

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Wednesday, 30th March, 2016

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

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

PRAYERS

PAPER LAID

The Speaker (Hon. Kahindi): Chairperson, Environment and Natural Resources.

Hon. Chai: Thank you Mr. Speaker, Sir. I stand for the Chairperson as the Vice Chairperson and I beg to lay the Paper of the Sectoral Committee on Environment, Natural Resources and Solid Waste Management over the management of solid waste in Kilifi County, 2015. Thank you, Mr. Speaker.

NOTICES OF MOTION

DEVELOPING A POLICY FOR THE AGED AND VULNERABLE CITIZENS TO ACCESS FREE MEDICAL SERVICES

Hon. Mwambire: Thank you very much Mr. Speaker. Mr. Speaker, I have the pleasure to give the following Notices of Motions. The first Notice of Motion is directed to the County Executive Member for Health which has a typographical error in the first line so please be attentive as I read through.

AWARE THAT Kilifi County has a large number of people aged 65 years and other justified vulnerable citizens who require quality medical care as stipulated in the Constitution of Kenya, 2010.

NOTING THAT, the aged and vulnerable citizens are expected to pay certain levies in our health facilities.

AWARE THAT, most of them are unable to pay these levies due to their status or skip accessing critical services to their health thus endangering their lives through uncalled for sufferings. This Honourable Assembly urges the County Executive in charge of Health Services to develop a policy which will acknowledge the aged and other vulnerable citizens in our great county to access free medical services.

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ESTABLISHMENT OF RESCUE CENTRES FOR PEOPLE SUSPECTED OF PRACTICING SORCERY OR WITCHCRAFT

Hon. Mwambire: The next notice of Motion Mr. Speaker, it is directed to the County Executive Member for Culture and Social Services.

AWARE THAT, Kilifi County has been annually recording the highest number of people lynched for suspicion of practicing sorcerers or witchcraft or related practices which are directly embedded in the Mijikenda or African cultural beliefs.

NOTING THAT, culture and natural heritage is our constitutional right as stipulated in the Constitution of Kenya, 2010.

FURTHER AWARE, THAT Kaya Godhoma at Mrima wa Ndege location in Sokoke Ward has an established rescue and cultural centre specifically for the people who have been suspected of practicing of sorcerers or witchcraft or related practices.

This County Assembly urges the County Executive Committee Member in charge of Culture and Social Services to:-

1. Organize and take full charge of the centre so as to facilitate the wellbeing of all the rescued persons.
2. Establish other centres where necessary within the County so as to mitigate the constant lynching of people in our great County.
3. To come up with County Legislation which will regulate the resolution of cases of sorcerers, witchcraft or other related practices in relation with our Mijikenda or African cultural beliefs or traditions?

CONSTRUCTION OF MOTORCYCLE SHEDS AND TRAINING /WORKSHOPS FOR MOTORCYCLE RIDERS TO ENHANCE THEIR HEALTH AND SAFETY

Hon. Mwambire: The third Notice of Motion Mr. Speaker is directed to the County Executive Member in charge of Trade.

AWARE THAT, transport across the County has been enhanced by Motor cycle riders popularly known as “bodabodas”.

NOTING THAT, these Motor cycle Riders have stimulated businesses hence contribute dearly to the county’s revenue base.

FURTHER AWARE, THAT these Motorcycle riders have fairly established centres for their trading business thus facilitates elaborate revenue collection base.

This honorable County Assembly, urges the County Executive Member in charge of Trade to:-

1. Erect Motor cycle sheds in the established centres across the County so as to redefine the business.
2. To come up with periodic regional training workshops or seminars targeting the essentials of their health and safety so as to instill sanity or confidence to both infected and affected.

ESTABLISHMENT OF A REVOLVING FUND FOR STUDENTS IN COLLEGES AND UNIVERSITIES IN KILIFI COUNTY

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Hon. (Dr.) Chitibwi: Mr. Speaker, Sir, I beg to give a notice of Motion to the County Executive Committee Member for Finance and Economic Planning.

AWARE THAT, the economic status of many families in Kilifi County automatically shuts their members out of many opportunities to improve their lives.

AWARE THAT, most children from such families cannot access higher education after successful secondary school education.

FURTHER AWARE THAT, the funds available from the Ward Scholarship Fund are not sufficient to enable successful students who have been accepted to pursue higher education in colleges and universities.

This County Assembly urges the County Executive Committee Member in charge of Finance and Planning to come up with a Legislative Proposal to establish a revolving fund to be available to disadvantaged students in Colleges and Universities as a loan to be managed similarly to the loan fund by the National Government managed by the Higher Education Loans Board. Thank you.

STATEMENTS

RECRUITMENT OF ENERGY LIASON OFFICERS TO THE DEPARTMENT OF ENERGY

The Speaker (Hon. Kahindi): Hon. Jared Chokwe Kaunda

Hon. Kaunda: Thank you Mr. Speaker, Sir. I rise to request for a Statement from the County Public Service Board. Whether it is aware that the Department of Energy has inadequate capacity to effectively undertake its functions. Why the County Public Service Board advertised for the position of the one Director of Energy and three Energy Liaison officers on 29th July 2015 but only recruited one Energy Liaison Officer? Why the County Public Services Board did not recruit all officers as advertised and whether the County Public Service Board has a Human Resource Plan of the Department of Energy? Thank you Mr. Speaker, Sir.

INITIATIVE FOR EQUALIZATION FUNDS TO BE DISTRIBUTED TO THE POVERTY RIDDEN SUB-COUNTIES OF MAGARINI AND GANZE

Hon. Mwambire: Thank you very much Mr. Speaker. My Statement is directed to the Leader of Majority. What initiatives has the County Government put in place from the next budget so that Ganze and Magarini Sub-Counties can benefit from the equalization funds benefitted by the County courtesy of the two poverty-ridden Sub-counties? Whether there are policies to address the much awaited equitable distribution of Ward Scholarship funds and the friendly Ward Development focused funds. If not why and when will it be ready because equitable distribution of resources is not a privilege but a Constitutional requirement?

ORDER OF BUSINESS OF THE WEEK COMMENCING MONDAY, 11th APRIL, 2016

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker for giving me this opportunity to read before the House the programme of the County Assembly for the week commencing Monday, April 11th, 2016.

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On Monday 2.30 p.m. that will be on 11th April, 2016; Communication from the Chair, Message, Petitions.

- a) Notices of Motion
- b) Statements
- c) Motion from the Chairperson Environment, Natural Resources and Solid Waste Management: - Adoption of the Report of the Environment, Natural Resources and Solid Waste Management Committee on the Management of Solid Waste in Kilifi County 2015.
- d) Bills- First reading of the Kilifi County Persons with Disabilities Bill, 2016
- e) First reading of the Kilifi County Child Health Care Bill, 2016
- f) First reading of the Kilifi County Early Childhood Education Bill, 2016
- g) First reading of the Kilifi County Ant-Pornography Bill, 2016
- h) First reading of the Kilifi County Cultural Heritage Bill, 2016
- i) First reading of the Kilifi County Environmental (Regulation and Control) Bill, 2016
- j) First reading of the Kilifi County Petition to County Assembly (Procedure) Bill, 2016
- k) First Reading of the Kilifi County Vetting and Appointment of Public Officers. (County Assembly Approval) Bill, 2016.
- l) First Reading on the Kilifi County Vocational and Technical (Polytechnics) Bill, 2016
- m) First Reading of the Kilifi County Public Entertainment and Amenities Bill, 2016
- n) First Reading of the Kilifi County Agriculture Development Fund Bill, 2016
- o) First Reading of the Kilifi County Betting, Gaming and lotteries Bill, 2016.

(Hon. Hassan stood on a Point of Order)

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

Hon. Hassan: Thank you Mr. Speaker, Sir. I do not understand 'Pornography Bill'. What is that? Can I get clarification for that? Excuse me.

The Speaker (Hon. Kahindi): Hon. Hassan, you get excited over very small issues. When you look at Schedule 4 Part of... just have a seat hon. Hassan. When you look at Schedule 4 of the Constitution, it is a responsibility of all the County Governments to ensure that there are Anti-pornography rules that are enacted. I am sure you will be interested to...so it is a Constitutional mandate that has to be done and it is one of the Laws which the County Assemblies are required to do under the Constitution. It is not pornography; it is Anti-pornography.

(Laughter)

Hon. Mwingo: Thank you Mr. Speaker. I think the hon. Member has understood.
On Tuesday at 9:00 a. m. that will be on 12th April, 2016

- p) Motion by hon. Teddy Mwambire to the Department of Lands, Energy, Housing and Physical Planning.
- q) Motion by hon. Dr. Mzungu Chitibwi to the Department of Finance and Economic Planning.

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- r) On Tuesday at 2:30 p.m. same date that is 12th April, 2016, there will be Communication from the Chair, Messages, Petitions, Papers, Notice of Motion, Statements and Bills.
- s) Motion by hon. Teddy Mwambire to the Department of Trade, Industrialization, Cooperatives, Tourism and Wildlife.
- t) Motion by hon. Teddy Mwambire to the Department of ICT, E-Government, Culture and Social Services.
- u) On Wednesday at 2:30 p.m. that will be on 13th April, 2016, we will have communication from the Chair, Messages, Petitions, Papers, Notice of Motion and Bills.
- v) Statement by the Leader of Majority/Minority
- w) Motion by the Chairperson Environment, Natural Resources and Solid Waste Management.
Adoption of the Report of the Environment, Natural Resources and Solid Waste Management Committee on Management of Solid Waste in Kilifi County 2015.
- x) Motion by Hon. Teddy Mwambire to the Department of Health services. Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): Next Order?

MOTION OF ADJOURNMENT FOR SHORT RECESS

Hon. Mwingo: Thank you Mr. Speaker for giving me this opportunity to move a Motion of Adjournment before the House.

THAT, pursuant to Standing Order 25, this County Assembly adjourns for the Fourth Session First Part short recess from 31st March, 2016 to Friday 8th April, 2016.

THAT this County Assembly resumes it is sitting on Monday 11th April, 2016. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): Anybody to second that Motion?

(Hon. Matano stood at his place to second)

(Question proposed)

The Speaker (Hon. Kahindi): Yes, hon. Matano proceed.

Hon. Matano: Asante Mheshimiwa Spika. Nimesimama kuunga mkono Hoja hii ya kwamba twende kwa mapumziko mafupi kwa sababu miezi hii miwili shughuli za ndani ya Bunge zimekuwa moto moto na kabambe na tumepambana nazo ipasavyo. Tunajitaji muda kidogo wa mapumziko ili tuonane na wananchi tutayarishie maneno ya mwaka ujao. Asante sana Mheshimiwa Spika.

The Speaker (Hon. Kahindi): Hon. Hassan.

Hon. Hassan: Asante sana Mheshimiwa Spika kwa kunipatia nafasi hii muhimu. Mimi napinga kwenda likizo fupi kwa sababu, kazi zilizotajwa hapa ni nyingi mno hasa Mswada wa *Anti-pornography*. Ni muhimu sana hasa tukiangalia athari na matatizo ambayo yametukumba leo sisi kama Kilifi Kaunti; mji wa Malindi ambao una Waheshimiwa muhimu na Mtwapa mahali kama Lollipop. Kwa hivyo, kuna umuhimu sana vitu kama hivyo turekebishe. Mheshimiwa Spika, ni juzi tumetoka kwa likizo ndefu na pia sherehe ya Pasaka sasa sioni sababu na wakati tunalipwa mshahara vizuri. Tunapata marupurupu yetu... naomba ikiwezekana

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tuwe hapa wiki ijayo Jumatatu na Mungu akipenda tumalize hii shughuli. Asante sana Mheshimiwa Spika.

The Speaker (Hon. Kahindi): Yes Hon. Emmanuel Chai.

Hon. Chai: Thank you very much hon. Speaker for giving me this chance to support the Motion of adjournment. As we have seen it was a long holiday but the time we were at home everybody was on a holiday and our offices off course. I think it will be prudent enough that we can be seen in our offices and meet our electorates. I stand to support the Adjournment Motion.

The Speaker (Hon. Kahindi): Hon. Mwayaa.

Hon. Mwayaa: Asante sana Mheshimiwa Spika. Naunga mkono tuende kwa mapumziko mafupi baada ya kazi nyingi. Unavyojua tulikuwa na kampeni kali, usingizi wengine tulikuwa hatupati kwa sababu ya uchaguzi mdogo hapa Malindi na ukapita vizuri. Naomba Mheshimiwa Spika twende kwa Wadi zetu tukaweze kuhudumia wananchi wale waliotuchagua na kutuleta katika Bunge letu la Kaunti. Mheshimiwa Spika, naunga mkono turudi kwa wananchi tukatayarisha njia ili kwamba mwaka ujao ni kampeni na kazi ni nyingi na nafikiri safari ya kesho hufungwa leo. Naunga mkono tupumzike Mheshimiwa Spika.

The Speaker (Hon. Kahindi): Hon. Teddy Mwambire.

Hon. Mwambire: Thank you very much Mr. Speaker. I stand to support the Motion ideally because it is something we passed and a programmed affair normally takes its precedent. We agreed and passed that during this period we are suppose to take at least 10 days to relax and meet our electorates which is a very good time whereby we will be connecting. Mr. Speaker, in my office I have four people from my Ward who have come to see me, which means I have been delegating all my time in this Assembly. Getting 10 days, I will get an opportunity to meet those who cannot travel all the way to Malindi.

(Hon. Hassan stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes, on what Point of Order are you raising on hon. Hassan?

Hon. Hassan: Number 10(c)

(Laughter)

The Speaker (Hon. Kahindi): You are out of Order hon. Hassan.

Hon. Mwambire: Mr. Speaker, by getting that time again several Committees will get an opportunity to sit and analyze a good number of issues that need to come for legislation. The line up of Bills that have been shared by the Leader of Majority and the programme for the next session means that Members are supposed to sit and do a good research so that by the time we come back, we will have issues that we can share in the Assembly and also get an opportunity to converse with our colleagues in other Assemblies so that at least we can get other information and issues that need to be passed and emulate them.

Mr. Speaker, coming to this Assembly all the time sometimes we miss very important opportunities to share with colleagues in other Assemblies. These 10 days seem to be very many days but even to some Members it will be like two or three days because we are so much engaged. Most Committees like the Budget Committee, Committee on Implementation will be engaged somewhere, which means we will not be relaxing but we will again be working on

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different issues that pertain this Assembly. For those few observations, I stand conquering with the events as planned by the Assembly. Thank you.

The Speaker (Hon. Kahindi): Hon. (Ms.) Nashee.

Hon. (Ms.) Nashee: Asante Mheshimiwa Spika. Mimi napinga lakini kwa ufahamu wangu naweza kuwa sipingi tena. Kama ni siku nne naona tuendeleo na kama ni mwezi mmoja kama itawezekana kupumzika waliochaguliwa wapumzike peke yao na sisi wateuliwa tuendeleo na Bunge maanake sisi tuna shida sana kama wateuliwa. Hatuna pesa za Wadi wala za ofisi tufanye nini sisi nasi? Pia sisi tuna watu wanagonga milangoni kwetu asubuhi wakitaka pesa; tutaenda wapi? Kama pia Bunge linaweza kutusaidia na biashara nyengine basi tuweze kusaidika.

(Laughter)

Mheshimiwa Spika, kama ni siku nne mimi napinga lakini kama ni wiki mbili ama tatu basi sawa lakini wale watauliwa waangaliwe hali yao tuko hali ngumu karibu tuaibike. Asante Mheshimiwa.

The Speaker (Hon. Kahindi): Yes Hon. (Ms.) Mbeyu

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. I rise to support this Motion. I think by the calendar of the Assembly, it is our right to go on this short recess. Mr. Speaker, you are aware most of our Members come from very far to the Assembly and a good example is Hon. Mwayaa and Hon. Pascal who come from very far and they have decided to reside in Malindi throughout and we understand their families...

(Hon. Hassan rose on a Point of Information)

Hon. (Ms) Mbeyu: I do not want to be informed Mr. Speaker

The Speaker (Hon. Kahindi): Kindly proceed

Hon. (Ms) Mbeyu: Thank you

The Speaker (Hon. Kahindi): You are out of Order. Hon. (Ms.) Mbeyu has said she does not wish to be informed.

Hon. (Ms.) Mbeyu: I cannot be interrupted Mr. Speaker, Sir. So, I think it is the right time most of us go and interact with our family Members; at least we get space Mr. Speaker. I know we have a lot of work to do but we have a calendar of every event in this Assembly and I urge all the other Members apart from the few issues that may arise but we need to have this time. For some Committee Members, I know they do not rest but for the benefit of the Majority of the Members of the Assembly, we need this recess. We need to organize ourselves. Mr. Speaker, I rise to support .Thank you.

The Speaker (Hon. Kahindi): Hon. Japhet Nzaro

Hon. Nzaro: Thank you Mr. Speaker. I also rise to support the Adjournment Motion. Mr. Speaker, from the Order Paper of today, there are so many Bills which are to be handled by this Assembly. I think it will give us an opportunity to look at these Bills so that we can be conversant with what is in these Bills. Also because we represent the Wards, it is also important to go and seek some information from our Constituents so that when we come here fully equipped with what entails because we are also in the budget process and what we are going to

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pass after meeting our people should be intending with what we are beseech as Mr. Speaker, with those few remarks, I beg to support. Thank you.

The Speaker (Hon. Kahindi): Hon. Stanley Kenga

Hon. Kenga: Thank you very much Mr. Speaker. I beg to support the Adjournment Motion. Mr. Speaker, this is something that was set in the calendar of the Assembly. There is a lot of work that we have done as an Assembly and this is taking us to the Legislative work that we have done. Looking at the rules of the Members of the County Assembly, we are also supposed to consult and engage Members of the public in the Wards that we represent and this gives us an opportunity to engage with the Members of the public.

I know of the several Motions that we have been able to pass and I know of the various Bills that have come before the floor of the House. As Members, we have been able to pass and this opportunity will now accord us time for us to engage Members of the public. Again for those like hon. Member for Ganze who was saying in his advice some of us need even blessing from the members of the public for them to get the energy to be able to move ahead. This work is not as easy as the people may think and therefore when we adjourn for the few days, we shall be able to do all that. We shall seek advice from the people we represent, we shall go for the blessing for those who need blessings from the members of the public and again when we come back we will also be able to update our people that there is this Business which is pending but when we get back to the House we shall be able to pass and it is for your own good.

Thank you very much Mr. Speaker, I beg to support and for the few like hon. Hassan who is not in the House, the Chairperson of Water Committee in the County Assembly of Kilifi, Mr. Speaker, I do not know what other people take. May be it is good that whatever kind of food one takes we need to know because it may corrupt our heads. I do not think whether his actions merit this Assembly. Thank you very much.

The Speaker (Hon. Kahindi): Leave hon. Hassan alone; he has his own issues today. I was from a meeting with him and trust you me he has... Yes Majority Leader you can now...

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

The Majority Leader (Hon. Mwingo): Thank you Mr. Speaker. I would like to take this opportunity to say thank you for those Members who have supported the Adjournment Motion. Mr. Speaker, I believe one of our mandates as Members is to oversight but I am sure most of the Members at the moment do not know what is going on in their respective Wards because we do not have enough time. Monday, Tuesday and Wednesday we are coming to the Assembly and Thursday and Fridays we are having some Committee to attend. So, I think it will be very much ideal for this short recess at least we can know exactly what is going in our respective Wards. So, Mr. Speaker, I say thank you so much.

The Speaker (Hon. Kahindi): Hon. Members the Motion to adjourn this House to proceed for a short recess has been moved by the Leader of Majority and it has been deliberated.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

Just before we adjourn, I just want to make some remarks; that we are heading to a very tough time in terms of legislation. The Leader of Majority has been able to put Bills before us in the Business of the House after we resume back from the recess but I also need to notify you that the Legal Counsel of the County Assembly is proceeding to Nairobi today because there are three more Bills from the Executive. That is the Bill on Emergency Fund, one on Health and another one on Environment. By the time they are brought back we will not have twelve Bills; we will have fifteen and we are doing a programme with the Clerk right now because these Bills are intense and require a lot of input and we will organize for the whole House to go for a retreat either one or two weeks for purposes of getting to understand the importance of these Bills.

We are trying to get the best Advocates in town and some people from the Attorney General office and drafters who will be able to take you through because I think fifteen Bills is just too much for one time. So, the whole House will be taken through that process whereby you are taken clause by clause until you get to understand just the content because these Bills have originated from the Assembly. We will also try to make sure that we do Public participation in all the seven sub-counties. That means after the first induction of these Bills we will come back to this House, they will be assigned to the Committees because we have now knowledge of the contents then we will encourage them to do Public participation in all the seven sub-counties. We will also make sure that we have all the relevant stakeholders being invited to come on board and trust me there are other six Bills which are currently being done. So, immediately the fifteen are done there will be six more to come.

It is going to be a really tough time; we might require you during the short recess to attend a meeting of course on the Bills where you will be required to be taken through a programme each and every day on the twelve Bills which are already with us. So, whenever you are called upon please show up and our intention is to go to some place where there will be less movement and less communication and everything, probably to a place where will not have good network because it will give you room to concentrate so that by the time we are coming back then you know precisely what is contained in those Bills and then it will enable us to move very fast.

ADJOURNMENT

Having said that, I would like to take this opportunity to wish you a blessed short working recess and I hope that when we come back you will still have some energy left in order for us to handle the work that is before us.

The House rose at 3:02 p.m.