

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 23rd February, 2016

The House met at the Temporary Chambers at the defunct Malindi Municipal Council, Malindi Town, at 2.30 a.m.

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

PRAYERS

QUORUM

The Speaker (Hon. Kahindi): Clerk, do we have quorum?

Clerk-at-the-Table: No Mr. Speaker, Sir, we do not have quorum.

The Speaker (Hon. Kahindi): Ring the Quorum Bell.

(Quorum Bell was rung)

The Speaker (Hon. Kahindi): Clerk, do we have quorum?

Clerk-at-the-Table: No Mr. Speaker, Sir, we still do not have quorum.

The Speaker (Hon. Kahindi): Ring the Quorum Bell once again.

(Quorum Bell was rung)

The Speaker (Hon. Kahindi): Clerk, do we have quorum?

Clerk-at-the-Table: Yes Mr. Speaker, Sir, we have quorum.

MOTIONS

ADOPTION OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON BENCHMARKING VISIT TO THE SENATE

Hon. Matsaki: Mr. Speaker, Sir, on behalf of the Members of the Sectoral Committee of Justice and Legal Affairs and pursuant to the provisions of Standing Order No. 192, it is my pleasure and duty to present the Report of the Committee on Justice and Legal Affairs on the visit to the Senate.

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Mr. Speaker, Sir the Sectoral Committee on Justice and Legal Affairs was constituted by the House on Tuesday, 23rd April, 2013 and was later reconstituted following the successful revision of the County Assembly of Kilifi Standing Orders on 31st July, 2014. It comprises of the following Members:

1. Hon. Valentine Matsaki Mwamanga - Chairperson
2. Hon. Barka Mohammed - Vice Chairperson
3. Hon. Stephen Mlanda - Member
4. Hon. Esther Dzidza - Member
5. Hon. Adamson Mwathethe Kadenge - Member
6. Hon. Anderson Ngombo Kithi - Member
7. Hon. Grace Mbodza Chihanga -Member
8. Hon. Nickson Mramba -Member
9. Hon. Foleni Kenga -Member

Our Mandate is stipulated in Standing Order No. 192 of the County Assembly of Kilifi Standing Orders that states that; there shall be Committees to be known as Sectoral Committees comprising of nine Members who shall be nominated by the County Assembly House Business Committee in consultation with County Assembly Parties at the commencement of every County Assembly.

A Member appointed to a Sectoral Committee at the commencement of a County Assembly or at any other time during the term of a County Assembly shall, unless the County Assembly otherwise resolves, serve for the term of that County Assembly unless the County Assembly otherwise directs.

The Sectoral Committees and the subject matter respectively assigned to them shall be set out in the Second Schedule for the mandate of Sectoral Committees in respect to the subject matter assigned under the Second Schedule of these Standing Orders and shall only be exercised within the limits contemplated under part two of the Fourth Schedule of the Constitution.

The functions of Sectoral Committees shall be to:-

- a. Investigate, inquire into and Report on all matters relating to the mandate, management activities, administrations, operations and estimates of the assigned departments.
- b. Study the programme and policy objective of Departments and the effectiveness of the implementation.
- c. Study and review all county legislation referred to it.
- d. Study, assess and analyze the relative success of the Departments as measured by the results obtained as compared with their stated objectives.
- e. Investigate and inquire into all matters relating to the assigned Departments as they may deem necessary, and as may be referred to them by the County Assembly.
- f. To vet and Report on all appointments where the Constitution or any law requires the County Assembly to approve except on those under Standing Order No. 185, Committee on Appointments.
- g. Make Reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

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Mr. Speaker, Sir, may I take this opportunity to appreciate all the Members of the Committee on Legal Affairs and Human Rights Senate and Nairobi County Assembly Committee on Justice and Legal Affairs for their valuable contributions and participation that assisted the Committee to get the several findings which guided them in making this Report.

The Speaker (Hon. Kahindi): Hon. Matsaki is that a Motion you are moving? It is too long.

Hon. Matsaki: Yes, it is a Motion but because Members have been given these copies just this morning, I thought it was wise for me to go through the whole Report so that at least every Member can have an opportunity to understand it or if otherwise give me direction Mr. Speaker. I thought it was very wise for Members to hear from the Chair what transpired in Nairobi.

The Speaker (Hon. Kahindi): No, they have eyes to see and to read. Your role is to just move the Motion.

Hon. Matsaki: Thank you for your guidance Mr. Speaker.

The Speaker (Hon. Kahindi): And then you have it seconded and whether it is going to be adopted or not.

Hon. Matsaki: Mr. Speaker, Sir, the Justice and Legal Affairs Committee experienced quite a number of challenges in the exercise of its role and mandate...

The Speaker (Hon. Kahindi): What you could have done, hon. Matsaki, simply read the Motion 'THAT this County Assembly adopts the Report...' because the assumption is this was already tabled for the Members to go through. Your Report should be within the custody of the Members. What you would be asking them to do today is to adopt the Report which was already submitted to them. Is it your submission that they have not heard?

Hon. Matsaki: In fact the copies were given just this morning, otherwise when I...

The Speaker (Hon. Kahindi): Then if the Reports were supplied today then we are not ready, it cannot be ready. Because the procedure is; a Report is tabled and the Report is handed over to the Members at the time when the Report is being tabled so that...take a seat hon. Matsaki.

Yes the procedure is very simple, once a Report has been tabled then, it must be handed over to the Members so that you are given a time frame to read. So, that by the time when we are coming here, the position is that the Members have already looked at the Report so what the Chair does is simply to ask them to adopt by moving a Motion for adoption. So, if you are confirming to me that the Report in its physical nature... then clearly they might not be able to contribute to the Report. Madam Clerk, is that the position?

Hon. Matsaki: Mr. Speaker, Sir, that is the position.

(Laughter)

The Speaker (Hon. Kahindi): Have you given out the Report to the Members today?

(Clerk-at-the-Table nodded in agreement)

The Speaker (Hon. Kahindi): Then you should have consulted the Speaker I could have given direction.

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Clerk-at-the-Table: Yes Mr. Speaker, Sir, I have just been informed that the copies were given to the Members today.

The Speaker (Hon. Kahindi): You people should know the procedure by now. I mean, why should I always have to correct you? Why should I have to do your work, do these Members have any magical powers to read and comprehend Reports in minutes and debate them? Seriously, I mean it is not good practice. You do not expect these Members to sit here today, get a Report today and digest it and debate it. Where is due process? You should have actually approached me and advice me that this Report has been availed today. I would have given direction that we take another day.

Hon. Matsaki, it does not matter if you read it to them; as a matter of procedure, that Report should have reached them on the day when the Report was tabled. That is why a Report comes twice; you table, give duration of not less than 30 days or there about, whichever is appropriate, and then another date is taken for debate.

So, I direct that... just take a seat hon. Matsaki. Let us take this matter to the House Business Committee for another allocation of time because it is a total waste of time. To even begin to imagine that these Members have read and understood the Report whereas they have been given today unless of course there is any change of... okay and the same applies to the Delegated and Legislation Committee.

I think the Clerk's office will need to give an explanation to this; why these Reports are being submitted late to the Members. Is it they do not have printing papers or you do not have... See what is happening, because you do not have to expect Members to debate something they have seen today. This Report can only continue if it will only be left to the Justice and Constitutional Committee because it is the only one who is privy to the Report but the rest of the Members are in the dark. So, if the same also applies to the Committee on Delegated Legislations, you see the fact that you have tabled the Report and you have not supplied that actual Report to the Members, nothing can be done.

So, I direct that the two Reports be taken back to the House Business Committee next week for allocation of time and since Members have confirmed they have received it today when we come back we will be ready to proceed.

ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON BENCHMARKING VISIT TO THE SENATE

THAT, THIS County Assembly adopts the Report of the Sectoral Committee on Justice and Legal Affairs on benchmarking visit to the Senate laid on the table of the house on Monday 15th February, 2016.

(Motion deferred)

ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE PUBLIC FINANCE MANAGEMENT, KILIFI COUNTY ASSEMBLY STAFF MORTGAGE SCHEME FUND REGULATIONS, 2015

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THAT, this County Assembly adopts the Report of the Select Committee on Delegated County Legislation on the Public Finance Management, Kilifi County Assembly Staff Mortgage Scheme Fund Regulations, 2015 laid on the table of the house on Monday 15th February, 2016.

(Motion deferred)

BILLS

Second Reading

THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATION BILL (ASSEMBLY BILL NO. 6), 2016

(By leave of the House)

Hon. Mangi: Hon. Mr. Speaker, Sir, I beg to move that the Kilifi County Supplementary Appropriations Bill, 2016, (Assembly bill no. 6) be now read a second time. Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. Members, the Motion to read the Bill for the second time has been moved by the hon. Chair of Budget.

(The Bill was read a Second Time and committed to a Committee of the whole House today afternoon by leave of the House)

The Speaker (Hon. Kahindi): Thank you.

ADJOURNMENT

Hon. Members in the absence of any other business in the Order Paper, I move to adjourn this House until in the afternoon at 2.30 p.m. Thank you very much.

The house rose at 9.50 a.m.

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