



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY – FOURTH SESSION

THE HANSARD

Monday, 24th February 2020

*The House met at the County Assembly Chamber,
Malindi Town, at 2.30 p.m.*

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

PRAYERS

COMMUNICATION FROM THE CHAIR

SECOND SUPPLEMENTARY BUDGET ESTIMATES FOR THE YEAR 2019/2020

The Speaker (Hon. Kahindi): Hon. Members, pursuant to Section 135 of the Public Finance Management Act 2012, the County Assembly is in receipt of the second supplementary budget estimates for the year 2019/2020. The same is therefore committed to each sectoral committee for consideration and report back to the Budget and Appropriation Committee within 21 days pursuant to the Standing Order 208 Sub Order 4. Thank you.

PETITION

DEMOLITION OF KIOSKS ALONG BARANI SECONDARY SCHOOL TO WINNERS CHAPEL CHURCH

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Hon. Members, the County Assembly of Kilifi is in receipt of a petition that is addressed to the assembly. The petition is by kiosk owners along Barani Secondary School to Winners Chapel Church disputing validity of the notice of demolition given to their kiosks. The said petition was presented to my office and is in compliance with the regulations under the Standing Orders. Therefore, I commit it to the Committee on Lands to look at the same and report back to the House within a period of 21 days. Thank you.

PAPER

REPORT OF THE COMMITTEE ON GENERAL OVERSIGHT ON THE COUNTY CHIEF OFFICER EDUCATION

Hon. Mramba: Mr. Speaker, I wish to table a Report of the Committee on General Oversight on the County Chief Office Education Mr. Mulewa Safari Katana on behalf of the Chairperson Committee on General Oversight.

(Hon. Mramba laid the document on the Table)

NOTICE OF MOTION

REPORT OF THE COMMITTEE ON GENERAL OVERSIGHT ON THE COUNTY CHIEF OFFICER EDUCATION

Hon. Mramba: Mr. Speaker, I wish to table a Notice of Motion that this House adopts the Report of the Committee on General Oversight on the County Chief officer Education Mr. Mulewa Safari Katana laid on the Table of this House today Monday 24th February 2020. Thank you.

STATEMENTS

FORENSIC AUDIT ON REVENUE COLLECTION

Hon. (Ms.) Saumu: Thank you Mr. Speaker. On behalf of hon. Hadad Feisal, we would wish to read a Statement addressed to the County Executive Committee Member (CECM) Finance and Economic Planning through the Chairperson; Economic Planning, Trade and Cooperatives Development on a subject about forensic audit on revenue collection.

WHETHER, the CECM in charge of Finance and Economic Planning is aware that there have been no periodic forensic audits done on the revenue collection in the county since the inception of the county government. If yes, what measures in the CECM in charge of Finance and Economic Planning taking to ensure that these forensic audits are done on the revenue collection in the county and the same reports are forwarded to the county assembly? Signed by hon. Hadad.

LONG WAITING HOURS AND UNAVAILABILITY OF DOCTORS AT KILIFI GENERAL HOSPITAL

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Hon. (Ms.) Saumu: I will read another Statement addressed to the CECM in charge of the Department of Health Services through the Chairperson, Health Services Committee on a subject matter about Kilifi County Hospital.

WHETHER, the CECM in charge of the said Department is aware that there is an outcry from the Members of the public due to long waiting hours before being attended to.

WHETHER, the CECM is aware that the members of the public have to wait for long hours to get treated due to unavailability of doctors at the hospital.

If yes, what measures is the CECM planning to undertake to address the problem?

STALLED MARIKANO DISPENSARY

Hon. (Ms.) Maneno: Thank you Mr. Speaker, Sir. On behalf of the Chairperson Health Committee, allow me to read the Response from the CEC Member Health Services but before I read the Response allow me to read the Statement sought by hon. Daniel Chai Chiriba.

WHETHER, the CECM of the said Department is aware that, Marikano Dispensary, a project amount to ksh. 27.5 million, stalled for the last one year after the contractor left the site.

FURTHER AWARE THAT, the watchman has not been paid for that period of time.

If yes, one; why has the project stalled and what measures is she putting in place to have the project completed. Two, why has the watchmen not been paid his salary in the said period and what plans is the CECM taking to pay the watchman?

Here is the Response to that statement.

The above named projects dictates as below;

Project name: proposed construction of block dispensary two cubicle number pit latrines and two-in-one bedroom staff house at Marikano.

Tender number, KCG/353/2014-2015. Construction and general supplies; the proposed construction of block dispensary, two cubicle number pit latrines and two-in-one bedroom staff house at Marikano in Jilore. This was a ward project for 2014/2015 with a budget of ksh.10 million. The tender sum for the project was ksh. 24,923,852. The Department of Health Services took over the project and topped up the Ward Project budget being ksh. 14, 923,852 to ensure completion of the facility and value for money is realized.

The project was to bring services closer to the people as this was the spirit of devolution. This would increase the public access to healthcare provisions and reduce the cost of seeking for healthcare. The public travel expenses in seeking for healthcare would be cut.

The CECM for Health Services is aware that there are some minor works that need completion at Marikano Dispensary. The project is 95% complete and is lined up for operationalisation before March 2020. The remaining works are painting, completion of electrical works. The department held a meeting with the contractor who committed to complete the minor works by January 2020. The dispensary is currently providing services to the public through a weekly outreach arrangement but it will be fully functional by March 2020.

The project has not yet been handed over to the Department of Health Services by the contractor. The security of the project is still in the hands of the contractor until after official handing over has been done. The watchman and facility is an employee of the contractor until such a time that the project is handed over to the Department of Health Services.

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However, the Department of Health Services will meet the contractor to arbitrate between the contractor and the watchman to ensure justice is done to him and he is paid his dues as previously agreed between him and the contractor. Also there is a list of enclosed document attached; I will just read the list because the documents are many.

- 1) Requisition for the procurement
- 2) Opening committee minutes
- 3) Evaluation committee minutes
- 4) Professional opinion by the County Head of Supply Chain Management
- 5) Approval by the accounting Officer
- 6) Letter of notification of award
- 7) Local purchase order
- 8) Letter of acceptance of award
- 9) Contract agreement
- 10) Inspection and acceptance committee Report
- 11) Invoice
- 12) Payment certificate
- 13) Payment done on 3rd January, 2017

Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): Hon. Chiriba, do you seek any further clarification?

Hon. Chiriba: Thank you Mr. Speaker, for giving me this opportunity. I do agree with the information that the CECM has provided. The CECM is on record saying that the programme will be complete by March. I will be patient because I believe the month of March is just here. Otherwise, for the issue of the watchman who has not been paid, I agree that the watchman is in the hands of the contractor but again the contractor is in the hands of the CEC Member. The problem that I suffer as an MCA is that people think everything is under me. They come to me requesting for funds, that is what made me bring this Statement to this hon. House. I could be comfortable if the CEC Member could have given timelines. He says he will meet with the contractor and see how the watchman will be paid but I do not see any timeframe. As the CEC Member made it clear that the project will be finished by March, I would also be comfortable if I know when he will sit with the contractor and give a way forward for him to get his dues. Thank you so much.

The Speaker (Hon. Kahindi): Okay so hon. (Ms.) Maneno get a clear timeframe and make sure you report back to the House.

Hon. (Ms.) Maneno: Okay Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Thank you.

Hon. (Ms.) Maneno: The next Statement is from hon. Mwayaa who is not available in this House.

The Speaker (Hon. Kahindi): Okay, thank you. Next Order

(Statement deferred)

MOTION

ADOPTION OF THE REPORT OF ASSEMBLY RULES AND PROCEDURES COMMITTEE ON AMENDMENTS
OF THE STANDING ORDERS

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Hon. Mkadi: Thank you Mr. Speaker Sir, for giving me this opportunity. I am standing on behalf of the Vice Chairperson Committee of Assembly on Rules and Procedures on Amendments of Standing Orders. I wish to move:-

THAT, this House adopts the Report of Assembly Rules and Procedures Committee on Amendments to the Standing Orders laid on the Table of this House on 18th February 2020.

Before I call upon a Member to second me, I wish to give the following submissions. Mr. Speaker, I wish to congratulate the committee for participating on the writing of this Report. We have so many recommendations on the amendments of the Standing Orders but I wish to concentrate on various areas because I understand Members have the Report and they can read for themselves later. I am going to concentrate on separation of departments. We had the Department of Finance and Economic Planning which was separated from the Department of Trade, Tourism and Cooperative Development. We found it good to separate these two committees so that we can have the Department of Trade, Tourism and Cooperative Development to do the following mandate. If you allow me to refer to the Report I will read:-The committee made the following recommendations:-

That the Committee on Trade, Tourism and Cooperative Development will have the following mandate:-

They will do all matters related to trade developments and regulations including markets, trade licenses excluding the regulations of processions forward trade practices, liquor licensing, development and management of county tourism and cooperative societies.

Again the committee on Finance and Economic Planning will deal with interrogating, investigate and examine the books of accounts on revenue collection, land rates, cess, business permits, property related income, parking fees, rental income, slaughter houses fees and all county revenue sources at every collection centres. It will also oversee all matters related to public finance, monetary policies, public debts, County financial institutions, and investment policies, revenue policies including taxation, county economic planning, statistics and development.

As a county we do not have proper monitoring policies of the collections in the County; we are losing a lot of money. These days we are not able to complete projects in the county due to lack of finance. So, by having this Committee on Finance and Economic Planning, we will save a lot of money which is collected all over our county. We have so many income generating projects in our county. People have been given the responsibility of collecting the money but they do not channel it to the required areas. So by having this committee in place, it will make sure that all the money collected through revenue is helping the county move forward. With those few remarks I wish to call hon. (Ms.) Loice Ngari to second me. Thank you Mr. Speaker, Sir.

(Question proposed)

The Speaker (Hon. Kahindi): Yes hon. (Ms.) Ngari.

Hon. (Ms.) Ngari: Asante mheshimiwa Spika kwa hii nafasi. Kwanza napongeze ukakamavu wa kamati yetu ikiongozwa na mheshimiwa Spika kama mwenyekiti kwa mjadala tuliokuwa nao ili kuweka sheria za Bunge vizuri. Tukiangalia katika Orodha ya Shughuli, kuna swali ambalo limeletwa na mheshimiwa Hadad na linahusu hii kamati ya Mipango ya Fedha na Uchumi. Kwa hivyo hatutakosea tukipitisha huu Mswada ili kamati hii ikawepo.

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Nikiongeza, katika kamati yetu ya Sheria na Taratibu za Bunge tumeongeza watu watatu kutoka Jopo la Spika. Halafu kuna kamati ya Shughuli za Bunge pia hiyo ina majukumu yanayohusu Jopo la Spika; kwa hivyo tumewaongeza ili waweze kujadili mambo yanayohusiana na Bunge hili.

Katika kamati zetu kila kamati ina wanakamati tisa lakini sasa tuligeuza tukasema wasiwe zaidi ya kumi na tano. Kuna baadhi ya waheshimiwa walilalamika kwamba hawajaingia katika kamati ambazo ziko na mawaziri na afisaa wakuu; tulipoenda kukaa tukaona ni vizuri tuongeze idadi.

Basi kwa hayo machache nasema asanteni na ninaomba waheshimiwa tupitische huu mswada. Tukiwa na hii kamati pesa zitachunguzwa vizuri jinsi zinavyokusanywa na tujue ushuru wetu unapatikana kulingana na viwango. Kwa hayo machache ama mengi nasema asante kwa waheshimiwa na waomba tupitische huu Mswada.

The Speaker (Hon. Kahindi): Yes hon. George Baya.

Hon. Baya: Thank you Mr. Speaker, Sir, for giving me this opportunity. I stand in support of this Motion. First, I wish to congratulate the committee for coming up with this Motion. As the Chairperson of the Public Investments and Accounts Committee, the introduction of the Finance and Economic Planning Committee is very important and it will enhance the oversight role of the Assembly. My Committee has been facing a lot of challenges because according to the Standing Orders, we are only restricted to audit reports, with this Committee of Finance and Economic Planning which its mandate will be going through the daily programmes. If we keep on waiting until the PIC/PAC committee comes to do its Report, many issues and mistakes will not be seen.

So, with this committee the County Government is going to recover so many lost funds. For example, the mandate of interrogating, investigating and examining the books of accounts on revenue collection, land rates, cess and business permits these are daily activities and through this committee it will give us a boost on our oversight role. With those few remarks, I support this Motion of coming with this Finance Committee and in addition to that Mr. Speaker, Sir, during the selection of the committee members, I wish you consider the professions that we have in the Assembly to assist in handling this proposal. Thank you, Mr. Speaker.

Hon. (Ms.) Radhia: Asante sana mheshimiwa Spika kwa kunipa nafasi hii. Nimesimama kuunga mkono Mswada huu na kuwapongeza wanakamati wa Sheria na Taratibu za Bunge wakiongozwa na mheshimiwa Spika. Naona wanakamati walikaa wakafikiria jambo la busara kwa sababu Kaunti yetu ya Kilifi kila siku inalalamikia madeni. Madeni hayo huletwa na uhaba wa ukusanyaji wa mapato ambayo hayakamiliki kila mwaka. Naipongeza sana hii kamati kwa kugawanya majukumu ya kamati hii ya Fedha.

Pia ningependa kwa wale watachaguliwa kwa hii kamati waifanyie kazi ili kilio cha watu wa Kilifi kipungue. Mheshimiwa Spika, nimesimama kuunga mkono mambo mengine matatu ambayo yameangaziwa na kamati hii kama vile kuongezeka kwa watu wanne kwa kila kamati; kila kamati ilitakiwa iwe na watu tisa lakini Kamati ya Sheria na Taratibu za Bunge wakasema tuwe kutoka tisa hadi kumi na tatu. Hayo ni mawazo mazuri na ninaomba waheshimiwa waunge mkono.

Pia ninaunga mkono kuongezwa kwa wanakamati katika kamati ya Sheria na Taratibu za Bunge kutoka Jopo la Spika kwa sababu kazi wanazofanya ni sawa. Kwa hayo machache ninaomba waheshimiwa wenzangu waunge mkono Mswada huu na tuupitische ili kilio cha *pending bills* kipungue.

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Hon. Pascal: Thank you Mr. Speaker, for this opportunity. Let me take this moment to congratulate the Members who sat in the Rules and Procedure Committee and came up with the recommendations and changes that we have wanted for a long time to be affected in this Assembly. The raft of changes that the committee suggested will go a long way in assisting the challenges that we have faced as a county.

This committee proposed a raft of changes, for example the formation of the Committee on Finance; as a county we have not met our revenue targets and this is because the Budget Committee has been concentrating on matters planning, but things to do with collection have always been on the lower side because we lack a committee that will dwell on revenues.

I think Mr. Speaker, with the implementation of the changes and the formation of the Committee on Finance, the County will be able to go into evaluating all the revenue channels, looking at the challenges that are there to ensure all the holes that have been used to draw the coffers of the county can be sealed and we start getting our revenue in its right amounts. Therefore, I stand with the Committee and more so the Chairperson, who has directed on the drastic changes that we have always wanted. Mr. Speaker, I stand to support. Thank you so much.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Kahindi): Hon. Members, in the absence of any other business in the Order Paper, I move to adjourn the House until tomorrow morning.

The House rose at 3:10 p.m.