



## REPUBLIC OF KENYA

### COUNTY ASSEMBLY OF KILIFI

#### SECOND ASSEMBLY –THIRD SESSION

## THE HANSARD

Wednesday, 4<sup>th</sup> December 2019

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

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

#### PRAYERS

#### STATEMENTS

##### DEPLORABLE STATE OF TIMBONI-MTONDIA DUMPING SITE

**Hon. (Ms) (Sidi):** Thank you Mr. Speaker, I raise to read a Statement on behalf of the MCA (Member of County Assembly) for Tezo Ward hon. Thomas Chengo, to the CECM (County Executive Committee Member) in charge of the Department of Water, Environment, Natural Resources, Forestry and Solid Waste Management through the Chair of Water, Environment and Natural Resources, subject; Mtondia-Timboni Dumping Site in Tezo Ward:-

Whether the CECM in charge of Water, Environment, Natural Resources, Forestry and Solid Waste Management is aware that the Environment Management and Coordination Act 2015, requires that Public Participation Report and Environment Impact Assessment (EIA) Report be submitted to the Natural Environment Management Authority (NEMA) before undertaking any project?

Whether the CECM is aware that public participation and EIA was not undertaken before Mtondia-Timboni dump site in Tezo Ward was commissioned and whether the CECM is aware that the said area is swampy and the solid waste is disposed by the roadside creating a public health concern?

If yes, why is the dump site in operation contrary to the provisions of law, and what measures the CECM is taking to ensure compliance? Thank you, Mr. Speaker.

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## LACK OF FACILITIES AT NDATANI DISPENSARY

**Hon. Mwayaa:** Thank you Mr. Speaker. I have two Statements and I proceed to read the first one which is directed to the CECM in charge of Health Services through the Chair, Health Services Committee on Ndatani Dispensary in Kayafungo Ward:-

Whether the CECM in charge of Health Services is aware that Article 43 (1) (a) of the Constitution of Kenya, 2010 provides that every person has the right to the highest attainable standards of health.

Whether the CECM is aware that Ndatani Dispensary has no incinerator, placenta pit, waiting bay or a veranda for the patients.

Whether the CECM is aware that the electricity power is connected to the dispensary for the pre-paid metre and the Department does not pay for the tokens leading to power outages, thus affecting the operation of the facility especially during deliveries.

If yes, what measures is the CECM taking to ensure that those issues are resolved to restore normalcy in the facility? Thank you, Mr. Speaker.

## LACK OF WATER ALONG THE KIBAOKICHE-KIJENGONI-GOTANI PIPELINE

The second Statement Mr. Speaker is directed to the CECM in charge of the Department of Water, Environment, Natural Resources, Forestry and Solid Waste Management through the Chairperson; Water, Environment, Natural Resources Committee on Kibaokiche-Kijengoni-Gotani Pipeline:-

Whether the CECM in Charge of the Department of Water, Environment, Natural Resources, Forestry and Solid Waste Management is aware that the Kibaokiche-Kijengoni-Gotani water pipeline is a project appropriated for in the financial year 2016/2017.

Whether he is further aware that an NGO (Non-Governmental Organization) known as KARTAS came to assist the piping from Kijengoni to Gotani and the project was officially opened on 24<sup>th</sup> September 2019, but since then, no water has been flowing out of the kiosks.

If yes, what measures is the CECM taken to ensure that the project meets its intended purposes? Thank you.

**MOTION**ADOPTION OF THE REPORT ON THE KILIFI COUNTY FIRST SUPPLEMENTARY PROGRAMME  
BASED BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2019/2020

**Hon. Kiraga:** Thank you so much Mr. Speaker. I would wish to move the following Motion on the Report of the Budget and Appropriations Committee on the Kilifi County First Supplementary Programme Based Budget Estimates for the financial year 2019/2020:-

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Kilifi County First Supplementary Programme Based Budget Estimates for the financial year 2019/2020 laid on the Table of this House on 3<sup>rd</sup> December, 2019.

Mr. Speaker, before I call upon hon. Chiriba to Second, I have the following submissions. The Supplementary Budget was tabled to this House on the 18<sup>th</sup> November, 2019 that is from the Executive to this County Assembly. This Supplementary Budget proposes to appropriate the unspent CRF (County Revenue Fund) amounting to Kshs936, 521, 640 and other conditional

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grants amounting to Kshs228,864,484 together with the additional equitable share of Ksh1.096 billion plus our own source of revenue Kshs100 million. This brings to a total of Kshs2,361,885,548. The issues which were to be appropriated following this amount were the pending bills which were distributed into two categories which are the recurrent and the development. The recurrent is Kshs408.5 million and Kshs63.7 million that is for development.

The Supplementary Budget was also seeking to provide for some outstanding payments in the ongoing projects plus payments for emerging issues. After the Committee scrutinized the Supplementary Budget submitted by the Executive and ruling the supplementary Budget adhered to Section 135 (7) of the PFM (Public Finance Management) Act 2012. This Section limits the CECM in its appropriations. When it comes to supplementary Budget, they are required by law not to go over and above 10 per cent of the Budget and this Supplementary Budget adhered to that provision.

There is something to note here; the County Executive increased our own resource revenue and everybody should understand that our own resource revenue target for this current financial year was capped at Kshs1 billion, but again on this Supplementary Budget, Kshs100 million was added. This now brings to a target of Kshs1.1 billion. As a Committee, we had to put to task the Treasury on how best they are going to manage to meet this target. There is a valid explanation and looking at the trend, the last financial years' budget before some valid measures were taken was Ksh1.1 billion and we ended up getting Kshs850 million. Currently, there are some measures that we have put which will now warrant this County Government to get the Kshs1.1 billion.

Mr. Speaker, we realized that in some Departments there was underfunding and again there were some valid reasons as to why there was underfunding to some of these Departments. One of the reasons is some permanent staffs in one way or another had been promoted to other grades and in promotion, it also has some implications in the budget among other reasons. It is also very important to note the Ward Development Fund Projects for this financial year were never touched and it is also worth noting that with Ward Development Fund Projects for the previous financial years which had some monies slashed from the Executive, this Committee made monies to be reinstated; in fact all of them which had been cut out. Those which some monies had been slashed completely and they are ongoing, the monies were reinstated.

Projects are ongoing on the ground but here the Executive had collapsed every coin. This Committee reinstated the whole amount. I can give an example there is a road in Kibarani worthy Kshs10 million; that road was reinstated as it was in the budget.

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

**The Speaker** (Hon. Kahindi): Yes, what is your Point of Order?

**Hon. Mwamtsi:** The Chairperson Budget and Appropriations Committee is mispresenting facts. The road that was in Kibarani was an Executive project; it was not a Ward Project. So he should not mislead the House.

**Hon. Kiraga:** Mr. Speaker, what I am submitting is that there are some projects which had been slashed either an Executive project or Ward project and I said these projects were reinstated because these are projects which the community are looking forward to receiving services from. Either it is a Ward project or an Executive, the Committee could not allow such a project to be collapsed completely that why I am saying they were reinstated.

**The Speaker** (Hon. Kahindi): That is clear hon. Kiraga, just proceed.

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**Hon. Kiraga:** With those few remarks, may I call Hon. Chai Chiriba to second. Thank you.

*(Hon. Chiriba seconded)*

*(Question Proposed)*

**Hon. Chiriba:** Thank you Mr. Speaker for giving me this opportunity to echo the sentiments that have been made by the hon. Chairperson hon. Albert Kiraga. One; I should thank the Chairperson in view of what is enshrined in this Supplementary Budget. He was able to touch on all the areas of concern in this Supplementary Budget. However, I will also shed some light on some of the facts that the Chairperson has just submitted to this hon. House.

Mr. Speaker, this county was forced to do this Supplementary Budget just because of issues of concern like the issue of pending bills. These pending bills are from the so called service providers in the county and the fact that they had served the county maybe it should be the contractors or suppliers, you will find that the amounting bills has made this county to come to a standstill and in most of the areas, the Kilifians are not able to access services. So there was a need for us to go through the Supplementary Budget.

Mr. Speaker, again we have projects like the Kilifi County Hospital complex that was on its second phase; it needed some funding and the only way to appropriate funds is through the supplementary. So I stand in support of the passage of this Supplementary Budget and having had the same passing through very many consultative meetings that involved the Executive and the Members of this House, it is my belief that this same budget today will find the favour of this House and be passed in good time so that we can have the services rendered to the intended people. Thank you and I stand supportive.

**Hon. Mwambire:** Thank you Mr. Speaker. First and foremost, I want to take this chance to congratulate you and the staff for giving us enough time to make some interactions with the Committee and at the same time with the Executive. There have been a lot of changes that were left out and I would like to take this time to congratulate the Committee for bringing back the monies which had been slashed especially in the Medical Services Department.

Another area is where water projects which are a very important commodity to our people and having special grants for the implementation of these projects, there were some areas where the Executive had not appropriated the amounts to implement and get the grants from donors.

I urge my fellow hon. Members that this Budget is passed and implemented so that it brings relief in our county in terms of water and medical services as hon. Chai Chiriba mentioned that we are going to the second phase of implementation of the Kilifi County referral hospital. Thank you very much, Mr. Speaker. I stand in support.

**Hon. Ziro:** Asante mheshimiwa Spika kwa hii nafasi ya kuweza kuchangia Mswada huu ambao umeletwa na mheshimiwa Kiraga kutoka Gongoni. Mimi naunga mkono kupitishwa kwa hii bajeti lakini kwa machungu. Mwanzo kabisa mimi sikuwa naunga mkono kabisa kwa sababu kando na kuwa tunaipitisha, kuna vitu ambavyo vilikuwa vifanyike na tuhakikishe kwamba hivi vitu vinaenda vizuri kila mahali ndio tuweze kuleta Mswada huu ndio tuweze kuupitisha. Lakini baada ya mazungumzo na watu fulani ndio tukaona kwamba ikiwa haitapita itakuwa ni kama ambaye tunapatia adhabu watu wetu wa Kilifi ambayo si halisi.

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Kwa hivyo, hata kama bajeti hii itapita lakini nataka ijulikane na itambulike kwamba katika hiyo bajeti kuna vitu ambavyo vinastahili kurekebishwa. Kuna miradi ambayo iko na mengine imetolewa na haijaangaziwa, na hasa kwangu mimi ambaye ni mjumbe nimetumwa kutoka wodi fulani na watu walienda katika ile tunaita *public participation* na tukaeleza wananchi na sasa ikikosekana inachukua mda mrefu...

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

**The Speaker** (Hon. Kahindi): Yes hon. Kiraga, you have a Point of Order?

**Hon. Kiraga:** Thank you so much, Mr. Speaker. I believe before this Report went, it found its way to this County Assembly. There have been a lot of consultations and I appreciate what the Member for Bamba has just submitted. There have been a lot of consultations and even yesterday we had a *Kamkunji* (informal sitting) for the same. It was submitted yesterday here that there are some projects worth Kshs131 million which could not find its way due to the resources on the ground. There are various reasons which were submitted by the Executive and one of the reasons; some projects have land issues, contractor issues going to court and I believe the project which has not taken off completely it is among the Ksh131 million worth of projects which the Executive through the CECM Finance agreed that these projects will be the first charge in the coming Supplementary budget Mr. Speaker...

**The Speaker** (Hon. Kahindi): That is in Order.

**Hon. Kiraga:** Thank you so much Mr. Speaker.

**The Speaker** (Hon. Kahindi): Yes hon. Ziro proceed.

**Hon. Ziro:** Mheshimiwa Spika unaweza niruhusu niongee Kizungu?

**The Speaker** (Hon. Kahindi): No I will not allow you.

**Hon. Ziro:** Naona hiki Kiswahili kidogo kinanikanganya.

**The Speaker** (Hon. Kahindi): No I will not allow it, proceed.

**Hon. Ziro:** Kwa hivyo, niendeleo na Kiswahili, sawa. Nafikiri mheshimiwa Kiraga amekosa kunielewa labda pengine Kiswahili ndio kimempita. Nimesema baada ya kuzungumza na wenzangu ndio nimekubali kuiunga mkono kwa hivyo hiyo nataka anielewe kama alikuwa hajaelewa. Najua Kiswahili kwake hakuwa mzuri sana kwa hiyo lugha ya Kiswahili tulisoma sote na alipata...

*(Laughter)*

Tulisoma sote najua hauko mzuri sana kwa hiyo lugha ya Kiswahili. Mimi langu ilikuwa kuwajulisha kwamba hata lile ambalo mheshimiwa Kiraga alikuwa anazungumzia, kweli wamesema wataifanya baadaye katika zile shilingi milioni 131, lakini huo mradi umechukua mda sana ni mradi wa mwaka wa 2017/2018. Sasa haukufanyika huo na tena safari hii haukufanyika tena; sasa utaenda kwa mwananchi umwambie ati ule mradi haukufanyika sasa nitakuja kufanyia mradi huu tena.

Hapo kuna kazi ngumu sana. Sasa nataka mheshimiwa Kiraga aelewe kwamba hii kazi ambayo tunaifanya hapa si kwa ajili yake yeye ni kwa ajili ya wananchi wale ambao walituchagua. Yeye alichaguliwa Gongoni na mimi nilichaguliwa Garashi kwa hivyo niko na wakati mgumu kwa hivyo tutaipitisha bajeti yako lakini sasa uelewe kwamba wakati mwengine ukienda kukaa ufikirie wale wenzako kule wacha kufikiria Gongoni peke yake. Asante mheshimiwa Spika.

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**Hon. Maitha:** Thank you Mr. Speaker, for giving me this opportunity. I rise in support of this Supplementary Budget. I am impressed that for the first time the Executive have kept their word. I had a dispensary which started construction in 2014. They confirmed to me that it will appear in the main budget they failed. They also promised me that in this First Supplementary Budget it will be slotted in. As I stand here Migumomiri Dispensary is one of the beneficiaries of this Supplementary Budget and I rise in support and congratulate the Committee for their good work. Thank you, Mr. Speaker.

**The Speaker** (Hon. Kahindi): Thank you hon. Mwamure (Reuben).

**Hon. Reuben:** Thank you, Mr. Speaker, for granting me this opportunity. I am in solidarity with the Mover of this Motion...

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

**The Speaker** (Hon. Kahindi): Yes what is your Point of Order hon. Ziro?

**Hon. Ziro:** Mr. Speaker, I am getting concerned with the use of the word *opportunity* in this House?

**The Speaker** (Hon. Kahindi): Why?

**Hon. Ziro:** It is becoming too much. Any Member who stands is using the word *opportunity* so maybe through your powers you can look for a better word which Members can use. Thank you.

*(Laughter)*

**The Speaker** (Hon. Kahindi): Did he say opportunity or in solidarity? Hon. Mwamure (Reuben) please proceed.

**Hon. Reuben:** I think maybe the hon. Member...

**The Speaker** (Hon. Kahindi): No just proceed, ignore him. I have overruled him so proceed.

**Hon. Reuben:** He needs a synonym. Thank you, Mr. Speaker, for granting me this chance to contribute to this Supplementary Budget Report. First and foremost, I rise to support this Supplementary Budget. It is for the first time I think in my life because this is the first moment that I am going to witness the passage of a Supplementary Budget. We had some contentions and when we discussed and resolved a number of issues with the Executive, but looking at this Budget here, I am seeing that most of the resolutions we made at Sun and Sand Hotel have been captured. We said that the core funded projects have to be drawn back to the Budget and it has happened.

Again, we also said that those projects whose construction is underway should be re-voted back and I can see a good example is the completion of Ganda Dispensary which was completely slashed; it has now been re-voted back. I stand to support this Budget and I urge the honourable Members in this House to all support this Budget. Thank you, Mr. Speaker.

**Hon. (Ms.) Victorine:** Thank you Mr. Speaker for giving me the opportunity. I rise to support this Supplementary Budget because the empowerment centre for persons living with disability is reflecting in this document. Then, Mr. Speaker, I am just standing here in plea to the implementing Committee. I am pleading because people at the persons living with disability empowerment centre have been crying a lot and now the fact that the CECM for Public Works came here and confirmed that the *BQ* (Bill of Quantities) for the Supplementary Budget is ready

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I am pleading with the Chair Committee on Implementation to be committed to this Supplementary Budget and ensure that the empowerment centre goes to work. Thank you.

*(Question put and agreed to)*

### **PROCEDURAL MOTION**

REDUCTION OF PUBLICATION PERIOD ON THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATION BILL,  
2019

**Hon. Mwayaa:** Thank you Mr. Speaker. I am holding brief for the Leader of Majority. I proceed to read the Procedural Motion on the Reduction of Publication Period:-

THAT, notwithstanding the provisions of Standing Order No. 116 of the Kilifi County Assembly Standing Orders, I move that the House reduces the publication period of the Kilifi County Supplementary Appropriation Bill, from seven days to three days.

Mr. Speaker, by right after the publication of this Appropriations Bill it should have seven days before it comes to the Floor of this House, but because we have a lot of ongoing projects, and we have a lot of stalled projects and we have to go for recess, I urge this House to agree with me to reduce those days from seven days to three days.

With those few remarks, I call hon. Chiriba to Second me. Thank you, Mr. Speaker.

*(Hon. Chiriba seconded)*

*(Question put and agreed to)*

### **BILL**

*First Reading*

THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2019

*(Order for First Reading read-Read the First Time and ordered to be referred to the relevant Departmental Committee)*

### **BILL**

*Second Reading*

THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2019

**Hon. Kiraga:** Thank you so much Mr. Speaker. I beg to move that the Kilifi County Supplementary Appropriation Bill, 2019 be now read a Second Time. The reasons are just obvious that one; we have to hasten the passage of this Bill. Currently, I think every service being provided within this county is at a standstill awaiting the passage of this Appropriation Bill so it is paramount that we go to the Second Reading of this Bill. May call upon Hon. Chai Chiriba to Second. Thank you, Mr. Speaker.

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*(Hon. Chiriba seconded)*

*(Question proposed)*

**Hon. Chiriba:** Thank you Mr. Speaker. I stand in support of the Second Reading of this Appropriation Bill. The issue of time is of essence on this Report because we also need time for implementation. Money can be made available and yet miss the time for the procedures to be implemented. It is my humble request the same is done in due time so that services can be rendered to *Kilifians*. Thank you.

*(Question put and agreed to)*

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

### **COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

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

IN THE COMMITTEE

*[The Temporary Chairperson (Hon. (Ms.) Maneno took the Chair]*

**The Temporary Chairperson** (Hon. (Ms.) Maneno): Hon. Members, welcome to the Committee of the Whole House. We are considering the Kilifi County Supplementary Appropriation Bill, 2019. The rules are relaxed.

*(Clause 2 agreed to)*

*(Clause 3 agreed to)*

*(Clause 4 agreed to)*

*(First Schedule agreed to)*

*(Short Title agreed to)*

*(Long Title agreed to)*

**The Temporary Chairperson** (Hon. (Ms.) Maneno): We have come to the end of the Committee of the Whole House. I now call the Mover, hon. Kiraga.

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**Hon. Kiraga:** Thank you so much Chairperson. I beg to move that the Committee do Report to the House its consideration of the Kilifi County Supplementary Appropriation Bill, 2019 and is approval thereof without amendments.

*(Question Proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

### **REPORTS AND THIRD READING**

#### THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2019

**Hon. (Ms.) Maneno:** Hon. Speaker, I beg to report that the Committee of the Whole House has considered the Kilifi County Supplementary Appropriation Bill, 2019 and approved the same without amendments. Thank you.

**Hon. Kiraga:** Hon. Speaker, I beg to move that the House do agree with the Committee in the said report.

*(Hon. Chiriba seconded)*

*(Question proposed)*

**Hon. Chiriba:** Thank you very much. Reading the mood of the House, I think we need to quickly move the passage of the same so that it can find its way to the Governor for assent because the services that are on hold are needed as soon as possible. Thank you.

*(Question put and agreed to)*

**Hon. Kiraga:** Hon. Speaker, I beg to move that the Kilifi County Supplementary Appropriation Bill, 2019 be now read the Third Time.

*(Hon. Chiriba seconded)*

*(Question proposed)*

**Hon. Chiriba:** Thank you Mr. Speaker. As earlier submitted, I think this is the only step that will pave way for the same to reach the Governor for assent. So I pray that Members will join hands. Thank you very much.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and Passed)*

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**The Speaker** (Hon. Kahindi): Hon. Members, the Bill having gone through the processes and adopted is now ready for submission to the Governor for his assent.

## COMMUNICATION FROM THE CHAIR

### PASSAGE OF THE SUPPLEMENTARY BILL

Hon. Members; before we take the adjournment which is for the long recess, I think today we have come to the end of the Session which will re-convene next year sometimes in February. It is also my view and my hope that in the passage of this Supplementary Bill, the Treasury in Nairobi will be able to facilitate the release of funds in good time because there are some programmes that are supposed to run. Remember when you go for recess, it does not entirely mean that you go home to sleep. I am aware that there are Committees that are still engaged and we shall try as much as possible subject to the processing of the Supplementary Budget to facilitate Members to do one activity or another.

It is also to my understanding that both the Executive and the County Assembly are highly waiting for this Supplementary Budget to be uploaded and the earlier it is uploaded, the better for us.

We are all proceeding on recess but I want to say that the Clerk's Office remains open; so if you have any issues please you go there for address. I personally may not be coming to the office but I am available on phone. In case there is any issue that needs to be handled, then we may handle it together. The documentation is already prepared and Chairperson Budget, make sure you do the necessary so that it leaves the Assembly like in the next 20 minutes to the Governor's Office.

I have spoken with the Governor; he is coming today and tomorrow. He is going to assent to it and I am hoping it should find its way to Nairobi tomorrow. This has to happen before the week of 16<sup>th</sup> because then thereafter, Treasury Nairobi is going to close and it's going to be a disaster. I hope it will not be like last time where it had to go up to January to have it adopted. If that happens, then we know what the implications are. We have passed it in good time and it is my hope that tomorrow in the evening it will be in Nairobi and somebody will be following it up.

## ADJOURNMENT MOTION

### ADJOURNMENT OF THE HOUSE FOR THE THIRD SESSION, THIRD PART LONG RECESS PURSUANT TO STANDING ORDER 25(3)

Hon. Members, pursuant to Standing Order 25(3) for the Third Session, Third Part Long Recess, I wish to adjourn this House from today, 4<sup>th</sup> December to 7<sup>th</sup> February 2020. I take the earliest opportunity to wish each and every one of us a very happy festive season. I know you have responsibilities to handle but I take this time to say I wish you a merry Christmas and a prosperous new year. Thank you very much.

**The House rose at 3.24 p.m.**

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