



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

THIRD ASSEMBLY-THIRD SESSION

THE HANSARD

Tuesday, 1st October 2024

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM VYAMBANI SECONDARY SCHOOL

The Speaker (Hon. Mwambire): Hon. Members, I would like to acknowledge the presence in the public gallery this afternoon of students and a teacher from Vyambani Secondary School in Jaribuni Ward, Ganze Constituency. The students and teachers are here for a study visit to appreciate the legislative procedures, practices, traditions and parliamentary proceedings. I request that each student and the teacher stand when called upon so that they may be acknowledged in the parliamentary tradition and practice.

	NAMES OF STUDENTS	FORM
1.	SHARON JAMES	4G
2.	REHEMA UCHI	4G
3.	KENNEDY MASHA	4B
4.	GRACE KITSAO	3G

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

5.	TAMIA KATANA	3G
6.	JACKLINE MBITSI	3G
7.	ALISTON KINYUA	3B
8.	FURAHA CHONGA	4G
9.	KELVIN MWATSUMA	4B
10.	LINAH BAHATI	4G
11.	JEMIMA KASICHANA	4G
12.	JULIUS KAVURE	4B
13.	EMMANUEL NYUNDO	4B
14.	PURITY MUPA	4G
15.	EMMILY MNYAZI	4G
16.	PATIENCE NYAMATA	4G
17.	YUSRA KACHE	3G
18.	CALEB BONIFACE	3B
19.	JAMILA NYADZUA	4G
20.	CHRISTINE VIDZO	3B
21.	EVERLYNE BAYA	3B
22.	PATRICK SOLOMON	3B
23.	LEE GARI	4B
24.	LEA NZALAMBI	4G
25.	JANET JAMBO	4G
26.	NICKSON TUNE	3Y
27.	RAVSCO JUMA	4B
28.	HILTON CHAI	4B
29.	JOHN MWATSUMA	3B
30.	RAJAB MATAZA	3B
31.	AMIN JUMA	4B
32.	NELLY BARAKA	4G
33.	SYLVIA MRAMBA	4G
34.	ZEINAB UCHI	3B
35.	MONICA UCHI	4G
36.	FLORENCE PILI	3B
37.	ELVIS MBONGILO	TEACHER

On behalf of the County Assembly of Kilifi and my behalf, I welcome them to the County Assembly and wish them well. Thank you very much. Hon. Shehe, since they come from your Ward, would you mind putting a request so that you can welcome them?

Hon. Shehe: Thank you, Mr. Speaker. Vyambani Secondary School comes from Jaribuni and it comes exactly from where I was born. This school has been performing extremely well, especially in games and precisely volleyball. They have been playing all over and competing with all and they normally end up in the national games.

These youths are very interested in this game. Unfortunately, there has been very little help from the Sports Department. This is something that I do not want to complain about in public, but it has always been the question that they go without any help in Nairobi, Eldoret and all

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

over. In any respect, they have been taking over the entire Coast province even to date; they are the holders of this big achievement for our pride. Mr. Speaker, I wish to thank all who are in the House today to witness the youthful and promising leaders in the gallery on the north side. Thank you very much.

The Speaker (Hon. Mwambire): Any Member from the Minority side? Let me give it to hon. Betty on behalf of the youth then I get a Member from the Minority and then the Majority.

Hon. (Ms.) Betty: Asante sana, mheshimiwa Spika. Kwa manufaa ya wanafunzi kwa majina ni mheshimiwa Betty Kache na nipo hapa ndani kuwakilisha vijana na vijana wenyewe ni nyinyi. Sasa nataka niwakaribishe tena katika Bunge letu la sheria. Hapa ndipo ambapo tunatunga sheria. Tuko na kazi zetu hapa za *oversight* ambazo tunafanya ...

The Speaker (Hon. Mwambire): Mheshimiwa Betty, wengine wanaweza kuwa ni watoto, nadhani vijana ni wale wenye miaka 18 kwenda mbele. Endelea lakini.

Hon. (Ms.) Betty: Sawa, mheshimiwa Spika. Pia vile vile, nataka niwaambie hivi; vijana wenzangu na ndugu zangu ambao wako hapo juu cha msingi tu, kitu ambacho mnafaa kufanya ni kusoma kwa bidii. Mnaona hili jumba ambalo liko hapa pia sisi tulikuwa wanafunzi haswa mimi pia nimekuwa mwanafunzi miaka tu michache nyuma na leo hii niko hapa ndani kuwakilisha vijana.

Kwa hivyo, kila ndoto ile ambayo mtu yuko nayo siku moja itatimia. Mheshimiwa wenu Peter Shehe ni mtu ambaye hapa ndani tumekuwa tukisaidiana kwa maswala ya elimu. Kila kitu kuhusiana na elimu tunakiwasilisha hapa ndani na tunaona ni jinsi gani mtaweza kufaidika. Maswala ya *bursary* na maswala ya michezo; kwanza mimi nataka niwapatie kongole kwa sababu mheshimiwa Peter Shehe alivyosema inamaanisha kuwa hata siku ya leo tukipelekwa kwenye uwanja na hawa waheshimiwa walio hapa tutafungwa na wanafunzi. Kwa hivyo, wacha niwapatie kongole tena na nawakaribisha tena. Baada ya miaka mitano ama zaidi, ningeliomba Mungu aweze kuleta kina Betty Kache wengi katika hili jumba na kama pia mheshimiwa Peter Shehe atakuwa ame-*retire* akue *replaced* na ma Gen-Z. Asante sana.

The Speaker (Hon. Mwambire): Any Member from the Minority? Yes hon. Hinzano.

Hon. Hinzano: Asante sana, mheshimiwa Spika, kwa kunipatia nafasi. Pia nimshukuru Mwenyezi Mungu kwa kurudi katika Bunge hili tena baada ya mapumziko na pia mimi langu ni kuwapongeza wanafunzi ambao wamefika kwa masomo mbali mbali katika jumba hili. Kuna utaratibu ambao mkiufuatilia mtajua kila mahali kuna mambo yake ambayo yanaendelea na muongozo wake. Mimi ni kuwapatia moyo tu msome kwa bidii na muwe na malengo. Si kusoma tu na ukiwa na malengo unaweza kufikia lile ambalo unalihitaji katika maisha yako.

Pia, niwaambie kuwa katika jimbo letu na serikali yetu ya kaunti tunasaidia lakini pia tuna sheria ambazo pia zimetubana kwa sababu serikali imegatuliwa na kuna Serikali Kuu na Serikali ya Kaunti na sisi kama Serikali ya Kaunti sana sana michezo yetu ina mahali imefikia haiwezi kuingia katika upande wa *National Government*.

Kwa hivyo, katika Idara hiyo ya michezo kama mheshimiwa Peter Shehe alivyosema, sisi tunaweza kuwasaidia lakini sio kisheria kwa sababu Waziri wetu wa michezo nikiwa mimi ni Mwenyekiti msaidizi katika Kamati ya Michezo hapa Bungeni sisi mama Ruth Dama Masha ni msaada mkubwa wa michezo katika Kaunti yetu ya Kilifi.

Lakini kusema ukweli, upande wenu haswa upande wa *National Government* ama Serikali kuu, yule mhusika mkuu ni Waziri Murkomen. Kwa hivyo, mnaweza kupata msaada wetu lakini sio wa kisheria sana hivyo lakini kupitia kwa Serikali Kuu na Waziri Murkomen na wale wenzake

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

mnaweza mkapata msaada zaidi ambao utaweza kuendeleza na kuwasadia katika vipaji vyenu ambavyo mnaviendeleza kimichezo katika shule yenu.

Karibuni na msome kwa bidii na muwe na heshima. Muwaheshimu walimu wenu, wazazi, wakubwa wenu na wadogo. Mkiwa na heshima ndio hapo mnaweza kufikia malengo yenu lakini mkianza kuwa na maneno ya kufuata wengine ambao wako nje ya muongozo wenu wa kimasomo basi hapo mtaumia kwa sababu huu ulimwengu ni mkali sana na una mafundisho mengi sana.

Kwa hivyo, msifikirie kila mafundisho yanashikwa. Kuna mengine ni ya kusikiliza na kuyaachilia. Mfuate yale ambayo ni ya muongozo katika maisha yenu ili muweze kuwa wananchi wema na wenye muongozo na kulenga yale ambayo mnayahitaji katika maisha yenu. Asanteni sana na karibuni.

The Leader of Majority (Hon. Ibrahim): Asante sana, Bw. Spika, kwa nafasi hii. Nachukua nafasi hii kukaribisha wanafunzi wa Vyambani kutoka eneo Bunge la Ganze. Karibuni sana wanafunzi katika Bunge letu la Jimbo letu la Kilifi. Mimi naitwa Ibrahim Abdi Athman, mimi ni MCA (*Member of County Assembly*) wa Wadi ya Watamu, eneo Bunge la Kilifi *North*. Mimi ni Majority Leader ndani ya Bunge hili.

Namshukuru rafiki yangu Peter Shehe kwa kuleta wanafunzi hapa ili waweze kujua Bunge linapeleka vipi shughuli zao. Ni jambo zuri sana na ni hekima nzuri sana. Hiki ndio chanzo ambacho wanafunzi wakitoka hapa wanapata pia ufahamu wa vile Bunge la jimbo letu linavyoendelea.

Ningependa pia kuwashukuru wanafunzi kwa kupata muda kuja hapa katika hili Bunge letu. Karibuni sana; lolote lile ambalo mngetaka kuuliza tuko na maofisaa wetu hawa, mkiteremka chini baadaye kama kuna lolote mnataka kuwauliza mauliza na mnapata ufahamu. Tuko pia na *clerks* wetu wako hapa. Usiogope kuuliza chochote. Karibuni na Mwenyezi Mungu awabariki. Asanteni sana kwa kufika hapa.

PAPERS LAID

Hon. Twaher: Thank you, Mr. Speaker. I beg to lay the following Papers on the Table: -

The Speaker (Hon. Mwambire): Hon. Twaher, put it as, “on behalf of the Leader of Majority...” because he is not within.

Hon. Twaher: Thank you, Mr. Speaker, Sir. On behalf of the Leader of Majority, I beg to lay the following Papers on the Table: -

1. Report of the Auditor General on Marafa Sub-County Level Four Hospital for the fourteen (14) months period ended 30 June 2023- County Government of Kilifi.
2. Report of the Auditor General on Mtwapa Sub-County Level Four hospital for the year ended 30 June 2023- County Government of Kilifi.
3. Report of the Auditor General on Gede Sub-County Level Four hospital for the fourteen (14) months period ended 30 June 2023- County Government of Kilifi.
4. Report of the Auditor General on the financial statements of Malindi Water and Sewerage Company Limited for the year ended 30 June 2023. Thank you, Mr. Speaker.

(Hon. Twaher laid the documents on the Table)

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The Speaker (Hon. Mwambire): Okay. The committee on Public Investments and Accounts to work on those Reports within the given timeline which is 21 days and bring back the Report as required.

STATEMENT

KALOLENI MARKET

The Speaker (Hon. Mwambire): Is Hon. Biryia in? I know he had indicated that we reschedule it to another date which means it should be taken back to the House Business Committee for reallocation of time.

(Statement deferred)

MOTION

ADOPTION OF THE REPORT ON THE INTERNAL ADVERT OF THE COUNTY PUBLIC SERVICE BOARD

Hon. (Ms.) Faith: Okay, thank you, Mr. Speaker. It's a good afternoon. I also welcome the students from Vyambani Secondary School. I am also from Ganze Constituency; so we are neighbours. I want to welcome you so that you can see, hear, and observe.

I beg to move the following Motion: -

THAT, this House adopts the Report of the Sectoral Committee on Devolution, Public Service and Disaster Management on the Internal Advert...

The Speaker (Hon. Mwambire): There is an intervention here.

The Leader of Majority (Hon. Ibrahim): Thank you, Mr. Speaker. The Mover of the Motion is not the Chairperson of the Committee and is not the Vice-Chairperson of the Committee while in this honourable House, Mr. Speaker, we have the Vice-Chairperson, she is there sitting, and this Motion is very important. We really need it to be moved by the Vice-Chairperson of the Committee. It is the life of our people of Kilifi County, so we need this Motion to be moved by the Vice-Chairperson because we also have some questions to ask her. Thank you.

The Speaker (Hon. Mwambire): There are other interventions. Let me hear them, and then I will give a position.

Hon. (Ms.) Meso: Thank you, Mr. Speaker, Sir. I think our Leader of Majority is out of Order. I think it depends on the Committee Members themselves if they have decided that any Member can move it, I think it is allowed. If I am wrong, Mr. Speaker, you can correct me. Thank you.

The Speaker (Hon. Mwambire): Another intervention so that you can sum up?

Hon. Changawa: On behalf of hon. Mohamed, I do not own my card, and I am using his card...

The Speaker (Hon. Mwambire): In fact, our machines have an issue. There is a technical challenge with the machines so the names appearing here are different from the names you are using. That is the reason why I am not mentioning your names unless I know you.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Changawa: It is okay. I am hon. Changawa from Dabaso. I concur with *mheshimiwa* Meso that the Majority Leader might be out of Order in that there is a Statement that has been read on his behalf and he is present here, just now.

(Laughter)

So, I do not know whether he is misleading this House or what. He is present and a Statement has been read by hon. Twaher. So, we should not waste time unless we consider maybe the quorum for that Committee. Maybe, but if it is by moving the Motion by hon. Faith, it is in Order.

The Speaker (Hon. Mwambire): Thank you. Another intervention, so that we hear. I am giving you an opportunity to...

Hon. (Ms.) Betty: Hon. Speaker, I want to join the Leader of Majority in what he has just said because the Vice-Chairperson represents the Chairperson. If he is not there, hon. Speaker, I think it is very right for the Vice-Chairperson to move the Motion.

Hon. Oscar: Thank you, Mr. Speaker, for giving me this opportunity. You know, this House is guided by rules and laws, Mr. Speaker, and for the record purpose, I am Oscar Wanje, MCA, Ganda Ward. You see, when we stand and we talk, we should talk being guided by the Standing Orders. So, I do not think if there is any Standing Order stating that it is a must, a Vice or a Chairperson should give anything here. If there is that Standing Order, let someone stand, mention the Standing Order, then now we can refute that. But if it is so, I think she is a Member of the Committee, and we can proceed.

The Speaker (Hon. Mwambire): Okay, I have heard you Members. My biggest concern was to look at the Report, the physical one, whether it meets the threshold of tabling. First, it is meeting the threshold. Second, what was important was the Committee consulted to have a Member of the Committee to move. I have not heard any Member of the Committee complaining, unless there is a member who has an issue for that purpose. So, if maybe it is an agreement by the Members to have either of the Members to move, then that is quite okay.

So, I do not think there is a need for us to reshelve it because of that agreement. Just the same as if the Leader of Majority is not within, then the Deputy Leader of Majority should take over that position and if the Leader of Majority or the Deputy is not there, then the Majority Whip should take over. If all of them are not there, then the Deputy should take over and if the Leader of Majority, Deputy, Majority Whip, Deputy, and even the Minority side, if they are not there, then a member of that political party or coalition can do it. That is why when we were welcoming the students from Vyambani. Hon. Hinzano represented the Leader of Minority.

So, I think she can move. The details will come later when it comes to debate. In case we will see who will second and then when it comes to debate, if the committee will be unable to justify what they have quoted, then Members are at liberty to take any position. So, let Hon. Faith proceed with the tabling and then we get the seconder. If there is a seconder, then we proceed. Then we will determine so that we can conclude this issue.

Hon. (Ms.) Faith: Thank you, Mr. Speaker. Maybe for the benefit of the students, my name is Faith Jane Kea, Member of the Devolution Committee and I am representing the Chairperson and the Vice in moving this Motion. So, I beg to move the following Motion: -

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

THAT, this House adopts the Report of the Sectoral Committee on Devolution, Public Service and Disaster Management on the Internal Advert of the County Public Service Board laid on the Table on Monday, 30th September 2024.

Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): Who is seconding?

Hon. (Ms.) Faith: Oh, thank you. I call upon hon. Lilian, the Vice-Chairperson of the Disaster Committee, to second.

The Speaker (Hon. Mwambire): Hon. Lilian, let us see whether we can get you, okay.

Hon. (Ms.) Lilian: I second the Motion.

(Question proposed)

The Speaker (Hon. Mwambire): I have proposed any Member who wishes in case you have placed your request, and you do not see any communication from this side, I allow you to just show a signal so that I can reach out to you, but this one was an intervention. Hon. Betty, is this an intervention?

Hon. (Ms.) Betty: Yes, hon. Speaker. Hon. Speaker, before we discuss anything about the Motion, I would like to be informed either if there is a quorum of the Committee Members.

The Speaker (Hon. Mwambire): Quorum of the House, not Committee. This is not a committee.

Hon. (Ms.) Betty: Because, hon. Speaker, I am not in that Committee. So, the more Members of the Committee, the more information other Members and the people of Kilifi are going to be informed.

The Speaker (Hon. Mwambire): Hon. Betty, you are out of Order. This is a plenary session whereby we are not talking about the Committee. If it was a committee, we could determine the quorum of a committee, but this is a plenary session whereby the issue of the committee was concluded. It is the plenary not to decide. So, if maybe you could be asking about the quorum of a plenary then we could go that side, yes. So, the available request here...

(An hon. Member spoke off record)

No, it is just the same. So, do not respond to that.

Hon. Ngirani: Thank you, Mr. Speaker. Mr. Speaker, for the benefit of our visitors, I am *mheshimiwa*...

The Speaker (Hon. Mwambire): I am seeing an intervention.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER 50

ADJOURNMENT OF DEBATE ON ADOPTION OF THE REPORT ON THE INTERNAL ADVERT OF THE COUNTY PUBLIC SERVICE BOARD

Hon. Twaher: Thank you, Mr. Speaker. Mr. Speaker, I stand under Standing Order 50(b) to move that the debate on this Motion be adjourned to allow Members to go through the Report and seek further clarification from the Committee on the matters under the deliberation. Thank you, Mr. Speaker. I ask hon. Jambo to second.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Jambo: Thank you, Mr. Speaker. For the benefit of the students, I am hon. Jambo representing Jilore Ward. I rise to second the adjournment.

The Speaker (Hon. Mwambire): Okay, just a minute. One more time. Yes, Members. The Member is quite in the Order. The right position that we should go is I am going to propose a Question so that Members can deliberate on the possibilities of adjourning or not and then I will put a Question to that. If that position goes through, then we will have to suspend it until further notice. If it does not go through, then we will proceed with the debate.

(Question proposed)

The Speaker (Hon. Mwambire): Any Member who wishes to comment about that?

Hon. Oscar: Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): It was an intervention. It was appearing as an intervention. Was it an intervention?

Hon. Oscar: No, no, no.

The Speaker (Hon. Mwambire): Okay, just proceed then.

Hon. Oscar: First, I will seek advice from you. When you say that we deliberate, are we deliberating to propose or to oppose?

The Speaker (Hon. Mwambire): You are discussing about adjourning or we proceed. Then I will put a Question to that. If Members are in concurrence to adjourn until later, then we go that direction. If Members do not, then we go back to the Motion on adoption.

Hon. Oscar: Thank you so much Mr. Speaker, for your guidance and in this House, according to the words said by our Leader of Majority, this is a very serious Motion. He put it that way and above all, we are here to represent the interests of our people in this Assembly.

Mr. Speaker, it would not be of any justice to let something serious like this slide until further notice. So, I personally oppose the adjournments and do say that we proceed with the Motion. Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): It was an intervention, so just hold for a second. Look at that one.

Hon. Munyoki: Asante sana, Bw. Spika. Kwa majina naitwa mheshimiwa Joseph Munyoki. Mimi nasimama kupinga na ombi langu ningeomba hii Hoja iweze kuendelea kwa sababu ni muhimu kwa Kaunti yetu tuzungumze tuweze kujadilia na tuweze kupata mwelekeo kujua haswa ni nini kilifanyika na mambo kama haya tuwatafutie suluhu ili yasiweze kufanyika tena. Kwa hivyo, mimi napinga kuahirishwa kwa hii Hoja tuendeleo kuijadili. Asante.

Hon. Mohamed: Thank you, Mr. Speaker. I stand to oppose the Adjournment Motion because as stated by the hon. Majority Leader, this is a very important Motion which is good that we discuss it today and finalize it so that we can get a way forward for our youth in Kilifi County. Thank you.

Hon. (Ms.) Meso: Thank you, Mr. Speaker, Sir. I am called *Mheshimwa* Philister Meso, a nominated MCA (Member of County Assembly) under the ODM (Orange Democratic Movement) ticket.

Mr. Speaker, I think the Mover has just suggested that we are adjourning; can you just give him time so he can explain to us the reason why we are adjourning? Maybe he has a proper reason. Thank you.

Hon. Twaher: Thank you, Mr. Speaker, for this opportunity.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The Speaker (Hon. Mwambire): I hope your seconder will be back before we take a vote because he has stepped out... It is okay.

Hon. Twaher: Mr. Speaker. You see, as we are discussing a matter of law in this House, it is also very important for honourable Members to understand the Motion that is before this House. Mr. Speaker, we are having a section of the Constitution. It is an issue of the County Public Service Board (CPSB). It is an independent body. Mr. Speaker, I refer to this House to the provision of the Sections 59A and 60 of the County Governments Act, 2012.

Mr. Speaker, when we are discussing this issue, this honourable House needs to have enough information from this Committee so that we understand what we are deliberating because, Mr. Speaker, this document has just been installed in our gadgets today. We have not gone through it, only the Committee.

(An hon. Member spoke off record)

Mr. Speaker, protect me from hon. Member for Ganda, please, because this is very sensitive. Mr. Speaker, when you are saying the budget passed in this House without Members being furnished with the document, that is not procedural, Mr. Speaker.

The Speaker (Hon. Mwambire): Just proceed because he did not complain that time. I could have raised it.

Hon. Twaher: Thank you, Mr. Speaker. I am not saying that this Motion is not important but anything that is important, all Members must be well equipped with the information so as to understand; there are a lot of things that we do not understand where this deliberation from the Committee comes from. Was there a complaint? Is there a complaint? When you go through the Report, we do not see from the angle this Committee came up with this kind of... Was there a complaint? Is there something that was being investigated? Under what grounds? These things we cannot deliberate and make a Motion.

It is not like we are denying a chance to debate this. Like right now, I am not well equipped to debate on this Motion. If we are given time, we check on the Report, we understand it very well then, we come and debate whether we adopt it or object it. But, Mr. Speaker, how can we debate something that we are not well informed of, and this is a House of law? I want to read to this honourable House this Section that I just raised.

Section 59A; "Independence of the Public Service Board.

In the performance of its function under this Act, the County Public Service Board shall-

(a) be independent and shall not be subject to the direction or control of any other person or authority."

So, Mr. Speaker, this is a matter of law. Let us not deliberate on a Report like we are not well equipped with proper facts.

Thank you, Mr. Speaker and I plead with Honourable Members; we are not objecting to this Motion. We want to deliberate on it so that we get proper information so that when we come and debate, we debate amicably. Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): In short, do you wish that the Members to allow the Motion to be given more time so that you can read through, understand the details and debate? Or it is what you have read? Because what you have read does not stand when it comes to the issues. Because one, it is the same body which we vetted and our position, if you go to the Constitution

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

again, we have an authority to oversee anybody or any organ within the county. Our authority is just the same as that of the High Court.

So that is the position. So, I think the one that you have shared now, just leave it at bay so that we stick to the issues of having ample time to read, understand, so that we can make clear deliberation when time comes for the debate. I think if you put it that way, it will be quite okay.

Hon. Twaher: That is the position. Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): Yes, honourable Meso, you were still talking, but you wanted clarity from...

Hon. (Ms.) Meso: Thank you, so much, Mr. Speaker. I support we adjourn it. Just the way *Mheshimiwa* has explained it. This thing is very important, and it needs time. I have not even gone through the Committee findings and comments. So, we just adjourn it, we get proper time, we go through the Committee findings and then we will debate about it later. Thank you, so much Mr. Speaker, sir.

The Speaker (Hon. Mwambire): Your microphone is on, hon. Juma Chengo.

Hon. Juma: Asante, Bw. Spika, kwa nafasi...

(Hon. Juma spoke off record)

The Speaker (Hon. Mwambire): Proceed it is on.

Hon. Juma: ...kwa kunipa nafasi kuweza kusema jambo kuhusiana na mjadala unaoendelea. Kwa sababu tumepata wageni naomba nijifahamishe. Mimi naitwa Juma Chengo na mimi nawakilisha watu wa Mnarani. Wanafunzi wa Vyambani karibuni kutoka kule maeneo ya Ganze ni jirani zangu, wengi wanasoma kule kwa *Mheshimiwa* Peter Shehe lakini ni wakaazi wangu. Karibuni sana.

Mimi nilikuwa naomba tukiangalia nyuso za waheshimiwa hapa ni kuonyesha kwamba hawako tayari na kuendelea na mambo haya naomba kama itawezekana tuweze kutenga wakati tena baadaye ili akili nafikiri zitakuwa ziko sawa. Ikilinganishwa kwamba nafikiri ni siku moja peke yake wametoka kule majumbani labda...

The Speaker (Hon. Mwambire): Waheshimiwa akili zao ziko sawa. Ukisema haziko sawa unaweza kuwa unaenda kinyume. Nafikiri ungetoa neno hilo ikawa kidogo ina afadhali kwa waheshimiwa.

Hon. Juma: Akili zao ziko sawa lakini wana upungufu kidogo kwa sababu ...

The Speaker (Hon. Mwambire): Nafikiri kwa lugha uko sawa maana wewe unaelewa lugha maana taaluma yako ni Uandishi wa Habari. *Mheshimiwa*, ukitumia lugha ambayo inaeleweka itakuwa bora kuliko uiweke hali ya kwamba anayekusikiza ni kama anahisi umemkwaza itakuwa si vizuri. Tumia lugha ambayo inaeleweka kwa sababu kwa lugha ya Kiswahili huwezi kuwa una mshinda *Mheshimiwa* Ibrahim ambaye lugha yake ya kwanza ni Kiswahili ama *Mheshimiwa* Twaher ambaye kwa Kiswahili watu wakimuona wanataka kumuita Mswahili na yeye mwenyewe si Mswahili. Endelea lakini uweke kwa lugha ambayo inaridhisha *Mheshimiwa* isije ukawakwaza kwa njia moja ama nyengine.

Pili, wanafunzi ambao wako hapa wanataka wapate mafunzo maalum na wale wanatahiniwa kwa lugha ya Kiswahili na hata kwa maandishi kwa sababu wanaandika Insha na maandishi mengine ambayo wanatahiniwa. Ukitumia lugha ambayo kidogo ina utofauti wanaweza fikiria pengine wamepata msamiati kumbe ni neno ambalo litaenda wadidimiza katika maisha yao hususan wakati wa kutahiniwa. Kwa hivyo, tumia lugha ambayo itaweza kuinua maisha ya

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

wengine. Mheshimiwa, lazima ujue pia kule nje watu wanafuatilia huu mjadala kwa hivyo kuwa makini usije ukaathiri taaluma yako ya uandishi kwa sababu ya kutumia lugha ambayo itaumiza sehemu nyengine.

Hon. Juma: Asante, Mheshimiwa Spika, kwa kunifahamisha na kwamba unalifahamu kwamba hiyo taaluma niko nayo. Kwa hivi sasa, ninaomba kwamba tuweze kuweka nafasi nyengine kwa sababu Waheshimiwa hawajajitayarisha kisawasawa kulingana na nyuso. Kwa hivyo, ningepomba tuweze kuiahirisha.

The Speaker (Hon. Mwambire): Kwa hivyo, wewe ni mtalamu wa nyuso; hakuna shida. Mheshimiwa Ibrahim naona umeweka...

The Leader of Majority (Hon. Ibrahim): Bw. Spika, nilikuwa nimesimama kwa Hoja ya maoni kumkosoa ndugu yetu Mheshimiwa Juma Chengo. Bw. Spika, mheshimiwa Juma Chengo aliletwa hapa na wananchi wa Takaungu kuwakilisha, hakuletwa hapa kuangalia akili za waheshimiwa wala nyuso za waheshimiwa. Yeye ni achangie Hoja ambayo iko juu ya meza. Asante.

(Laughter)

The Speaker (Hon. Mwambire): Mheshimiwa Ngirani.

Hon. Ngirani: Thank you, Mr. Speaker. For record, I am hon. Karisa Ngirani representing Ganze Ward. For the visitors at the gallery, I want to take this opportunity to welcome you all, feel at home and relax.

Mr. Speaker, let me take this opportunity to join my colleagues in not supporting the Adjournment of this Motion. I think the wedding is ready; we have the groom, and the bride why postpone the wedding? What information from the committee do we need if we have the Report signed 90% by the Hon. Members? We have passed the Budget of over 100 pages in this House, Notices of Motions then followed by the Motions within the same session. Why is it this one? Notice of Motion was raised on Monday and today Tuesday we need more time?

We understand the County Public Service Board (CPSB) is an Independent Board but not in this House. This House is a House of oversight, and we are here to oversight anybody as far as it is within the gazettelement of the County Government of Kilifi.

Mr. Speaker, we are not discussing the conduct of the Board. We are actually discussing a Report that was raised by the Devolution Committee of this House and so, Mr. Speaker, there is no need to postpone anything. We can discuss this and rest this case. Thank you.

The Speaker (Hon. Mwambire): Hon. Maneno.

Hon. (Ms.) Maneno: Thank you, Mr. Speaker, Sir. I am hon. Mary Anzazi Maneno, Nominated MCA (Member of County Assembly). Mr. Speaker, Sir, I raise to support the Adjournment of this Motion. The Mover has moved the Motion without telling us the findings and the recommendation of the Committee. Some of us are slow learners; we need time to go through the Report. Adjournment is not collapsing of the Motion.

Yes, it was signed by the Members, where are they? I need somebody to convince me to support this Motion, Mr. Speaker, Sir. If I did not go through the Report, then where are the Members? I understand it is the Business of the Whole House but where is the Chairperson, Vice-Chairperson and the other Committee Members, at least a third of them, to convince me to support? Hon. Speaker, I raise and stand to support the Adjournment of this Motion. Thank you.

The Speaker (Hon. Mwambire): Let the Mover respond, please.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Twaher: Thank you, Mr. Speaker. It is in good faith to go through the Report of the Committee so that we understand the investigation of the complaint that was done by the Committee. Mr. Speaker, right now we do not know the source of the complaint from the investigation of the Committee. As Members, we need time to go through the Report so that when we deliberate the findings of this Report in this House, we understand in depth the findings of the committee for us to debate very well. Thank you.

The Speaker (Hon. Mwambire): Hon. Members, allow me to put the Question that this Motion be adjourned until further notice for deliberations as raised by Hon. Twaher and seconded by Hon. Jambo.

(Question put and the House divided)

The Speaker (Hon. Mwambire): Just hold on Members. We are going to be more democratic than ever because my ears are confused. We are going to take some votes. I will put a Question, but we are going Member after Member so that everything will be clear. We do not want to be seen as if we are contradicting ourselves so that everything can go overboard. There is nothing which has gone astray. The Members have raised it in an acceptable way, but I do not want it to appear as if as a Speaker I have taken sides. Can the Serjeant kindly ring the Bell so that we can take the vote one by one? I want every Member to get an opportunity to share the position. Ring the bell for ten minutes so that we can start the process.

(The Division Bell was rung)

(The Bar was drawn and the doors closed)

DIVISION

ROLL CALL VOTING

The Speaker (Hon. Mwambire): Members take your positions; ten minutes are over. The doors have been closed and the bar has been drawn kindly take your positions. Members you will be called your names. There are three types of voting, you can either Vote “Yes”, vote “No” or “Abstain”. Hon. Shehe, if you say “yes”, it means the Motion on the deliberation of the Report will not proceed and will be allocated another time, if you say “No”, it means we proceed with the deliberation of the Motion as laid by Hon. (Ms.) Faith and seconded by Hon. (Ms.) Lillian.

If you say you abstain it means you either do not support or have no problem; *yaani uko kote kote* either side *uko sawa*. That is abstaining. To save time, the Clerk will read the names, and you will pronounce yourself either you vote “yes” or “no” but we will put the microphone on for the record. Hon. Ngirani, you have a Point of Order, do you mean the Speaker is out of Order?

(Laughter)

Hon. Ngirani: A clarification.

The Speaker (Hon. Mwambire): You need a Clarification? Yes, but not a point of Order.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Ngirani: Mr. Speaker, we need some clarification, in case this Motion is Adjourned for how long will it come back to life?

The Speaker (Hon. Mwambire): Immediately, because you want clarification, the position as per the Motion which was moved by Hon Twaher and seconded by Hon. Jambo, they said they wanted more time to read the contents of the Report so that they can be well informed on the times of debating. This means if the Motion goes through then it will be sent to the House Business Committee for allocation of time.

Just like the Response of Hon. Jonathan Biryra. He called me this morning and said he will not be able to attend and in case there is anything about his ward then he would wish to be given another time. So, we have taken that Report to the House Business Committee for allocation of time. That is the position. Clerk, read out the names. Make sure you give them the microphone so that they can respond because I have a problem with my board.

(Question put and Members proceeded to vote by roll call)

Hon. Shehe: Mr. Speaker Sir, this Motion is a bit complicated that is why I need clarification because if it is a matter of reallocation of time, then I say that is the way to go.

The Speaker (Hon. Mwambire): You Vote “Yes” or “No”, just that.

AYES: Hon. Shehe, Hon. Ibrahim, Hon. (Ms.) Maneno, Hon. (Ms.) Meso, Hon. Said, Hon. Changawa, Hon. Rafiki, Hon. Jambo, Hon. (Ms.) Lilian, Hon. Kubo, Hon. Kubo, Hon. (Ms.) Patricia, Hon. (Ms.) Sophia, Hon. Twaher.

NOES: Hon. Ngirani, Hon. (Ms.) Grace, Hon. (Ms.) Mariam, Hon. Hinzano, Hon. Mohamed, Hon. Oscar.

ABSTENTIONS: Hon. Mumba, Hon. (Ms.) Betty, Hon. (Ms.) Faith, Hon. Munyoki,

The Speaker (Hon. Mwambire): Hon. Members is there any Member who has not been given an opportunity to vote? Everyone got an opportunity. Okay, we now close the voting session let us look at the votes, do you need an agent?

Hon. Members: No!

The Speaker (Hon. Mwambire): Okay, so just make calculations and share. The Serjeant will check in case there will be any issues then he can petition.

Hon. Members, for a clear record, this House normally has 51 Members, 27 are absent, which means 24 are present. So, we had 24 Members who participated in voting for the famous Twaher Motion. Out of the 24 members; four Members abstained, so we remained with 20 Members. Out of 20 Members, six Members voted “No”, the deliberation of the Report should proceed while 16 Members said “Yes”; let the Motion not proceed, we give more time, so the “Noes” have it.

The position now is that the Report should be taken back to the House Business Committee for reallocation of time.

(Question carried by 14 votes to 6)

MOTION

ADOPTION OF THE REPORT ON THE INTERNAL ADVERT OF THE COUNTY PUBLIC SERVICE BOARD

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

THAT, this House adopts the Report of the Sectoral Committee on Devolution, Public Service and Disaster Management on the Internal Advert.

(Motion deferred)

ADJOURNMENT

The Speaker (Hon. Mwambire): For that short presentation, which is well provided in the Standing Orders, the House now stands adjourned until tomorrow at 2:30 p.m. Thank you very much.

The House rose at 3:47p.m.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*