

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

**THE HANSARD**

**Wednesday, 10<sup>th</sup> February, 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**

**Hon. Speaker** (Hon. Kahindi): Good afternoon hon. Members?

**Hon. Members:** Good afternoon Mr. Speaker, Sir.

**STATEMENT**

**ORDER OF BUSINESS OF THE WEEK STARTING FROM MONDAY 15<sup>th</sup> TO FRIDAY 19<sup>th</sup> FEBRUARY, 2016**

**Hon. Mwayaa:** Thank you Mr. Speaker, Sir. I rise to read the Order of Business of the week starting from Monday, 15<sup>th</sup> to Friday, 19<sup>th</sup> February, 2016 as approved by the House Business Committee on Wednesday, 10<sup>th</sup> February, 2016.

<b>DAY</b>	<b>DATE &amp; TIME</b>	<b>BUSINESS</b>
Monday	15 <sup>th</sup> February, 2016 at 2:30 p.m.	<ul style="list-style-type: none"> <li>• Tabling of Report of the Select Committee on Delegated County Legislation on the Kilifi County Assembly Staff Mortgage Regulations, 2015.</li> <li>• Tabling of Report of the Justice and Legal Affairs Committee on Benchmarking Visit to the Senate.</li> <li>• Tabling of Report of the Kilifi County Supplementary Budget, 2015/2016.</li> </ul>
Tuesday	16 <sup>th</sup> February, 2016-9.00 a.m.	<ul style="list-style-type: none"> <li>• Tabling of Petition to the Lands Committee on Ownership Dispute by Residents of Kilifi Jimba Settlement Scheme (Kilifi/Jimba 85)</li> <li>• Tabling of Kenya National Audit Office</li> </ul>

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		<p>Report of the Auditor General on the Financial Statements of Kilifi – Mariakani Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2014.</p> <ul style="list-style-type: none"> <li>• Tabling of County Government of Kilifi County Public Service Board, Report of Activities for the period from January to December, 2015.</li> <li>• Tabling of Report of the Sectoral Committee on Planning, Trade and Cooperatives on the Governors Memorandum on the Kilifi County Enterprise Development Fund (Mbegu Fund) Bill, 2015.</li> </ul>
Tuesday	16 <sup>th</sup> February, 2016-2.30 p.m.	<ul style="list-style-type: none"> <li>• Notice of Motion to the County Executive Committee Member, Health and Finance and Economic Planning from Hon. Teddy Mwambire.</li> <li>• Tabling of Report of the Sectoral Committee on Energy on Benchmarking Visit to Taita Biogas Projects.</li> <li>• Tabling of 1<sup>st</sup> Quarter Report (July 2015 to September, 2015) FY 2015 – 2016 for the Department of Lands, Energy, Housing and Physical Planning.</li> </ul>
Wednesday	17 <sup>th</sup> February, 2016-2.30 p.m.	Debate on the Report of the County Public Investment and Accounts Committee on the Five Defunct Local Authorities – Debate Adjourned on Tuesday, 1st December 2015
Thursday	18 <sup>th</sup> February, 2016	▪ COMMITTEES
Friday	19 <sup>th</sup> February, 2016	▪ COMMITTEES

Thank you Mr. Speaker, Sir.

## BILLS

### *First Readings*

#### THE KILIFI COUNTY TRADE LICENSE BILL, 2016

*Order for the First Reading read-Read the First Time and ordered to be referred to the Planning Committee.*

**The Speaker** (Hon. Kahindi): Hon. Members, that Bill has been read for the first time by the Clerk and it is now committed to the Committee on Planning.

Now, before we even proceed I want to bring to your attention that this County Assembly has performed very poorly in terms of legislation. Looking at the records we have only 11 Bills since we started in 2013; what are we going to tell the people?

From my investigations, I have concluded that we overstay with these Bills. Some of them have been returned by the Governor and we are dilly dallying. We do not even know what to do yet we have a mandate to either accept or reject those proposals. So, if it has taken us three years to do Bills, surely how will you convince the people of Kilifi in doing any other thing? On the core mandate of the County, I think we are at a very bad position. Our target is to do 50 Bills before the Parliament is dissolved so that you can tell people that you did 10 Bills in every Financial Year. At this rate, if you complete the five Bills the figure will be at 16.

Now, there are 65 model laws that were done to the Counties and many other Counties have been able to do that. Our Executives have not been up to task to bring Bills as required. I have directed the office of the Legal Director to have these Bills disseminated to the Committees.

I will urge the House Business Committee to ensure that we deal with laws and we give priority to laws and not Motions because if we were to follow up on how many Motions have been implemented, we will be surprised. The best thing we need to understand as we leave this House is that in the three years; forget about the Budget and Finance Bills, these are normal Bills which nobody counts them, but the independent legislation that we have done is below 15. We need to take note. Why am I saying this? Today we have committed this Trade License Bill to hon. (Dr.) Chitibwi and his team; you have 20 calendar days within which this Bill will have to come for the Second Reading.

It will not matter whether you have done public participation or not. We will bring it for the Second Reading, if there are any amendments they will be made under the Third Reading at the Committee level. Other than that, our record is bad and you can imagine in a period of three years it means we have done very little. Now we have always depended on the Executive to bring these Bills and that is why we seem to be the ones that are failing, but the truth of the matter is all the 47 Counties are enacting the model laws that are already there.

It is our responsibility as an Assembly now to adopt them, domesticate them and pass them even without the input of the Executive. That way we will be able to redeem our image but as of now if an audit of the legislation will be done trust me Kilifi County Assembly will be at the bottom because we have sat comfortably waiting for the Executive to bring Bills and we have not seen the Bills.

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We should also take a judicial notice that Bills do not just emanate from the Executive; even Committees can bring them and they are so many. So for these Committees which are vested with this work, I will personally follow it up so that on the 21<sup>st</sup> day we are doing a Second Reading whether you have done public participation or not. I still believe within the 20 days you will still do it anyway if we are taking our work seriously.

Second Bill?

#### THE KILIFI COUNTY VALUATION FOR RATING BILL, 2016

*Order for the First Reading read-Read the First Time and ordered to be referred to the Budget and Appropriations Committee.*

#### THE KILIFI COUNTY TOURISM BILL, 2016

*Order for the First Reading read-Read the First Time and ordered to be referred to the Tourism Committee.*

**The Speaker** (Hon. Kahindi): Chairperson Tourism you are in the House. Yes, both the Chair and the vice chair are present. So you have 20 days within which this Bill at whatever cost must go through the Second Reading and I know you have waited for it for a very long time. So there is no excuse now and Chairpersons, please, if for whatever reasons you are facing any challenges don't just... Come directly to me so that we sort things out; don't fail to have a sitting because you have been told you cannot sit somewhere. Call me directly and I will make sure that you work. Next Bill?

#### THE KILIFI COUNTY RATING BILL, 2016

*Order for the First Reading read-Read the First Time and ordered to be referred to the Budget and Appropriations Committee.*

**The Speaker** (Hon. Kahindi): This one also deals on issues of valuation on tax and rates. This Bill goes to the Budget and Appropriations Committee. I hope you will be up to the task because you have so much to do. These Bills are dealing with taxes and everything, I am reading from Standing Order 188; here it is a preserve of the Budget and Appropriation Committee. So I do not know what magic you are going to do but I still expect you to come back to this House within 20 days. That means therefore, you need to handle two Bills at least every day. I would rather not have quorum at the Assembly but people are working; honestly, three years eleven Bills? What will you tell the people? Next Bill?

#### THE KILIFI COUNTY DISASTER MANAGEMENT BILL, 2016

*Order for the First Reading read-Read the First Time and ordered to be referred to the Land, Housing and Settlement Committee.*

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**The Speaker** (Hon. Kahindi): Thank you, Where is hon. Dele? If he is not in, then let us have the Vice Chairperson of Lands. Hon. Muhambi, you have 21 days from your mandate to handle all matters related to land, survey, mapping boundaries, fire fighting services and disaster management. That is the responsibility of the Lands Committee. I know that you have many issues that you are currently dealing with of land settlement and so on, but kindly give priority to this. So you have 20 days in which on the 21<sup>st</sup> day from now I hope we will all be sitting here doing the Second Reading of this Bill so that we are moving at par.

I am repeating this, for whatever reason that your Committee is not able to sit, do not go to the office of the Clerk or the Hansard office; call me directly. This is because I think we are doing a Rating Bill but if we are to be rated ourselves, it is disappointing. It has just come to my attention that we need to work and work seriously.

Now there are so many other Bills which will be issued to you next week on Monday when you come, Health Committee Chairperson and so forth, they (Bills) are all lying in the legal director's office. This is because they have been hoping that the Executive was sitting in cabinet. These will be introduced by the Committee; they will bear the name of the Chairperson of that Committee. In the course of next week, I would rather we appear for a very short session and then we disperse all Members to sit and do Bills and nothing else.

God help me, my target is that by the time we are dissolving the Assembly in April we will have done 50 Bills because with that, anybody can understand that in every financial year we did 10 Bills considering the challenges we have faced. If there are challenges at the Government Printers I will go personally, I do not want to send anybody because that is where also I have been getting excuses. These five Bills have taken us almost four months because of being told everyday that there is a problem. See where we are; in a period of three years we have done only 11 substantive laws, it is demoralizing but I know we are all up to the task and we are going to engage heavily.

### **ADJOURNMENT**

In the absence of any other Business in the Order Paper, I move to adjourn the House until Monday at 2.30 p.m. Thank you very much.

**The House rose at 2:50 p.m.**