



**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**  
**SECOND ASSEMBLY –THIRD SESSION**  
**THE HANSARD**

**Wednesday, 28<sup>th</sup> August 2019**

*The House met at the County Assembly Chamber,  
Malindi Town, at 2:30 p.m.*

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

**PRAYERS**

**COMMUNICATION FROM THE CHAIR**

ROUTINE SYSTEM MAINTENANCE

**The Speaker** (Hon. Kahindi): Hon. Members, I am informed by the ICT Department that the system is undergoing normal routine maintenance.

**STATEMENTS**

LACK OF LEARNING FACILITIES AT NEEMA PRE-SCHOOL

**Hon. Chengo:** I want to read a Statement to the County Executive Committee Member in charge of the Department of Education and ICT through the Chairperson Pre-Primary Education and Vocational Training Committee:-

Whether, the County Executive Committee Member (CECM) in charge of Education and ICT is aware that only toilets were constructed at Neema Pre-school and there were no classrooms and pupils are learning under a tree which is not conducive during harsh weather hence leading to pupils missing school?

If yes, what measure and plans is the County Executive Committee Member taking to ensure the pupil of Neema Pre-school enjoy safe learning environment?

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## STALLED CONSTRUCTION OF GANZE MARKET

**Hon. Chengo:** I want to read a Statement to the County Executive Committee Member in charge of the Department of Trade, Tourism and Co-operative Development through the Chairperson; Economic Planning, Trade and Cooperative Development Committee:-

Whether the County Executive Committee Member (CECM) in charge of the Department of Trade, Tourism and Cooperative Development is aware that the construction of Ganze market a project of the FY 2015/2016 has stalled for a period of five years now and people are doing businesses on the roadside and open areas which is not conducive in harsh weather conditions.

If yes, what measures is the CECM taking to ensure the project is completed and handed over to the community?

## INCOMPLETE REHABILITATION OF GANZE - KIMBULE - TSANGALAWENI ROAD

**Hon. Chengo:** I want to read a Statement to the County Executive Committee Member in charge of the Department of Transport, Roads and Public Works through the Chairperson; Transport, Roads And Public Works Committee:-

Whether the County Executive Committee Member (CECM) in charge of Transport, Roads and Public Works is aware that the gravelling, culvating and murraming of Ganze - Kimbule -Tsangalaweni road is a project for the FY 2017/2018 which is incomplete and the work was done haphazardly by the contractors.

If yes, what measure and plans is the CECM taking to ensure the project is completed to the right standards by the contractor?

## INCOMPLETE REHABILITATION OF KASSAVA-DANICHA- KITHENGWANI ROAD

**Hon. Chengo:** I want to read another Statement to the County Executive Committee Member in charge of the Department of Transport, Roads and Public Works through the Chairperson; Transport, Roads and Public Works Committee:-

Whether the County Executive Committee Member in charge of Transport, Roads and Public Works is aware that the grading and patch murraming of Kassava–Danicha -Kithengwani road, a project for the FY 2016/2017 is incomplete and the work was done haphazardly by the contractors.

If yes, what measure and plan has the CECM taken to ensure the project is completed to the right standards by the contractor?

## INCOMPLETE REHABILITATION OF TSANGALAWENI TO DUNGICHA ROAD

**Hon. Chengo:** I want to read another Statement to the County Executive Committee Member in charge of the Department of Transport, Roads and Public Works through the Chairperson; Transport, Roads and Public Works Committee:-

Whether the County Executive Committee Member in charge of Transport, Roads and Public Works is aware that the grading and graveling of Tsangalaweni - Dungicha road a project for the FY 2016/2017 is incomplete and the work was done haphazardly by the contractor?

If yes, what measure and plans has the County executive committee member taken to

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ensure the project is completed to the right standards by the contractor?

#### STALLED CONSTRUCTION OF A CLASSROOM AT VIMBURUNI ECD

**Hon. Chengo:** The last one is a Statement to the County Executive Committee Member in charge of the Department Of Education and ICT through the Chairperson; Pre-primary Education and Vocational Training Committee:-

Whether the County Executive Committee Member (CECM) in charge of Education and ICT is aware that the construction of one (number) classroom at Vimburuni ECD has stalled and the pupils are learning under a tree which is not conducive during harsh weather.

If yes, what measure is the CECM taking to establish the problem and ensure that this project is completed and handed over to the community?

**The Speaker** (Hon. Kahindi): The next Statement is by hon. Kiraga. Is there anybody holding his brief? Yes hon. Ziro, please proceed.

#### DEPLORABLE STATE OF GONGONI KWA CHIEF-SHOMELA ROAD

**Hon. Ziro:** I am standing on behalf of hon. Kiraga who is away on official duty. Before I read the Statement, I want to take this opportunity to thank this Assembly and everybody who has given out his congratulatory message for the appointment of our brother, Steven Masha, to run the position of Controller of Budget in Kenya in acting capacity for a period of three months. God bless everybody.

I want to read a Statement by hon. Kiraga to the County Executive Committee Member (CECM) in charge of the Department of Transport, Roads and Public Works through the Chairperson; Transport, Roads and Public Works Committee:-

Whether the County Executive Committee Member in charge of Transport, Roads and Public Works is aware that the above road which is an important link between Shomela Sub-location to Gongoni Township is in a very bad state after the works was done haphazardly by the contractor and even worsening the situation?

When is the road going to be fully murramed bearing in mind that the contractor has been there doing shoddy work? Signed by hon. Albert Kiraga, MCA Gongoni Ward.

#### RE-LOCATION OF GONGONI HIGH MAST LIGHT

**Hon. Ziro:** There is another Statement by the same Member to the County Executive Committee Member (CECM) in charge of the Department of Transport, Roads and Public Works through the Chairperson; Transport, Roads and Public Works Committee:-

Whether the County Executive Committee Member (CECM) in charge of Transport and Public Works is aware that Gongoni high mast light has not been operating for the past two years due to land ownership wrangles?

What is the CECM doing to make sure that the high mast light is re-located to another place within the township? Signed by hon. Albert Kiraga MCA, Gongoni Ward.

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## POOR DRAINAGE SYSTEM IN GONGONI TOWNSHIP

**Hon. Ziro:** There is another Statement by the same Member to the County Executive Committee Member in charge of the Department of Transport, Roads and Public Works through the Chairperson; Transport, Roads and Public Works Committee:-

Whether the County Executive Committee Member (CECM) in charge of Transport and Public Works is aware that Gongoni Township's drainage system is poor, making many parts of the town flooded during the rainy season?

Whether the County Executive Committee Member is aware that due to this, some parts of the town have become inaccessible (e.g.) Mapimo Primary School?

What is the CECM doing to address this problem? Signed by hon. Albert Kiraga, MCA Gongoni Ward.

## GONGONI TOWNSHIP STREET LIGHTING PROJECT IMPLEMENTATION STATUS

**Hon. Ziro:** The last one is a Statement by the same Member to the County Executive Committee Member in charge of the Department of Transport, Roads and Public Works through the Chairperson; Transport, Roads and Public Works Committee:-

Whether the County Executive Committee Member (CECM) in charge of Transport and Public Works is aware that a street lighting project in Gongoni Township for the FY 2018/2019 has not been implemented to date?

What measure is the CECM doing to make sure that the project is implemented? Signed by hon. Kiraga, MCA Gongoni Ward. Thank you.

**MOTIONS**ADOPTION OF THE REPORT OF THE IMPLEMENTATION OF  
RESOLUTIONS TO THE OFFICE OF THE COUNTY SECRETARY

**Hon. Maitha:** Thank you Mr. Speaker. I wish to move a Motion that this House adopts the Report of the Select Committee on Implementation on the status of the following Assembly resolutions;

1. Performance Management in the County.
2. Establishment of the County Inspectorate Unit.
3. Report on the financial statements for KIMAWASCO for the financial year ended 30<sup>th</sup> June 2016.

This Report was laid on the Table of this House on 26<sup>th</sup> August 2019. Before I call upon hon. Loice (Ms. Ngari) to second, allow me to give my submissions Mr. Speaker.

Mr. Speaker, let me acknowledge your Office; that is the Office of the Speaker, the Office of the Clerk for their necessary support extended to this Committee in execution of our mandate. Let me also take this opportunity to thank all able Members on Implementation for their commitment to come up with this Report. We had a good engagement with the County Secretary; wonders shall never cease because the Executive always takes the resolutions of this

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House for granted but we were tough enough that we managed to establish the truth and come up with resolutions.

On the performance contract, the County Secretary had sent his representatives but after hard questions from the Members he was forced to come in person. The Committee came up with findings on the performance contract in the County Government. The County Secretary proved that he once worked in this Assembly and convinced the Committee that things are working on well. In our findings, we came to realize that the performance management plans are as provided in Section 47 of the County Government Act at validation. The County Secretary explained how he started coming up with the performance plan and submitted some documents that convinced the Committee that something was being done.

The County Secretary informed us that they had a meeting with the different Departments in Mnarani Club and they were heading to Ukunda to come up with the performance management plan. We were a bit shocked when it came to the Inspectorate Unit whereby the County Secretary had sent one of his representatives, the County Director of Legal Services. There was a bit of drama during the introduction part when the Legal Director introduced herself as the County Attorney.

Our Members were a bit shocked by that title and let me inform this House that the session ended prematurely because the Director of Legal Services could not re-introduce herself in a proper manner and insisted that she is the County Attorney where Members of the Committee on Implementation could not find such a position.

Mr. Speaker, as I earlier said that the County Secretary came up with a good Report and the Committee was convinced but in our findings there was a delay in implementation of the legal procedures in the inspectorate unit. In our recommendations we stated the following; the Executive should finalize the process of establishing the County Court to enable effective service delivery of the inspectorate unit. Still, the County Secretary should fast track the formulation of the County Inspectorate Unit Bill for submission to the County Assembly for consideration and approval within 21 days upon the receipt of this Report.

Mr. Speaker, allow me to convince this House that the head of legal services should be responsive to the resolutions passed by this County Assembly failure to which a censure will be tabled in this House to deliberate on her actions.

We came up with these recommendations because there was a go slow in implementing these House resolutions. We established from the County Secretary that he wrote more than one letter to remind the Director of Legal Services about the resolutions of this House but there were no responses. So we found it wise that we give a recommendation that the Head of Legal Services be responsive to the resolution made in this House.

We had a Report from PIC-PAC on financial statements of KIMAWASCO for the financial year ended 30<sup>th</sup> June 2016. Most of the recommendations forwarded by the PIC-PAC Committee were answered. The County Secretary in point form answered all the questions but we still insisted that he at least be specific on the status of the liabilities that is KIMAWASCO should be submitted to the County Assembly for consideration and approval within 21 days upon the receipt of this Report.

In the Report of PIC-PAC, we had assets and liabilities that were not specific so we recommended that the County Secretary come up with a Report specifying the status of the assets and liabilities.

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A Report detailing transition ownership of the company from the defunct local authority to the present County Government should be submitted to the County Assembly for consideration and approval within 21 days.

We made these recommendations because after getting all the answers that a Committee comprising of nine members was appointed in order to own the company, we saw it good that the transition ownership of the company from the defunct local authorities should be presented in this County Assembly. With this Report, I beg hon. Members of this House to adopt it so that we can move forward with the County Inspectorate Unit, management plan and the resolution made on the KIMAWASCO financial year ended 30<sup>th</sup> June Report.

Thank you for giving me this opportunity and I call upon hon. Members to support and adopt it. Thank you, Mr. Speaker.

**Hon. (Ms.) Ngari:** Asante Mheshimiwa Spika kwa hii nafasi. Nikisimama hapa nasimama kama Mwenyekiti mdogo wa Kamati hii tekelezi ya Bunge. Kwanza, napongeza Mwenyekiti wangu wa nguvu pamoja na wanakamati. Hoja ambayo iko mbele yetu siku ya leo kuhusu utekelezaji wa Ripoti ambazo ziko ni ya umuhimu sana.

Wajumbe wenzangu, mimi nachangia kwa kifupi. Nikimuunga mkono aliyenena Mwenyekiti wangu ni kwamba upande wa *performance management* sisi Kamati Tekelezi tuliona ni vyema kwamba shughuli hii ya *performance management* iweze kuletwa Bunge mapema kabla siku ishirini na moja (21) ili wabunge ambao tuko hapa tuweze kuiangalia kwa makini kwa wakati unaofaa ndiyo tuweze kuona kwamba shughuli zinastahili kutekelezwa zitelezwe kwa wakati mzuri.

Kwa upande wa *Inspectorate Unit, County Secretary*, kama alivyosema Mwenyekiti wetu wa Kamati, tulikuwa na yeye. Tulipomhoji akatwambia tayari alikuwa na mipangilio hiyo na walikuwa na mikutano wakiangazia hayo. Sisi kama Kamati tekelezi tukaona kwamba wakati ulikuwa umeenda mwingi sana na kwa nini sheria hii haikuweza kuangaziwa mapema. Tukasema kwamba kabla siku 21 kuisha, sheria ile iwe imeletwa Bungeni ili wajumbe waipitie na waone sheria zile zimeandika vipi na kama zinaweza kusaidia watu wetu wa kilifi ama hazifai?

Tulimsihi *County Secretary* kwamba aweze kuleta sheria zile mapema iwezekanavyo ndio wajumbe waweze kuzipitia na kama ziko sawa waweze kuzipitisha. Swala la Madam Ngowa kama Mwenyekiti wa *County Public Service Board* ya Kilifi na pia kuwa Mwenyekiti wa *performance contract* liliangaziwa. Maswali yaliibuka ni vipi mtu ataweza kujiangalia mwenyewe hata endapo amefanya makosa. Tuliamua kama Kamati tekelezi hiyo hatuitaki maana haiwezekani ashikilie nyadhifa mbili.

Tukiingia kwa Ripoti ya Kilifi-Mariakani *water*; tuliangazia kama Kamati tekelezi na tulipofanya mahojiano tukaona kwamba baada ya siku 60 watakuwa wameweka vizuri mahesabu maana kumekuwa na matatizo ya pesa na pia kulikuwa na wanakamati wapya ambao walikuwa wameteuliwa. Tukaelewana kuwa baada ya siku 21, Ripoti itakuwa imeletwa Bungeni kwa ukaguzi ndio wajumbe waweze kuikagua na kuipitisha kulingana na vyenye ilikuwa inatakikana kuwa.

Mheshimiwa Spika, hayo ndio tuliangazia kulingana na hizo Hoja tatu. Waheshimiwa wenzangu, nawaomba tukubaliane na Ripoti hii na tuititisha Ripoti ili zile shughuli ambazo ziko mbele yetu ziweze kutekelezwa kikamilifu. Asanteni sana.

*(Question proposed)*

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**The Speaker** (Hon.Kahindi): I think when you want to speak just call for the microphone or raise your hand because the systems are ...

**Hon. (Ms).Winfred:** Asante sana Mheshimiwa Spika kwa kunipatia nafasi hii ili niweze kuchangia Hoja hii ambayo iko mbele yetu siku ya leo. Naunga mkono asilimia mia kwa mia Mswada huu uweze kupitishwa kwa sababu moja ama mbili.

Kwanza, Mswada huu ulipoletwa tuliweza kukaa kama Kamati na tukaona kuna vitu fulani ambavyo haviendi sawa katika Kaunti hii yetu ya kilifi. Kumekuwa na ulegevu katika sehemu mbalimbali kwa utendaji kazi wa mafisaa wetu. Tulikuja na mipangilio ya kwamba tuweze kuita kila Idara ili tujue ni nini kinaendelea.

Tumekuwa na *County Secretary* na tukahojiana na yeye kama wenzangu walivyoeleza na akasema kuna mikakati amepanga ili *strategy plan* iweze kufanyika; ili mambo mazuri yaweze kutekelezwa.

Kwa upande wa kilimo, naomba muelewe kwamba haya yote tumeyapitia na yale yote ambayo hayajatekelezwa kuna mipango inaendelea na tumepata Ripoti ya kila kitu. Naomba waheshimiwa wenzangu tupitishie Mswada huu bila kuchelewa ili tuweze kupata manufaa katika kaunti yetu. Asante Mheshimiwa Spika.

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

**Hon. Karisa:** Asante mheshimiwa Spika. Mimi sitaki kurudia yale wenzangu waliyoongea. Nataka tu kuwaambia wenzangu tuunge mkono maanake tumeangazia mambo mengi. Tumeona hata hapa afisaa wetu wa kaunti wanaposhika watu walio na makosa tunaona hata sisi binafsi kama gatuji la Kilifi hatuna mahali tunapoweza kuwapeleka kama mahakama kama vile Mombasa; haya yote yameangaziwa. Haya yote yamecheleweshwa zaidi na hii ofisi ya *Director Legal Services*.

Ningeomba waheshimiwa wenzangu ikiwezekana tupitishie hii kwa sababu ikiwa *County Secretary* anaweza kuandika barua katika ofisi hii; barua ya kwanza aliandika tarehe 18 mwezi wa pili ya kuona ya kwamba sheria iwekwe kusudi sekta hii ifanye kazi vilivyo; haikuwezekana na tarehe 30 mwezi wa nne akaandika barua tena kwa ofisi hiyo. Tunaona ofisi hii ina ulegevu na haiheshimu sheria zile zinazohitajika kuongoza hapa na yeye ndiye mhusika ambaye anaweza kuweka sheria zitusaidie. Hakuweza mpaka ikafikia wakati ambapo *County Secretary* ikabidi aje mwenyewe kutuelezea ni mambo gani ambayo labda tunaweza kuzingatia ili tufuate sheria. Hata wale ambao wanafanya makosa wapelekwe sehemu kama vile Mombasa. Kwa hivyo wenzangu, nawaomba tupitishie hili angalau afisi nyengine ziwajibike vifaavyo kisheria. Asante sana.

*(Question put and agreed to)*

IMPLEMENTATION STATUS OF PETITION ON EMPLOYMENT DISCRIMINATION  
AGAINST THE LESS PRIVILEGED

**Hon. Maitha:** Thank you Mr. Speaker. I wish to move a Motion:-

THAT, this House adopts the Report of the Select Committee on Implementation on the implementation status of the Report by the Sectoral Committee on Labour and Social Services on the Petition made to the County Assembly on the employment discrimination against the less privileged residents by the Department of Health and the County Public Service Board laid on the Table of this House on 26<sup>th</sup> August, 2019.

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Before I call upon hon. *Sonko* (Karisa) to second me; sorry for that name, I know it is not official but we are used to it. It is hon. Renson Karisa Kambi. Before I call him; allow me to give my submissions.

This was also another Department that we engaged and had a lot of discussions. As the two Chief Officers and the CEC for Health were trying to run away from the truth after going through the recommendations by the Sectoral Committee on Labour. They were very clear in their recommendations but the two Chief Officers; the one for Medical Services and Public Service were misguiding the CEC.

The Labour Committee recommended that the Health Department to adhere to the provision of the Employment Act, 2007 and the Constitution of Kenya. The Chief Officers in their responses were very much clear that the Department of Health does not have a Board of Management as referred above. That is, they do not have an employment body. They were still running away from the truth by saying the Department was not given any Policy document on regulations for engagement of persons on contracts.

Mr. Speaker, allow me to tell this House that one Chief Officer for Public Health had drama with the Committee by saying there is no law allowing the Department to pay the casuals. Then we had to ask him if he really knows the role of this Assembly. After engaging him further, he pleaded that we gave them not less than 60 days so that they can come up with a Report on how they can pay the casuals. I thank my Members for they were tough and we came to an agreement that the Department accepted to go by the directive of the Labour Committee and a schedule was brought within seven days. For those with the Report, it is attached there that they will be paying the casuals in September 2019 as they will slot them in the supplementary budget and by October all will be well.

Mr. Speaker, it is for the first time that the Executive is now taking seriously the resolutions of this Assembly because at least when we needed more information from them, they could submit that information within the shortest time possible. Let me also thank the CEC Health because she accepted to work on this and within two days, she had submitted the work plan on how they will handle the issue of the casuals.

I do not want to take much time. Mine is just but to seek my fellow hon. Members to adopt this Report so that it can be implemented within the shortest time possible. We made a few recommendations here; that the CECM for Health must strictly comply with the action plan submitted to the Assembly failure to which stern action shall be taken against her for contempt, the County Public Service Board (CPSB) submits to the County Assembly of Kilifi the Policy engaging the persons on contract for consideration and approval within two weeks upon receipt of this Report. Thank you Mr. Speaker and I beg Members to support this Report. Thank you.

**Hon. Kambi:** Mheshimiwa Spika, mimi ningeomba waheshimiwa tuunge mkono Ripoti hii maanake wakati tulipokuwa tunachambua Ripoti ile ya Leba, tulipata kwamba kuna wafanyikazi ambao wanatoka katika gatuza letu la Kilifi walioachishwa kazi bila malipo. Wakati tulipokuwa tunahojiana na *Chief Officers*, tukaona ya kwamba wafanyikazi wale kuna wengine waliwaregesha kazini bila kuwalipa ile fidia yao ya wakati huo huo. Kwa hivyo, tukaona ya kwamba ni vyema waweze kufuata ule utaratibu unaotakikana kuona kwamba wale wafanyikazi wamelipwa kwa sababu ilikuwa ni haki yao.

Mheshimiwa Spika, ningeomba Bunge hili liunge mkono kusudi yale ambayo tuliyapitisha hapa yawafanye wale ndugu zetu ambao wako kazini na wale ambao hawajarudi kazini wapate haki zao kwa wakati unaofaa. Tulikubaliana na Waziri pamoja na *Chief Officer*

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wake kwamba *supplementary budget* hii inayokuja waletе ratiba yao ya vile wataweka pesa kwa wale ambao hawajalipwa ili walipwe kulingina na Ripoti iliyotoka kwa Kamati ya *Labour*. Tunapopitisha hii, vijana wetu watapata haki yao. Naomba tuunge mkono.

*(Question proposed)*

**The Speaker** (Hon. Kahindi): Thank you. Hon. *Kamlesh*, or that is not an official name?

**Hon. Shaban**: Asante mheshimiwa Spika. Umenisahau kwa kuwa hujaniona siku nyingi. Naitwa mheshimiwa Dickson Shaban, naibu Mwenyekiti wa Kamati ya Leba. Nasimama kuunga mkono Ripoti ya Kamati. Nina furaha kubwa kwamba hii Ripoti ilipitia katika Kamati ya mheshimiwa Maitha na nataka nimshukuru kwa sababu tunaona mwangaza na mwelekeo mzuri katika Kamati hii. Nataka kuungana na wenzangu ili wafanyikazi walioachishwa kazi wapate haki yao. Nikiwa Mwenyekiti mdogo wa Kamati ya Leba, wafanyikazi hawa walikuja katika Kamati tukawasikiza na baadaye pia tukamwita Waziri kusikiza upande wao. Nina furaha kwamba matunda yameonekana kwamba wafanyikazi wapate haki yao ili waweze kukimu familia zao. Kwa hayo machache, naunga mkono Ripoti.

**The Speaker** (Hon. Kahindi): Hon. Member, I have a question for you. When these Members came before the Labour Committee, was there representation? I want to believe that if the Implementation Committee has followed up and gotten a response from the respective Department, it is also good that you write to them and inform them of the progress of the respective Department. Hon. Shaban, are you aware if they came as a delegation or sent a representative?

**Hon. Shaban**: Mheshimiwa Spika, walioathirika walikuwa takribani 20 na walikuja wote na tukawahoji. Nitazungumza na Mwenyekiti ambaye kwa sasa hayuko ili kuwaandikia wale wafanyikazi kuwajua kwamba mambo yamefikia wapi ili wafwatilie haki zao.

**The Speaker** (Hon. Kahindi): That will make a lot of sense because then you will have completed your job.

*(Question put and agreed to)*

## ADJOURNMENT

### LONG RECESS

Hon. Members, in the absence of any other business in the Order Paper and pursuant to the provision of Standing Order 25, this House stands adjourned for the Third Session, Second Part long recess starting from tomorrow 29<sup>th</sup> of August 2019. Hon. Members, plenary sittings will resume on Monday 30<sup>th</sup> September 2019.

I would ask that you stay behind for 5 minutes for a brief *Kamkunji* (informal meeting) so that we lay out the programme for the recess before we go to the field. Thank you.

**The House rose at 3:06 p.m.**

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