

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**

**THE HANSARD**

**Wednesday, 21<sup>st</sup> October, 2015**

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

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

**PRAYERS**

**PAPER LAID**

**AUDITORS GENERAL REPORT ON THE DEFUNCT LOCAL AUTHORITIES IN KILIFI COUNTY**

**Hon. Kaingu:** Mr. Speaker, Sir. I wish to lay the Report of the County Public Investments and Accounts Committee on the Auditors General Report on the five Defunct Local Authorities in Kilifi County. I call upon hon. Alphonse Mwayaa to second in this connection.

*(Hon. Kaingu laid the Report on the Table)*

*(Hon. Mwayaa stood at his place to second)*

**STATEMENT**

**ORDER OF BUSINESS OF THE WEEK**

**The Speaker** (Hon. Kahindi): Who is reading the Order of Business for next week?

**Hon. (Ms.) Mwaro:** Thank you Mr. Speaker, Sir, for giving me the chance to present the Order of Business of the week starting from 25<sup>th</sup> October to Friday 30<sup>th</sup> October 2015. As adopted by the House Business Committee.

DAY	DATE & TIME	BUSINESS
<b>MONDAY</b>	<b>26TH OCTOBER, 2015 AT 2.30 P.M.</b>	<ul style="list-style-type: none"> <li>▪ Notice of Motion by Hon. Nixon Mramba to the Department of Education.</li> <li>▪ Notice of Motion on the Review of the County Assembly of Kilifi Standing Orders by the Chairperson; Rules and Procedure Committee.</li> </ul>

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		<ul style="list-style-type: none"> <li>▪ Statement to the Leader of Majority by Hon. Teddy Mwambire.</li> <li>▪ <b>Responses to Statement Sought</b> <ol style="list-style-type: none"> <li>1) Department of Health Services- Clarification on the levels of Hospital (Chairperson- Health Services)</li> <li>2) Department of Environment and Natural Resources (Chairperson Environment and Natural Resources)</li> </ol> </li> </ul>
<b>TUESDAY</b>	<b>27<sup>TH</sup> OCTOBER 9.30 A.M.</b>	<ul style="list-style-type: none"> <li>▪ Tabling of the Audit Report of the County Assembly- Chairperson, County Public Investment and Accounts Committee</li> <li>▪ Motion by Hon. Nixon Mramba to the Department of Education</li> </ul>
<b>TUESDAY</b>	<b>27<sup>TH</sup> OCTOBER 9.30 P.M.</b>	<ul style="list-style-type: none"> <li>▪ Motion on the Review of the County Assembly of Kilifi Standing Orders by the Chairperson Rules and Procedures Committee.</li> </ul>
<b>WEDNESDAY</b>	<b>28<sup>TH</sup> OCTOBER 2.30 P.M.</b>	<ul style="list-style-type: none"> <li>▪ Tabling of the Report on Finance Bill, 2015. Chairperson; Budget and Appropriation Committee</li> <li>▪ Motion for the Adjournment for the Third Session, Third Part, Short Recess from 29<sup>th</sup> October to 6<sup>th</sup> November, 2015.</li> </ul>
<b>THURSDAY</b>	<b>29<sup>TH</sup> OCTOBER</b>	<ul style="list-style-type: none"> <li>▪</li> <li>▪ COMMITTEES</li> </ul>
<b>FRIDAY</b>	<b>30<sup>TH</sup> OCTOBER</b>	<ul style="list-style-type: none"> <li>▪ COMMITTEE</li> </ul>

Thank you Mr. Speaker, Sir. I beg to sit.

### MOTION

#### ADOPTION OF THE REPORT ON THE KILIFI COUNTY MICRO FINANCE FUND (MBEGU BILL), 2015

**Hon. (Dr.) Chitibwi:** Mr. Speaker, Sir. I beg to move that this House adopts a Report on the Committee on Planning, Trade and Cooperatives on the Kilifi County Micro Finance Fund

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(Mbegu Bill), 2015 Laid on the Table of the House on Monday 19<sup>th</sup> October 2015. I call upon Hon. Mangi to second.

*(Hon. Mangi stood at his place to second)*

**The Speaker** (Hon. Kahindi): Honourable Members, the Motion to adopt the Report on Planning, Trade and Cooperative Committee on the Kilifi County Micro Finance Fund (Mbegu Bill) 2015 has been tabled for debate.

*(Question proposed)*

**The Speaker** (Hon. Kahindi): Yes hon. Mangi.

**Hon. Mangi:** Thank you Mr. Speaker, Sir, for giving me this opportunity. I rise to support the adoption of this Report. Mr. Speaker, we are in a new dispensation hence stamping our authority as far as empowering the youth, we are duty bound to ensure that this Report is adopted. May I take this early opportunity to thank the honourable Chair for Planning, Cooperatives and the other Members who did a commendable job. After the adoption of this Report, this County Government will be duty bound to ensure that, we empower the youth and form these very important entities whereby we will be funding the youth and the special groups. This will help us conform to the section in the Constitution that we are an independent Government, in a larger National Government.

Mr. Speaker, we have been receiving complaints from the entire County that we have not been recognizing the youth and the small scale business entrepreneurs. This is the opportunity to say that after the adoption of this Report, this County Government will be one of the Counties that will be leading other Counties in recognizing the youths and small business entrepreneurs. I stand to support this Report and I want to plead with the other Members to support this Report. Lastly, I would like to emphasize that; the adoption of this Report will be the break through and the beginning point of empowering the youths and the other groups. I beg to support.

**The Speaker** (Hon. Kahindi): Thank you hon. Mangi. Yes hon. Foleni.

**Hon. Foleni:** Asante sana, Mheshimiwa Spika. Nimesimama kuunga mkono Ripoti ilioretwa na Mwenyekiti wa Kamiti hii. Nataka kusema kwamba, wakaazi wa Kilifi kwa muda mrefu wamekuwa wakipata mikopo midogo midogo kupitia kwa mashirika, benki na vyama vya kijamii. Wakaazi hawa wa Kilifi, wakiwemo makundi ya vijana na akina mama wamekuwa wakipata pesa hizi kwa riba ya juu. Naamini ya kwamba, tunapopitisha Ripoti hii siku ya leo basi wakaazi wa Kilifi watapata nafasi ya kukopa pesa ambazo zitaweza kumudu biashara zao kule nyanjani. Hatimaye wataweza kuondoa njaa kupitia kwa kilimo na biashara na waweze kujisaidia katika hali zao za hapa na pale. Mheshimiwa Spika, nasimama mbele ya hii Bunge, kusema kwamba naunga mkono Ripoti hii na ninawaomba Wambunge wenzangu tuweze kusimama kidete ili tuhakikishe tumepitisha Ripoti hii ili iweze kusaidia mkaazi wa Kilifi. Mheshimiwa Spika, naunga mkono. Asante sana.

**The Speaker** (Hon. Kahindi): Yes, hon. (Ms.) Mwaro.

**Hon. (Ms.) Mwaro:** Asante Sana Mheshimiwa Spika kwa kunipa fursa hii nimesimama kuunga mkono Ripoti iliyoko mbele yetu. Kwanza, wacha kongole zangu ziende kwa Mwenyekiti kwa jitihada alizokua nazo pamoja na kamati yake kuleta Mswada huu Bungeni. Mheshimiwa Spika, tunaelewa kwamba hapo nyumaye, Kilifi Kaunti ilikuwa inahesabika kama baadhi ya Kaunti ambazo zinapata pato kubwa kupitia kwa utalii lakini sasa tunajua kwamba sekta hii imekua na changamoto. Mheshimiwa Spika, utakubaliana nami kwamba wakati unapo kosa la mama hata la mbwa utaamwa. Kaunti Imekuja na mfumo wa kutoa huduma hii ya Mbegu

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*Fund* ambapo kupitia kwa huduma hii watu wetu wa Kilifi Kaunti wataweza kupata mikopo, si vijana, si akina mama na si watu wanaoishi na ulemavu watu wote wa aina tofauti, wataweza kujikimu katika hali zao za kimaisha na hali zao za maisha kuweza kuinuka. Mheshimiwa Spika, nasimama kuunga mkono.

**The Speaker** (Hon. Kahindi): Thank you very much. Yes hon. Japhet Nzaro.

**Hon. Nzaro:** Thank you Mr. Speaker. I rise also to support the adoption of this Report.

*(Hon. Pascal stood on a Point of Order)*

**The Speaker** (Hon. Kahindi): Yes.

**Hon. Pascal:** Mr. Speaker, with all due respect, care and minding our Standing Orders, I would like to get your clarity whether the Member who is ready to contribute is in Order as far as dressing code is concerned. Thank you.

**Hon. Nzaro:** Mr. Speaker, I beg to inform the Member that we are living in an era of digital representation. I think he does not know the meaning of a suit Mr. Speaker. Thank you.

**The Speaker** (Hon. Kahindi): The decision is mine hon. Japhet Nzaro.

*(Laughter)*

I have never seen a digital suit but you can proceed with your submission.

**Hon. Nzaro:** Thank you Mr. Speaker. I rise to support the adoption of this Report. Mr. Speaker, Mbegu Fund is a phenomenon which was expressed visibly before this County and has received a lot of eyebrows in the community. When this Report came to this House I said *oh God* things are now moving in the right direction. Mr. Speaker, this Bill is coming at the appropriate time. Enterprises, youth and women empowerment in this County has been the talk of this County. Now we have this Bill, these things will become a reality where our youths and women can borrow funds from this kit and benefit this County economically.

Mr. Speaker, jobs are very scarce and if we can have avenues to create jobs for our youths and women then even we honourable Members of this Assembly will be very comfortable sitting in our offices because hunger will become a thing of the past. This Motion and this Bill will bring a lot of good things in this County. There are also issues of youths indulging in drugs and very bad habits. I think these issues will be mitigated by the effects of this Bill because they will have some work to do when they get this money. Mr. Speaker, it is very difficult for a youth to start a business in this County but because of this fund even all those youths who have no money or they live in poverty will be very comfortable having access to this fund so that they can ensure their livelihood is okay. Thank you Mr. Speaker, I support.

**The Speaker** (Hon. Kahindi): Yes hon. Kiraga.

**Hon. Kiraga:** Thank you Mr. Speaker. It is unfortunate that the Member who has just sat has not discussed this Report and I fail to understand why. I have been listening to the few Members who have been contributing and to my view most of them are discussing the importance of the Mbegu Fund but not the content of whatever is in this Report. Mr. Speaker, I think it is high time you give us some guidance. Thank you very much.

**The Speaker** (Hon. Kahindi): I give you the opportunity to discuss whatever is in the Report hon. Kiraga. Serjeant- At- Arms give him the microphone; let us hear the contents of his debate. You know debate is debate; it depends on how people see it but if you have noted what you are supposed to say then say it hon. Kiraga.

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**Hon. Kiraga:** I was rising on a point of Order, probably next time I will seek a chance to air my views.

**The Speaker** (Hon. Kahindi): I have also noted your concern and it has always been my concern that when Members are not prepared to deal with issues raised in the Report, they put political theatrics but the best way is to actually criticize what the Members are saying in the Report. Debate has no rules, it depends who is the best and who is not the best. That is why I am saying since you have noted you need to zero in the Report; I give you the earliest opportunity to do that or you still need some time to read the Report? Yes hon. Teddy Mwambire.

**Hon. Mwambire:** Thank you very much Mr. Speaker. I rise to support the adoption of this Report. Mr. Speaker, I have some reservation on the adoption of the Report because of some things that I have noted in this Report which I will point out just to... but again looking at the need of operationalisation of this fund in this County. I think it will be very noble for the Members to accept the adoption and finally pass this Bill so that we can at least start. There will be lots of experience which we will use to do amendments like what we did with the Scholarship act initially. Mr. Speaker, I would not wish Mbegu Fund to be Captured at the Sub County levels because looking at the magnitude of the Sub County and the geographical coverage of the Sub County is vast, if you look at clause 10 (2) (e) whereby they are talking about the Sub Counties....

**The Speaker** (Hon. Kahindi): Which page are you on hon. Mwambire?

**Hon. Mwambire:** This is page...pages are not well indicated instead we have summarized notes on the Order Papers. In the Report, they have mentioned about deleting the phrase in Clause (10) (2) (e) of two other Members opted by the Sub-County Committee and inserting the Phrase Sub County Officer in charge of social welfare or representative dully nominated in writing. Generally, if you look at the Bill itself, it has curbed all the operations at the Sub-County levels. They might have done that because by the time this Bill was being drafted we only had Sub-County Officers while the Ward Administrators were not in place. Currently we have the Ward Administrators in place, which I think if these considerations could have been given that option then it could be easier for the women groups, youth groups and people living with disability to easy the administrative cost of going to the Sub- County Headquarters every now and then...

**The Speaker** (Hon. Kahindi): There is still room for amendment.

**Hon. Mwambire:** Yes, we have room for amendment now and later. I am foreseeing the need to utilize the one hundred million which is currently pending in the account. Mr. Speaker, the other point that leads to my support of this Bill is the realization of clause 10 (2) (F) which mentions the inclusion of a woman, youth and a person living with disability. Mr. Speaker, by having these people included in these Committees, I am now relaxed because I know that women will be effectively represented. The young people including hon. Mwambire, hon. Matano and hon. (Ms.) Selina will be well represented in these Committees.

I am aware that, the people living with disabilities face a number of challenges which have always been pointed out in this Assembly by hon. Sophie and our great Vice- Chairlady of PIC & PAC hon. (Ms.) Mwaro. With this Bill they will be well represented and they will have an opportunity to move around and see how the people living with disability are benefitting from this Fund. Mr. Speaker, this Fund is a noble gesture to this County because it will assist both existing enterprise and those coming up. What is important is that, when we start we will be in a position to come up with comprehensive amendments which will make this law more important in this County.

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Mr. Speaker, other Counties like Kwale got this idea from our County and they went ahead to implement it while Kilifi were busy taking time to analyze how best the legal implication will be. Mr. Speaker, it is high time that, Members shade off all the differences that we have amongst ourselves and make sure that we adopt this Bill. After three or six months the responsible Committee will be in a position to go through the operations of this law and even go ahead and check with our colleagues in Kwale on the similar difficulties we are facing and come up with a comprehensive amendment rather than killing it at this moment. I feel that, the few observations that I have made can be a clear indication to my colleagues to buy the idea of supporting the adoption of this Report so that we can pave our way forward. Thank you very much Mr. Speaker, I stand to support.

**The Speaker** (Hon. Kahindi): Yes hon. Pascal.

**The Leader of Minority** (Hon. Pascal): Thank you Mr. Speaker, for giving me an opportunity to contribute towards the laid Report. Mr. Speaker, first of all I want to commend the Committee on the excellent work they have done on this Report.

Mr. Speaker, the adoption of this Report will lead to improve the lives of both our youth and women and all those who are qualified to get these funds. Mr. Speaker, for a long time our youths have received little or no assistant from both the National Government and the County Government. I strongly believe this Law was made to target the youth and women who have languished in poverty for a long time.

Mr. Speaker, we have taken the youth for granted seeing them as stubborn and a source of all the social evils in the society. We have not thought of what triggers their behavior; recently we witnessed our youths being recruited in Al Shabab. Without compassion we have harshly criticized them forgetting that they are looking for job opportunities. Through the adoption of this Report, I believe we will have solved one of the social problems that have eaten up our youth in the society. There has been a large number coercion here and there from the jobless youth demanding for change and inclusion in the County Empowerment Development Programs. Looking at this Report I have noted that the interest rate that will be charged to these monies that will be given to the women and youth is almost zero.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER 50 (b)**

**Hon. Kiraga:** Point of Order.

**The Speaker** (Hon. Kahindi): Yes hon. Kiraga.

**Hon. Kiraga:** Mr. Speaker, I am rising under Standing Order number 50 (b) to seek the adjournment of this debate to a later date. To allow the Members have a full view of this Report, so that we can at least contribute positively towards this Report. I beg hon. Stanley Kenga to second me.

*(Hon. Kenga stood at his place to second)*

**The Speaker** (Hon. Kahindi): Okay thank you hon. Kenga, you are also in a digital suit.

*(Laughter)*

Honourable Members, a Motion that requires no notice has been given by hon. Kiraga under Standing Order 50 (b) to suspend the debate and the same has been seconded by hon. Stanley Kenga. Yes hon. Nzaro.

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*(Question proposed)*

**Hon. Nzaro:** Thank you Mr. Speaker, I rise to oppose the adjournment of this debate. Mr. Speaker, I don't support the adjournment for reasons that I am sure my fellow Members will agree with me. One, this Report was circulated earlier, and it was in our pigeon holes. The only thing that I want to say is that, some of our Members do not take their Reports in the pigeon holes. Then when they came to this Assembly they try to find a way to ... the debates for instance on a very important Motion like this. Mr. Speaker, I think it is high time that Members dedicate on what brought us to this Assembly. Thank you.

**The Speaker** (Hon. Kahindi): Thank you. Yes hon. Stanley Kenga.

**Hon. Kenga:** Thank you very much Mr. Speaker, just looking at the quality of debate that we are receiving from the Members and the concerns raised by the Chairperson for health who is also the Member representing Gongoni Ward hon. Albert Kiraga. I have these few contributions to make. We are just not here to make contributions that may not add value to the business of the House. For the few Members who have not been picking their Reports from their pigeon holes sorry for them.

This is what I want to believe, the reason as to why Members are making these kinds of contributions is because they have not familiarized themselves with this document. Mr. Speaker, look at the document! It is a pretty huge document and I am sure Members will require more time to go through it. Realizing that yesterday was Mashujaa day and after having had a very... just the other day we were touring the County with his Excellence the Governor. Kiraga and I hosted him in our respective Wards and I believe there are a lot of things that have been taking place. Mr. Speaker therefore, I wish that we be availed an opportunity for more time to go through the report so that when we come to the House, we are now in a position to make quality contribution Mr. Speaker. Thank you very much.

**The Speaker** (Hon. Kahindi): Yes hon. Mramba, Legislator from Kakuyuni Ward.

**Hon. Mramba:** Asante Bw. Spika. Nimesimama kupinga Mswada ulioletwa na Mheshimiwa ambaye anajiita daktari kutoka Gongoni. Ukweli lazima tuuseme, Itakua si haki na itakua ni wizi wa wazi tuje hapa kwa dakika kumi, tuondoke huku pesa ya uma inatumika. Ni lazima Wabunge wenzangu tujikimu na tufanye kazi iliyotuleta hapa ili kile kichache unachokipata uwe umekifanyia kazi. Mheshimiwa Spika, Itakua si jambo jema hizi karatasi zimewekuwa pale, kama wewe ni daktari ama unashuhuli gani, hutashuhulika kwenda kuchukua karatasi halafu uje hapa leo useme unaomba muda.

Ripoti hii Mheshimiwa Spika si kubwa kama ile ya Kamati ya dharura. Ripoti ile ya kamati ya dharura ilikuwa mara mia zaidi ya hii, kwa hivyo napinga kwa sababu wananchi wetu tumewatangazia kitambo kwamba kuna kitu kinaitwa *Mbegu fund* inakuja na wamekuwa wakiisubiri na pesa ziko kwa bajeti. Mheshimiwa Spika, naomba tujadili tuiptishe ili wananchi wetu wapate manufaa. Asante.

**The Speaker** (Hon. Kahindi): Yes hon. Teddy Mwambire.

**Hon. Mwambire:** Mr. Speaker, I stand to oppose the Motion raised by my great friend hon. Kiraga and seconded by neighbor hon. Stanley Kenga. I do not feel comfortable if somebody calls these six pages voluminous. I do not know how voluminous we could call... it cannot even be an ECD (Early Childhood Education) student's exercise book. Six pages Mr. Speaker and when I say six pages I add even the Order of business.

Mr. Speaker, if you look at the budget, this Assembly has been passing budget for Mbegu fund three times and we have not been in a position to utilize that fund because of lack of

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legislation. Mr. Speaker, even an ordinary man knows that if justice is delayed then that justice is denied. We have denied the great people of Kilifi...

*(Hon. Kenga stood on a point of Order)*

**The Speaker** (Hon. Kahindi): Yes.

**Hon. Kenga:** Thank you Mr. Speaker. I rise on a Point of Order seeking your guidance on the same. My neighbor hon. Mwambire is talking about a six page document, I do not know, but I have a document that has very many pages, I do not know whether we are on the same line Mr. Speaker, I need to be guided.

**Hon. Mwambire:** Mr. Speaker, we are reading the summary of the Report which is here having the details of what has been amended by the Committee that is what we are passing. The rest Mr. Speaker is the whole Bill which Members were given over a month ago. This Report was tabled in this House last Monday and Members were given copies of the same. Mr. Speaker, I believe even in my earlier contribution when I was contributing about this Report...

**The Speaker** (Hon. Kahindi): Let me give direction on what we are talking about here because the rest of this big document is the minutes and the copy of the Bill. Isn't that so?

**Hon. Members:** Yes.

**The Speaker** (Hon. Kahindi): Then do we all have this document?

**Hon. Members:** Yes.

**The Speaker** (Hon. Kahindi): This is a summary of what is before us which will then proceed to the Committee of the Whole House. So how many pages are they?

**Hon. Members:** Six.

**The Speaker** (Hon. Kahindi): Proceed hon. Teddy Mwambire.

**Hon. Mwambire:** Mr. Speaker, let us be very vigil and make sure that we pass this legislation today Mr. Speaker, bearing in mind that after next week this House will be adjourning for a short recess. So, it means that since we have already lost the first quarter we are likely going to lose the next quarter because the recommendations that have been made by this Committee requires advertisement and recruitment of the people who will be taking care of this fund. Mr. Speaker, this needs a lot of time, which means that this fund might start to be utilized around April.

Mr. Speaker, if we keep on pushing, it means that we will not be in a position to utilize this fund within this financial year. Mr. Speaker, that is why I feel no matter how great the Members who are opposing are in making their contributions in this Assembly to be very valuable, this time round let them give us time to give contributions that will be for the betterment of this Bill. Mr. Speaker, let us be very focused and accept to proceed so that at least the people of Kilifi can get these funds as fast as possible. May God bless you Mr. Speaker, for granting me an opportunity to oppose that dreaded Motion.

**The Speaker** (Hon. Kahindi): Hon. Kiraga, do you have any submissions to make?

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

**The Speaker** (Hon. Kahindi): Please proceed.

**Hon. Kiraga:** Mr. Speaker, may I also thank those Members who have contributed. I have seen the light, that whatever we are doing here is very important. Mr. Speaker, we are in the



process of making a law which is going to be used in this County for many years. I also believe that we are making this as representatives of the people; it should be at our finger tips.

As how my colleague has put it, looking at the contributions made by the Members before me Mr. Speaker, they have not been contributing as per this document. They were contributing to the importance of the fund, we already know that the fund is very important. What we need to note is how the Committee dwelt on the establishment of the board? How is the board being established as per this Report Mr. Speaker?

How has the Committee dwelt on that section? Mr. Speaker, if you come to the administration of the fund, how has the Committee dwelt on that aspect too? Because what we are making here is law and we want our people to benefit from that fund. If we are not going to be careful Mr. Speaker, the disbursement of the fund may be very impossible for the people to get the fund and benefit from it Mr. Speaker.

What we are saying is we are not opposing the establishment of this fund, what we are opposing Mr. Speaker is that we are not debating the Report. Why are we not debating the Report because we are short of information as far as the document is concerned Mr. Speaker. We want to see how the Committee dwelt on very important issues.

The issues of the composition of the board, who is going to be the board chairperson, how is he being appointed? These are the things that we should know. All these things are being found in this document. Everybody knows the fund is important. My fellow Members let us adjourn the debate of this Report for a later date so, that we can contribute very positively as we will have read this document thoroughly. Thank very much Mr. Speaker.

**The Speaker** (Hon. Kahindi): Thank you honourable Members. The honourable Member for Gongoni Ward hon. Kiraga has moved a Motion under Standing Order 50 (b) to adjourn the Report on the table by the Committee on Public Accounts. Honourable Members, I will now put the question.

*(Question put and negatived)*

Therefore we resume back to the debate on that report. It is always a parliamentary rule that the Majority will have their say and the Minority will have their say unless of course you need to move another Motion to suspend the debate.

*(Laughter)*

Yes, we are back on track now and as a matter of procedure where a Member had been interrupted on a debate they are supposed to be given some chance to wind up so please conclude your remarks.

**The Leader of Minority** (Hon. Pascal): Thank you very much Mr. Speaker, let me wind up, there are some issues that I also had noticed and I had plan to bring out at the end of my contributions. One of the issues is on the fund expenditures, where we have a phrase that says “deleting a phrase in clause 16 (1) (a) “*Loans to the small and macro enterprise owners or Member,*” inserting “*loans to qualified applicants.*”

Mr. Speaker, most of the targets of this fund are people who are not qualified. Unless, they tell us... or this law stipulates what qualification one should have for them to qualify or what a group should have to be qualified. We are likely to lose a lot of targeted youths who might miss this fund. That notwithstanding, I still support the adoption of this report because I

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know there is a leeway that will make this Assembly bring things back to track by introducing an amendment Motion to this Report. Thank you very much, I stand to support.

**The Speaker** (Hon. Kahindi): Yes hon. Stanley Kenga.

**Hon. Kenga:** Thank you very much Mr. Speaker. Allow me to congratulate the Committee...

*(Applause)*

They have put their energy and efforts in coming up with a report before the House. They have done a wonderful job. The honourable Member for Gongoni hon. Albert Kiraga was very convincing that's why, one; when we were here doing the scholarship fund Bill everybody went home telling their people that we are going to get more than the 14,000 Kshs that we had the previous year, only to realize the same law that we rushed through the House Mr. Speaker, was giving us ten....

*(Hon. (Ms.) Mbeyu stood on a Point of Order)*

**The Speaker** (Hon. Kahindi): Yes hon. (Ms.) Mbeyu, take a sit hon. Stanley Kenga.

**Hon. (Ms.) Mbeyu:** Mr. Speaker, let the words of the speaker on the floor go to the HANSARD that what we had in the last time in scholarship was 14 million and not 14,000.

**Hon. Kenga:** Thank you very much, I am getting guidance from the Chairperson on the Scholarship and it is good that we are getting it from her that it was 14 million. I attended various meeting of the honourable Members who called Members of the public and told them that we had passed the Scholarship Fund and we are going to get more than 14 million only to realize what was put in the budget was 350 million that was supposed to be equally distributed among the 35 Wards. Therefore, there have been concerns by the Member for Kakuyuni, I am told he calls himself a Legislator but I do not know whether he is sitting for the KCSE exams or...

*(Laughter)*

...but all the same Members of Kilifi need this Bill to be passed so that they can have access to these monies for development, it now calls for us as Members, to make sure that we look at it and the Minority Leader has given us an opportunity that there is always a way....

*(Hon. Mramba stood on a Point of Information)*

**The Speaker** (Hon. Kahindi): Do you wish to be informed hon. Kenga?

**Hon. Kenga:** I do not wish to be informed Mr. Speaker.

**The Speaker** (Hon. Kahindi): Okay, just proceed.

**Hon. Kenga:** Thank you. The Minority Leader has given us that there is a window of opportunity that once this is passed, we could still come back to the House as Members and introduce amendments to make it even better. I therefore even want to convince hon. Kiraga that we are all in support with this Bill so that our people can really benefit. Thank you very much Mr. Speaker.

*(Applause)*

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**The Speaker** (Hon. Kahindi): I have very interesting Members in this Assembly. Hon. (Ms.) Barka has been lobbying to make sure you come back to their side. Anyway yes hon. (Ms.) Barka let us hear from you.

**Hon. (Ms.) Barka:** Asante Bw. Spika, nimesimama kuunga mkono Ripoti hii iliyoletwa na Mwenyekiti wetu wa Biashara na Mipango na wanakamati. Mumeleta Ripoti hii kwa wakati unaofaa. Kusema kweli Bw. Spika, ningeomba wote walioko hapa waunge mkono maana tukiangalia huko nyanjani watu wengi wamejitokeza kuleta biashara ya kuuza pesa. Wanasema wanapeana mikopo kwa akina mama na vijana lakini mwishoni inakuwa ni vita majumbani kwa sababu wakati wakizidai hizo pesa huwa ni ugomvi mtupu kwani riba yao iko juu. Nina hakika sijaisoma nakala lakini yale madogo ambayo nimeyapata kutoka kwa naibu Spika wetu ni kuwa pesa zilizoko zina sheria kidogo na tutarudi tena hapa Bungeni ili tusawazishe yale ambayo hayakuwekwa sawa. Kule nyanjani akina mama wanalia, vijana wanalia na hata wale wanaoishi na ulemavu pia wanalia kwa sababu wengi wanadangaywa pesa zile ni za kufanya biashara na watapata faida na ilihali mwenye kuleta pesa ndiye mwenye kupata faida zaidi kwa sababu ile riba huwa iko juu kushinda hata ule mkopo. Kwa hivyo, nimesimama kuunga mkono Ripoti hii ili pesa hizo zipatikane, ziwe ni nafasi za kazi kwa wengine na iwe ni maendeleo kwenye majumba yetu. Huwezi kuchukua mikopo bure mpaka kuwe na bidhaa ama vitu vya kusimamia mikopo ile. Nina hakika kwamba mikopo yetu itakuwa ni ya kuangalia Kilifi Kaunti nzima kwa ujumla ili watu wajiendeleze.

*(Applause)*

**The Speaker** (Hon. Kahindi): Yes hon. Kiraga.

**Hon. Kiraga:** Thank you Mr. Speaker, I rise to support the adoption of the report.

*(Applause)*

it is not that I was opposing the report, I was just putting my guts that some of us were not ready to contribute. Mr. Speaker, I rise to support the adoption of the report.

*(Applause)*

Why Mr. Speaker? The committee did a very commendable job and I have no doubt that the leadership of the honourable Chairperson (Dr.) Silas Chitibwi my fellow doctor....

*(Laughter)*

**The Speaker** (Hon. Kahindi): You know it is amazing how politician can change...

**Hon. Kiraga:** Mr. Speaker, looking at...

**Hon. Mramba:** Point of Order Mr. Speaker, Sir.

**The Speaker** (Hon. Kahindi): Yes hon. Mramba.

**Hon. Mramba:** Mr. Speaker, we need your guidance because as far as I know we have only one doctor in this County Assembly. We do not have two doctors in this County Assembly. We have hon. (Dr.) Silas Mzungu Chitibwi who is a veteran doctor. So I believe hon. Kiraga

needs to apologies and withdraw that statement that he is a doctor otherwise he is impersonating Mr. Speaker. Thank you.

**The Speaker** (Hon. Kahindi): Is it Mugo wa Wairimu?

*(Laughter)*

**The Speaker** (Hon. Kahindi): Hon. Kiraga, can you confirm to the House that you are a doctor, if not you put the record straight.

**Hon. Kiraga:** Thank you very much Mr. Speaker. You know in the village...

*(Laughter)*

**The Speaker** (Hon. Kahindi): I understand if you are a doctor in the village.

**Hon. Kiraga:** Yeah, very good. Thank you very much Mr. Speaker, for protecting me, but I am a trained laboratory technologist. Why am I saying that, the committee did a very commendable job? These people have gone from one item to the other discussing it and that is what we need to also go item to item. If you look at the script of this Report, they have looked at how the composition of the board should appear and they have also made some proposed amendments. They have also gone to an extent of looking at the powers of the board which is very important. I do not have much to say but they have done a very commendable job by looking at every item in this Bill. Other Committees should copy this Committee in the leadership of hon. (Dr) Silas Chitibwi. More so Mr. Speaker, not leaving out the Implementation Committee it should highly come and copy what the Chairperson did. Thank you very much Mr. Speaker.

*(Laughter)*

**The Speaker** (Hon. Kahindi): Yes hon. Mwingo.

**The Leader of Majority** (Hon. Mwingo): Thank you Mr. Speaker, I also rise to support the adoption of this Report. The Committee has done a wonderful job, congratulation hon. (Dr.) Chitibwi. Mr. Speaker, as a Government many people especially the youth and the women in this County have seen the Government to be doing less as far as the empowerment to them is concerned but am sure by adopting this Report then we shall have done a very noble thing so that we can empower our youth and women. Mr. Speaker, time has come we need to change the lives of our youth and women in the National Government. We have what we call Uwezo Fund and most of our groups in Kilifi Government and other Counties have really been encountering a lot of problems in getting money, but immediately we adopt this Report our people will be in a position of accessing money to develop very easily. I understand we have so many groups which are registered in this Government. We as honourable Members most of us have gone to an extent of sponsoring the registration of different groups, but we keep on registering them and when we come to giving them projects we are not in a position, the reason being that we do not have money to sponsor them. By adopting this Report, these groups will be in a position to get money so that they can start their own projects for the development of their lives. I really stand to support the adoption of this Report. Thank you.

**The Speaker** (Hon. Kahindi): Yes hon. Matano.

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**Hon. Matano:** Asante Mheshimiwa Spika, nimesima kuunga mkono Ripoti hii iliyoletwa na kamati inayoongozwa na Mheshimiwa Chitibwi. Kupita kwa Hoja hii na hata kukamilika kwa Mswada huu kuwa sheria kutatusaidia pakubwa sana sisi vijana. Mheshimiwa Spika, hata tukiangalia katika nchi yetu vijana tumetengewa nafasi za zabuni, walemavu pia halikadhalika lakini Mheshimiwa Spika, huwa tunamuda mgumu kama vijana kupata chanzo cha kuanzia ili tuendele mbele kupata zile zabuni. Ninaamini kabisa kwamba fedha hizi ambazo zimetengwa kwa ajili ya vijana kwa ajili ya watu wenye ulemavu zitasaidia makundi yale kuweza kujipanga na kusonga mbele kuweza kupata zabuni ama kuweza kujipanga kibiashara na kukimu mahitaji yao kwa hayo machache nimesimama kuunga mkono Ripoti hii.

**The Speaker** (Hon. Kahindi): Hon. (Ms.) Sophie.

**Hon. (Ms.) Sophie:** Asante sana Bw. Spika, wacha nipongeze hasa Mwenyekiti ambaye ameleta Ripoti hii. Mimi nashukuru sana kwa sababu itakuwa tumepiga umaskini teke. Nikiangalia nimiaka 50 iliyopita haikuwa rahisi kwa watu wanaoishi na ulemavu kukumbukwa lakini katika Kaunti yetu nimeona tumewajumulisha kama kitu kimoja hakuna ambaye amewachwa kama ni mama ama ni kijana wote wamekumbukwa kwa wakati huu. Wacha niseme kitu ambacho kina nisikitisha, miaka ile ambayo mimi nilisoma, hata nilipotoka shule ungekuta watu wanaosoma na ulemavu wengi wanasomeshwa na wazazi wao. Lakini wakitoka katika vyuo unakuta wanakaa barabarani kwa sababu hakuna kile kitu wanaweza kufanya kujisaidia.

Mimi pia nimekua na vikundi vimenisaidia kwa sababu nilipenda kufanya kazi za mikono na tumesaidiana sana lakini katika hali ya kupata fedha imekuwa ni ngumu. Kaunti hii imetufikiria kupitia Mbegu Fund naamini watu wanaoishi na ulemavu watapata nafasi hasa hata ya kujifundisha kazi kama ufugaji, pengine pia ukulima. Hiyo itakuwa ni kazi nzuri na pia itawasaidia katika maisha yao. Mimi naipa kamati hii pongezi sana kwa sababu hata tutakapo pitisha Ripoti hii ninaamini tutakuwa tunaupiga teke umaskini na Kaunti hii itakuwa inakielelezo chema tena kizuri sana.

Tuunge mkono ugatuzi hasa katika Kaunti hii yetu na ninaamini kwamba wakina mama kule nyumbani na hata wazazi wanao peleka watoto wao wanaoishi na ulemavu shuleni, watapata mahali ambapo watakuwa wanapata fedha ambazo wataweza kujivunia. hata vikundi vitaweza kuwasaidia na wataweza kujiendeleza katika hali inayofaa. Asante sana Bw. Spika na ninaunga mkono Ripoti hii.

**The Speaker** (Hon. Kahindi): Hon. Mramba.

**Hon. Mramba:** Asante sana Bw. Spika. Ninasimama kuunga mkono Ripoti hii. Ninaunga mkono nikisema kwamba kuna bwana mmoja ambaye ni muandishi wa mashairi ya kigiriana anaitwa Kazungu wa Gorisa, amekuwa akisema kwamba mvi si uchawi bali ni hekma. Hivyo basi Mheshimiwa Spika, nataka kumpa kongole mwenyekiti wetu Silas Mzungu Chitibwi pamoja na kamati yake, kwa sababu walikaa na wakafanya marekebisho yao. Haya marekebisho Mheshimiwa Spika, yamefanya leo tuko hapa na tukishapitisha basi wananchi wa Kaunti ya Kilifi wataweza kupata mikopo kwa riba ambayo iko chini zaidi. Mheshimiwa Spika tumeona kwamba uchumi ni mbaya sana na kinamama wengi wamehangaishwa. Mimi mwenyewe nimehangaishwa sana na Faulu Kenya, mke wangu ame hangaishwa sana na Kenya Women Finance Trust (KWFT), hivyo basi, hizi kampuni mbili ndio zimekuwa zikitoa mikopo lakini utaratibu wao unafanya watu wengi wanahangaika sana. Ukiingia leo utatoka maskini maanake watabeba kila kitu kwa sababu wanakuongezea riba karibu kila siku.

Ninaunga mkono hii Mbegu Fund. Tuiptishe ili vijana wetu waweze kupata mikopo ila kwanza yule waziri muhusika atatengeza sheria ambayo itaunganishwa na hii sheria yetu na

tuhakikishe... kwa sababu wananchi wetu nao wana udhaifu mmoja Mheshimiwa Spika, pesa hizi wataziita kwamba ni za siasa, watachukua na wakule bila kulipa. Mheshimiwa Spika, ni lazima sheria ziwe kali ili walipe ndio wengine nao waweze kukopa. Isipokua kali watu watachukua mikopo, watakula halafu hawatatalipa tena.

Mheshimiwa Spika, naunga mkono na hata juzi nilipopitia maeneo yale ya Gongoni na Marereni nilisimamishwa na vijana wengi sana pale Gongoni, Wadi ambayo inawakilishwa na Mheshimiwa Kiraga na Marereni *trading Centre* ambayo inawakilishwa na Mheshimiwa Stanley. Vijana hao walisema tufanye hima ili hii sheria ije ili vijana wetu waweze kupata mikopo angalau tupumzike kule kuenda kuvunja chumvi...

*(Laughter)*

Asante sana Mheshimiwa Spika. Naomba kuunga Mkono.

**The Speaker** (Hon. Kahindi): Let us proceed hon. Stanley Kenga. Hon. (Ms.) Mbeyu.

**Hon. (Ms.) Mbeyu:** Thank you Mr. Speaker, for this chance. I stand to support the adoption of this Report. Mr. Speaker, May I take this opportunity to thank the chairman of the Committee and all the Members for a job well done. Mr. Speaker, it is overdue now that people have been waiting for this Bill to be passed in this House. We have so many youths who are doing some work which do not even benefit them. Mr. Speaker, I have trained more than 250 youth workers in my Ward as *boda bodas*. They do not own the motorbikes and the owners take almost all the money they make over the day. I think by passing this Bill, adoption of this Report will give strength to these youths so that one can at least get a loan. I want to quote the Governors' speech that he gave yesterday that by passing this Bill through this Mbegu fund, we are not going to give less than 100,000 shillings which one can buy his own *boda boda* to start a business so that it can benefit them fully.

Mr. Speaker, I speak on behalf of the women in the County. Women are the most vulnerable people in Kilifi County who have almost gone up and down. I want to thank hon. Charo Mramba who spoke on behalf of his wife on issues of loans from Kenya women and all the other banks. At the end of it, they end up even taking all the properties from the households in our home, so, now is the right time at least the women in the County can get these loans at a zero rate. I know women are going to benefit. Mr. Speaker, we have had so many fundraising for women but you will find as much as we have tried table banking and other ways few groups have benefited through this fund. On the position of this Report, most of the groups will benefit and we will see a change in Youths, Women and People living with disability through this fund. I beg to support. Thank you.

**The Speaker** (Hon. Kahindi): Yes hon. (Ms.) Arafa.

**Hon. (Ms.) Arafa:** Thank you very much Mr. Speaker, Sir, for giving me this opportunity to contribute to this Report. First, I would like to congratulate the Committee on Trade and Cooperative for working on this Report. Through this Report we can see how this Committee worked hard for this on the number of amendments they have worked on.

Mr. Speaker, Sir, first of all I want to contribute on the issue of the Committee. We have been facing a lot of challenges with groups working on loans and working on different money from donors. I would first urge the Committee to do a lot of awareness to these groups before giving out this money because we have been having the tendency of the loan management committees saying that you apply a loan may be you want to do a certain project but by the time

the money comes in they say let us have *mbuzi* party first before we start the project. These challenges are on the ground and we urge the Committee to work hard on this.

Another thing that I want to contribute is on the incompetence, on the title for removal from office during the period of office in the Bill. I am very much impressed that the Committee really considered the County Assembly Members to be the ones to request the board to remove a Member of the County Committee. This is very true Mr. Speaker, Sir; the Members of the County Assembly are the ones working with these groups on the ground and involving the County Assembly is very impressive.

Another thing on the issue of administration of funds; we have been seeing groups getting very good money from the donors and even from other well wishers but at the end we find that a lot of money is being used on the administration matter but here they have indicated that all monies received by the fund be maintained in a separate bank account in the name of Kilifi County Enterprise Development Fund, which shall be separated further into two accounts. One of which will be specifically for loans and the other for operational expenses. So, the first thing for the operational expenses we need to have a control of that. We should not have expenses to be higher than the loans which are supposed to be given to the group.

I would like also to congratulate hon. Mramba when he was emphasizing to have regulations or policy of these loans. Now we do not know this money will be controlled under which law or which rules, that if someone misuses the fund under which laws or regulations will they be dealt with? For those few remarks Mr. Speaker, Sir, I will say thank you very much and I am very sure if this money will be used wisely, most of us will be back here in 2017. Thank you very much Mr. Speaker, Sir.

**The Speaker** (Hon. Kahindi): Thank you. Hon. Members, having had that debate 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 Chairperson (Hon. Mwambire) took the Chair]*

#### THE KILIFI COUNTY MICRO FINANCE FUND (MBEGU BILL), 2015

**The Chairperson** (Hon. Mwambire): Let me take this opportunity to welcome you to the Committee of the Whole House. I am welcoming you to the Committee of the Whole House Members but we are going to be a little bit faster so kindly let us be very attentive so that we can capture all the sections that need to be highlighted especially the amendment that were put across by the Committee. Let me take back this microphone back to the Clerk so that she can guide us through

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**Clerk-at-the Table:** PART 3: ESTABLISHMENT OF THE KILIFI COUNTY ENTERPRISE DEVELOPMENT FUND BOARD: COMPOSITION OF THE BOARD.

**The Chairperson** (Hon. Mwambire): Give the microphone to the Chairperson to give his amendment on Clause 6 please.

**Hon. (Dr.) Chitibwi:** Mr. Chairman, before I proceed I would like just to mention to the Members that these amendments were the proposed amendments as a result of the Public Participation that we had and very many of the views that were expressed here were taken care to this one but we look at them critically and if any amendment at this point may not be suitable then you say it.

*Clause 6*

Hon. Chairman, I would like to move that the Bill be amended by deleting the phrase in Clause 6(a) reading “a non executive Chairperson not being a Public Officer appointed by the Governor and inserting the phrase recruited competitively by the Public Service Board vetted by the County Assembly and appointed by the Governor”. Deleting Clause (6c) reading “The County Chief Officer in the County Department for the time being responsible for matters relating to youth affairs who are representative duly nominated in writing”. In numbering Clause 6(d) as Clause 6(c) and Clause 6(e) and clause 6(d). Inserting Clause 6(e) to read as an official from the national chamber of commerce and industry Kilifi Chapter who are representative duly nominated in writing.

*(Hon. Kiraga stood on a Point of Order)*

**The Chairperson** (Hon. Mwambire): Yes hon. Kiraga.

**Hon. Kiraga:** Mr. Chairman, why are we starting with part 3?

**The Chairperson** (Hon. Mwambire): 6 or part 3?

**Hon. Kiraga:** Yeah, why? Why are we starting with part 3 because I believe ...?

**The Chairperson** (Hon. Mwambire): No! no! no!...we will come back. We are starting from part 3 then later on we will go to the memorandum then we will finalize with the short titles, so we will be coming back. So, let us go through Clause (6) then we propose and put a question. In case there is anything that needs to be added we will put the question then we will do...

**Hon. Kiraga:** Mr. Chairman...

**The Chairperson** (Hon. Mwambire): Yes. We will go through all the parts.

**Hon. Kiraga:** Yeah, am seeing Committee of the Whole House, Kilifi County Microfinance Fund Mbegu Bill. I tend to think we have dealt with this Report. We are now within the Bill itself and I thought we should start from part one so that we put up the question, we agree on part one then we move forward. That is my opinion.

**The Chairperson** (Hon. Mwambire): Okay, I understand but we have a special practice for the Committee of the whole House. That part will be handled... if you read the Standing Orders 125, read the procedure.

**Clerk-at the Table:** Procedure in the Committee of the Whole County Assembly on a Bill. Order 125(1) The Clerk shall call severally each part of the Bill in the sequence specified in standing Orders 123. Sequences should be observed on a Bill in Committee and if no amendment

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is proposed or when all amendments have been disposed off, the Chairperson shall propose the question that (as amended stand part of the Bill and when Members who wish to speak have spoken the Chairperson shall put that question to the Committee for decision)

2. No amendment shall be moved to any part of a Bill by any Member other than the Member in charge of the Bill unless written notification of the amendment shall have been given to the Clerk 24 hrs before the commencement of the sitting at which that part of the Bill is considered in Committee.

3. Despite paragraph 2 where an amendment has been moved to any part of a Bill in accordance to this paragraph, any Member may move an amendment to that amendment on delivering to the Chairperson the terms of his or her amendment in writing

4. A Member moving an amendment or a further amendment to any part of the Bill under paragraphs 2 and 3 shall explain the meaning, purpose and effect of the proposed amendments or further amendment.

5. No amendment shall be committed to be moved if the amendment deals with the different subject or proposes to unreasonably or unduly expand the subject of the Bill or is not appropriate or is not in logical sequence to the subject matter of the Bill.

6. No amendment shall be moved which is inconsistent with any part of the Bill already agreed to or any decision already made by the Committee and the Chairperson may at any time during the debate of a proposed amendment withdraw it from the consideration of the Committee if in the opinion of the Chairperson the debate has shown that the amendment contravenes this paragraph.

**Hon. Kiraga:** I think we are going too far, we can get the answer from just above there. Mr. Chairman.

**The Chairperson** (Hon. Mwambire): We wanted to go through all the process because there is ...

**Hon. Kiraga:** The most important part was the first part where it is talking of sequences

**The Chairperson** (Hon. Mwambire): Okay, we will touch on all those parts at the sometime. Let the Clerk read through.

**Clerk- at- the Table:** Sequences to be observed on a Bill in Committee. Standing Order 123. The first one is clauses as printed excluding the Clause provided for recitation of the Bill, the commencement if any and the interpretation

- b) New clauses
- c) Schedules
- d) New schedules
- e) Interpretation
- f) Preamble if any
- g) Long title
- h) The Clauses provided for the citation of the Bill and the commencement

**Hon. Kiraga:** So okay, explain it to us.

**The Speaker** (Hon. Mwambire): Have you heard what she has read. It had been read on Standing Order 123.

**Hon. Hamza:** We are interested with the new Clauses...

**The Chairperson** (Hon. Mwambire): The new Clauses? I think what she is doing is just going through so that in case you do not have any addition or subtraction we just put a question and close that one, so, that we can move very fast. We will touch on everything and we are

guided by the Standing Orders. We are contradicting parts of the Standing Orders please Members, let us not take a lot of time on that. Proceed (Dr.) Mzungu Please.

**Hon. (Dr.) Chitibwi:** Deleting the phrase in clause 6(f) two people nominated by the Executive Committee member and appointed by the Governor. One of whom shall be a Youth and the other a person with disability and inserting the phrase four people nominated by the Executive Committee Member and appointed by the Governor one of whom shall be a youth representing the youth, a woman representing women, a person living with disability representing people living with disability and one person from the cooperative movement.

Deleting the phrase sub section in clause 6(2) and inserting the phrase sub clause. Deleting clause 6(2b) which reads; holding a minimum of Bachelors Degree from a University recognized in Kenya and inserting the phrase holding a minimum of Bachelors Degree from a recognized institution and a minimum of a diploma in the relevant field for the persons mentioned under 6(1f). Inserting Clause 6(3) the above appointments shall satisfy the requirements of the gender rule as envisaged in the Constitution. Inserting Clause 6(4) Degree from a recognized institution and a minimum of a diploma in the relevant field for the persons mentioned under 6(1) (f); or

- Inserting clause 6(3) “the above appointments shall satisfy the requirement of the Gender rule as envisaged in the constitution”
- Inserting clause 6 (4) “the offices in the Board shall not attract any remuneration”  
I beg to move.

*(Question of amendment proposed)*

*(Question that the words to be deleted be deleted put and agreed to)*

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

*(Clause 6 as amended agreed to)*

#### *Clause 8*

**The Chairperson** (Hon. Mwambire): Yes proceed.

**Hon. (Dr.) Chitibwi:** Mr. Chairman, Sir. I beg to move on powers of the board. I beg to move that the Bill be amended; that clause 8 be amended by-

- Deleting the word “youth” in clause 8 (2) (c) to read as “establish procedures and guidelines for matters relating...

**Hon. Hamza:** Point of Order Mr. Chairman.

**The Chairperson** (Hon. Mwambire): Is it a Point of Order or?

**Hon. Hamza:** Yeah it is a point of Order. I need clarification in fact I need direction from you Mr. Chairman. Allow me to comment on what hon. Kiraga was trying to put across it seems you did not understand him. According to the Standing Orders the way they have been read out they have attracted the issues of new clauses that we wanted to put. Which will actually affect the amendments which are currently put in place, if we go the way we are going and we are not allowed to come again and put new clauses. We would have to start fresh because as we are in agreement with the amendments the new clauses that we want to bring will affect even the amendments that we are putting in now. So, that is what I want to put across. If we can be

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allowed to bring the new clauses then we go systematically we bring all the changes comprehensively. Thank you.

**The Chairperson** (Hon. Mwambire): So honourable Members are you in agreement that we assume that all the amendments are in concurrent with the views that we have done especially in the passage of the Motion to affect the Report. If you are then, hon. Hamza cannot seek an opinion and then seek another opinion. My question is, are you in agreement with whatever we have as an amendment which was presented by the Chairperson? So what you need is... if there is anything new then we can talk about it.

**Hon. Hamza:** Labda pengine nikufafanulie kwa lugha ya Kiswahili. Yale mabadiliko ambayo yamewekwa sahihi na yale ambayo twataka kuyaleta yanamadhara kwa mabadiliko yote ambayo yako pale mbele. Kwa hivyo tungeliruhusiwa tukaweka haya mabadiliko ya mwanzo kwa sababu hata yale ambayo yanakubalika hivi sasa, baada yakuweka yale mapya yatadhuru katiba nzima kwa ujumla. Kwa hivyo tutakuwa tunafanya mabadiliko mara nyingi.

**The Chairperson** (Hon. Mwambire): Let me just inquire as a matter of procedure if there is any amendment. I think when you were reading you were informed that those amendments should reach the clerk at least 24 hours before the Committee of the Whole House. That is what we have in the Standing Orders, so in our record we have not received any proposed amendment so far.

**Hon. Hamza:** Thank you, but this Bill will affect people's bearing.

**The Chairperson** (Hon. Mwambire): I do not understand what you are saying; in our record we have not received any proposed amendment, so far. What else?

**Hon. Hamza:** Yeah I have heard what you have said; I have decided to have reservations because if that is the order then these new changes cannot be taken because I thought we are in the Committee of the Whole House. I am not disagreeing with the procedures and that is why I am saying whatever we have as a concern cannot be observed here and probably whatever I have cannot 100% affect the Bill. I believe it could be effective if we will be allowed to do so. Now if we have to take 24 hours to bring the amendments then you do not have the chance or opportunity to amend this document effectively.

#### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER 50 (B)**

**Hon. Kiraga:** Point of Order Mr. Chairman.

**The Chairperson** (Hon. Mwambire): Yes hon. Kiraga.

**Hon. Kiraga:** Thank you Mr. Chairman, may I rise understanding Order 50 (b) to seek adjournment of this debate to a later date. Mr. Chairman you see what is happening in this House, this proves to me that we do not have enough information as far as this report is concerned. I beg hon. (Ms.) Arafa to second me. Thank you.

*(Hon. Arafa stood at her place to second)*

**The Chairperson** (Hon. Mwambire): Honourable Members, the procedure of the Committee of the Whole House is just the same as the procedure of plenary session the only exception is that in the Committee of the Whole House somebody can speak more than once but the rest, you cannot even receive a call when you are in the Committee of the Whole House. So there is a Motion that has been tabled by hon. Kiraga and seconded by hon. (Ms.) Arafa. Members the Motion is on the floor for contributions, yes hon. Emmanuel Kazungu Chai.

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*(Question proposed)*

**Hon. Chai:** Thank you very much Mr. Chairman. I think I am not of that opinion because from the amendments we have and what I read from the bill and public participation, if we are going to be inviting some other deletions and insertions we are going against the needs of the public and if it goes like this, it will not be good to do against what the public had opt, because they thought they were contributing on this Bill. That is my feeling and I still insist that the amendments done should be contained and we seek for any further amendments after that. As the chair was telling us, the amendments were coming directly from the people themselves. Thank you very much.

**The Chairperson** (Hon. Mwambire): Hon. (Dr.) Chitibwi.

**Hon. (Dr.) Chitibwi:** Thank you very much, Mr. Chairman. I think we need to respect this House and ourselves. This Bill was presented here more than one month ago; we have all had the time to read it. We went through the constituencies, we met the Mwananchi and the Members of this Assembly were also free to attend and give their proposals. We are only presenting what has been proposed by the people and it appears as if our colleagues are bent to scattering this process for reasons that they are not saying. So, let us not use the back door to circumvent the Law. The Law is very clear and I beg Mr. Chairman we follow that law. This Bill is not curved in stone nor will any amendments be curved on stone. There is always an opportunity to make any further amendments but at this point in time, I will urge you to use your judgment and give us proper guidelines.

**The Chairperson** (Hon. Mwambire): Yes hon. Hamza.

**Hon. Hamza:** Asante sana Bw. Mwenyekiti. Nataka sana kumshukuru Mwenyekiti wa Kamati hii na ile misamiati mizuri ambayo amejaribu kuiweka hapa lakini ukweli wa mambo kuna hali ambazo tutakuwa tumezipuza, ikiwa tutaenda na vile ambavyo anataka yeye. Na natumia neno *vile anataka yeye* kwa sababu yeye ndiye anawakilisha ile kamati nzima, kamati hiyo imezunguka Kaunti ya Kilifi kama anavyosema na yale waliyo nayo hapa ni maoni ya wanakilifi.

Mimi ni mwanakilifi, na nina haki ya kupinga baadhi ya haya maoni Bw. Mwenyekiti nataka ufahamu kwamba swala ambalo limezungumziwa hapa ni kuhusu hazina ya mbegu na kama alivyosema Mheshimiwa Kiraga yanayofata baadaye ni maelezo ya ni nani ambaye anaweza kufaidi katika hali hiyo. Swala zima la kwa nini tuna hazina ya mbegu ni kwa sababu tunataka tujaribu kuinua maswala ya umasikini katika eneo letu ama maswala ya kiuchumi.

Maswala ya kiuchumi hayakugawanywa mafungu kwamba kuna mlemavu ndio masikini zaidi ama kuna kijana ni masikini zaidi au kuna kina mama ndio masikini zaidi. Maswala ya umasikini Bw. Mwenyekiti ni maswala ya wanakilifi wote. Labda nitakubaliana na nakala hii ikiwa mwenyekiti anaweza kudhihirisha moja kwa moja, kwamba lile kundi lingine la akinababa limeachwa kwa sababu lina nguvu ya kijikimu kimaisha. Tunataka kufanya marekebisha kwenye vipengee vinavyo tenga makundi ya wale watakapo pata zile pesa, wacaha iwe ni kila mtu katika Kilifi Kaunti anafaidika kwa sababu umasikini uko kila mahali ndani ya Kilifi Kaunti yetu, leo hii tumepata nafasi watu wetu waweze kufaidika bado tunaweka tena kimakundi ya wakati ule wanyuma.

Singependa iwe namna hiyo. Ningelipenda hapo tupaangalie vizuri. Mwisho wa kwisha nakala hii ikipitishwa itakuwa ni sheria na tutakuwa na muda mrefu kitambo tuwe na nafasi tena

ya kuweza kuweka marekebisho. Tafadhali tunataka sheria hii ikipita ifaidi wanakilifi kwa ujumla kulingana na changamoto ambazo wako nazo. Asante.

**The Chairperson** (Hon. Mwambire): Honourable Members, I think hon. Hamza was seeking for clarification. In the preliminary, the Chairperson has tabled an amendment to Clause 2 which reads; ‘rephrasing the definition beneficiary which means a person who is a member of micro and small enterprise’ to read; “beneficiary means a licensed individual, traders, registered groups and associations, registered co-operatives, companies and other forms of agri-businesses’. So your concern is contended in the amendment in clause 2, hon. Hamza. Read the amendment that has been tabled by the chairperson and also go through the Motion you will find it there.

**Hon. Hamza:** Nataka kujua ni kwa sababu gani ukiangalia katika maswala mengi ni vijana na akina mama na ikiwa hilo limewekwa wazi katika namna hiyo...

**The Chairperson** (Hon. Mwambire): They have redefined it in Clause 2, the committee redefined it as ‘beneficiary to mean a licensed individual, traders, registered groups and associations, registered co-operatives, companies and other forms of agri-businesses’ it is well taken care of. So, even your grandfather can still get it, even my uncle can still get this money according to the proposal that the Committee has found so far. Have you seen it hon. Hamza? Okay, the Motion is still on. Hon. Pascal give your contribution about the Motion and then the Mover will respond.

**Hon. Pascal:** Thank you Mr. Chairperson. In fact I was about to raise a concern on the way you have just explained. I stand to oppose the Motion of adjournment because we were given enough time to go through these reports so that today we could debate at an informed angle. I do not see any point of us adjourning just because of the reasons given, So I stand to oppose the adjournment of the said Motion.

**The Chairperson** (Hon. Mwambire): Yes, any Member who wants to contribute. Hon. (Ms.) Arafa.

**Hon. (Ms.) Arafa:** Thank you Mr. Speaker, Sir. My contribution to the adjournment of this debate is not that I am on the opposite side of what is on this Report but my big concern is I do not know if we still have quorum, at the same time the mood of the House. Looking at the number of Members we have since we started till now, I do not know if we will manage to finish this Report. Thank you Mr. Speaker, Sir.

**The Chairperson** (Hon. Mwambire): We have quorum. Hon. Kiraga, respond to your Motion before I put the question.

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

**Hon. Kiraga:** Thank you Mr. Chairman. As my colleague hon. (Ms.) Arafa has put it, it is not that we are opposing, whatever we are doing here is we want to have good contributions as far as what we are doing here is concerned and earlier on I rose and I was the one who had been seeking adjournment of the whole issue, why? I do not think the Members have really gone through that Report. I do not think we are going to have any constructive contributions, even the Members of the Committee have gone out.

They have run away, and they are the ones to at least help us shed light on these issues. Now it is not a matter of passing out things. We want to have very quality issues being discussed in this Assembly. It is not a matter of let us just pass it. No! We want to have some quality contributions because this is a law we are passing and bearing in mind that even some of the

Members are bored, I do not know, because they are moving up and down so we are being interrupted because ...

*(Hon. Mramba stood on a Point of Order)*

**The Chairperson** (Hon. Mwambire): There is a Point of Order from hon. Mramba

**Hon. Mramba:** The Member for Gongoni should substantiate. He is saying Members are bored, who is bored in this chamber? I am not bored and I do not believe anyone else is bored in here.

**The Chairperson** (Hon. Mwambire): There is a point of information. Do you wish to be informed?

**Hon. Kiraga:** No, I do not wish to be informed but let me say I am seeing some signs. You know the signs of people not concentrating on an issue. These are the signs; moving out doing this and that, people not contributing to what we are discussing. A sign showing that...

**The Chairperson** (Hon. Mwambire): Conclude hon. Kiraga.

**Hon. Kiraga:** So, may I request my fellow Members if we really need to have constructive and quality contributions. Let us give ourselves time, so that we will come and articulate these issues constructively. Thank you.

**The Chairperson** (Hon. Mwambire): Honourable Members, a Motion to adjourn the Committee of the Whole House has been raised by hon. Kiraga seconded by hon. (Ms.) Arafa and effectively debated. I now put the question.

*(Question put and agreed to)*

## **PROGRESS REPORTED**

### **THE KILIFI COUNTY MICRO FINANCE FUND (MBEGU BILL), 2015**

**The Chairperson** (Hon. Mwambire): Honourable Members, I still have an opportunity to report back to the Speaker because the session is still on. The Speaker will give guidance on how best we will handle it. So thank you very much for the time that you have been concentrating and cooperating on these issues. May God take extra care of you. Let me hope we will meet again in the next sitting for the Committee of the Whole House.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

**Hon. Mwambire:** Mr. Speaker, I have the pleasure to report back the deliberation of the Committee of the Whole House. We were unable to conclude the deliberations of this Bill simply because Members wanted more time so that they can get the list of the amendment and a Motion was raised as per standing Order (50) sub section (b). It was debated and the conclusion was to

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adjourn and seek more time. The Committee was requesting if possible, you give more time probably next week so that we can conclude before going for recess. Thank you very much Mr. Speaker.

**The Speaker** (Hon. Kahindi): Thank you. I will still put the question on the Report that the Committee of the Whole House be adjourned until next week.

So, we shall resume business on the Committee of the Whole House next week for Members to ventilate on the issues of Amendment.

*(Question proposed)*

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Speaker** (Hon. Kahindi): There being no other business in the Order Paper, I move to adjourn the House until Monday at 2:30 p.m. Thank you.

**The House rose at 4.30 p.m.**