clause 17

Hon. Gambo: Thank you Chairperson, Sir, I beg to move:-

THAT Clause 17; introduce a new sub clause to be sub clause 17 (f) as follows; 'no animal shall be transported without a movement permit from the relevant authorities.'

(Question of the New sub clause 17 (f) proposed)

(New Sub Clause read the First Time)

(Question, that the New Sub Clause be read a Second Time, proposed)

(Question, that the New Sub Clause be read a Second Time, put and agreed to)

(The New Clause was read a Second Time)

(Question that the New Sub Clause be added to the Bill, put and agreed to)

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Clause 18

Hon. Gambo: Thank you, Chairperson, Sir. I beg to move:-

THAT Clause 18, the words 'not exceeding' should be inserted in between the words 'fine' and 'one' and further include the words "or both" towards the end of the sentence to read as follows: 'any person who transports livestock contrary to the provisions of this Act commits an offence and shall on the conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred thousand shillings or both.'

(Question of the amendment proposed)

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

(Clause 18 as amended agreed to)

Clause 19

Hon. Gambo: Thank you Chairperson, Sir. I beg to move:-

THAT Clause 19, introduce a sub clause 3 to read as follows; Clause 19 (3) 'any animal exposed for sale have a health certificate'.

(Question of the New Sub Clause 19 (3) proposed)

(New Sub Clause read the First Time)

(Question, that the New Sub Clause be read a Second Time, proposed)

(Question, that the New Sub Clause be read a Second Time, put and agreed to)

(The New sub clause was read a Second Time)

(Question that the New Sub Clause be added to the Bill, put and agreed to)

(Clause 20, 21, 22&23 agreed to)

Clause 24

Hon. Gambo: Thank you Chairperson. I beg to move that Clause 24 be amended by introducing a sub clause to be sub clause (3) which will state as follows; 'every livestock sales yard shall have a reliable source of water.'

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

(Clause 24 as amended agreed to)

(Clause 25 agreed)

Clause 26

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Hon. Gambo: Thank you Chairperson. I beg to move that clause 26 be amended by deleting the following Sub Clauses; Sub Clause 2, Sub Clause 3(c) and (d), and Sub Clause 5(b) (iii)

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

(Clause 26 as amended agreed to)

Clause 27(1) (a)

Hon. Gambo: Thank you, Chairperson. I beg to move that:-

Clause 27 (1) (a) be amended by inserting the words; ‘or the weight of the animal’ at the end of the sentence to read as; ‘regular sale where the price of livestock shall be determined by the prevailing livestock sales yard price or the weight of the animal, or’

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

(Clause 27(1) (a) as amended agreed to)

(Part 6 clause 28 and 29 agreed to)

(Memorandum of Reasons and Objects agreed to)

Clause 2

Hon. Gambo: Thank you, Chairperson. I beg to move that:-

Clause 2 be amended by adding the words ‘camels and donkeys’ on the definition of the word livestock.

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

(Clause 2 as amended agreed to)

(The long title agreed to)

(The short title agreed to)

Hon. Gambo: Chairperson, I beg to move that the Committee Report to the House it’s consideration of The Kilifi County Livestock Sales Yard Bill, 2016 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House Resumed)

[The Speaker (Hon. Kahindi) in Chair]

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Hon. Mwambire: Hon. Speaker, Sir. I beg to report that the Committee of the Whole House has considered the Kilifi Livestock sales Yard Bill, 2016 and approved the same with amendments.

Hon. Gambo: Thank you, Mr. Speaker, Sir. I beg to move that the House doth agree with the Committee on said Report. I call upon hon. Lali to second.

(Hon. Lali seconded)

(Question proposed)

Hon. Lali: Asante sana mheshimiwa Spika kwa kunipa nafasi hii. Ni muhimu sana Bunge hili kupitisha Sheria hii kwa sababu ukiangalia katika eneo kubwa la Jimbo hili la Kilifi ni sehemu kame. Watu wengi wanafanya kilimo cha ufugaji kutafuta kujikimu kimaisha. Sheria hii itakapopita itatoa fursa kwa serikali yetu kutengeza masoko na watu binafsi pia kuunda masoko katika sehemu mbali mbali. Lengine linalonipunga zaidi katika sheria hii, kutapatikana nafasi mwafaka ya kujengwa masoko madogo madogo kwa ajili ya kufanya biashara mbali mbali katika masoko haya ya mauzo.

Mheshimiwa Spika, ukipata fursa hivi sasa ya kutembelea soko la mauzaji ya mifugo la Bamba utasikitika vile wafanyi biashara wadogo wadogo wanavyoendesha biashara nyengine pale pale katika soko mbadala katika mchanga na vumbi. Kuna wafanyi biashara wanafanya biashara ya chakula, kuna wafanyi biashara wanafanya biashara ya kuuza vifaa mbali mbali lakini hakuna masoko yaliyotengezwa kwa ajili ya biashara hii.

Sheria hii inapopita, itaweka uwepo wa kupatikana nafasi za kufanya biashara kama hii. Mheshimiwa Spika, hivi sasa watu wanaopeleka mifugo yao katika masoko hakuna sheria inayolinda vipi mifugo itaweza kuangaliwa kabla haijaingia sokoni lakini sheria hii itaweza kukaguliwa kabla haijaingia sokoni. Sheria hii itakapowekwa kufanya kazi itakuwa kuna mipangilio wa mifugo ikaguliwe na ipitishwe ndio ifike sokoni ili iuzwe kwa ajili ya matumizi ya chakula kwa wanadamu. Kwa hayo machache nasimama nikiunga kupitishwa kwa Sheria hii.

(Question put and agreed to)

Hon. Gambo: Mr. Speaker, Sir, I beg to move that Kilifi County Livestock Sales Yard Bill, 2016 be now read the Third Time. I call upon hon. Lali Sadi to second.

(Hon. Lali seconded)

(Question Proposed)

The Speaker (Hon. Kahindi): Yes hon. Lali Sadi.

Hon. Sadi: Mheshimiwa Spika nashukuru tena kwa kunipa nafasi hii kuweza kusimama na kusukuma kupitishwa kwa Sheria hii. Hivi sasa katika masoko ya kuuza mifugo, hakuna sheria zinazolinda vipi haki za mifugo zinaweza kudumishwa ili hata kama mnyama yule amekuja kuchinjwa ama kuuzwa lakini haki zake ziweze kuangaliwa.

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Wanyama wanapowekwa katika masoko yetu, hakuna mpangilio wa kuona kwamba wametengewa chakula, maji na pahali wanapowekwa ni pahali panapostahiki kwa mnyama awekwe na akae salama. Sheria hii inapokwenda kupita itaangalia mambo yote haya. Kwa hivyo, napendekeza waheshimiwa wenzangu tupitishie sheria hii ili masoko yetu yadumishwe na mifugo wetu wakae katika hali nzuri. Shukran mheshimiwa Spika.

(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 in the afternoon. Thank you.

The House rose at 11.08 a.m.