



REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
THIRD ASSEMBLY-THIRD SESSION

THE HANSARD

Monday, 19th February 2024

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

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

PAPER LAID

SECOND QUARTER REPORT FYY 2023-2024 FOR THE DEPARTMENT OF TRADE, TOURISM AND
COOPERATIVE DEVELOPMENT

The Speaker (Hon. Mwambire): Yes, Leader of Majority, or any Member standing on his behalf? Yes, Hon. Tete.

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

The Second Quarter Report for the Financial Year 2023/2024 for the Department of Trade, Tourism and Cooperative Development.

Thank you.

(Hon. Tete laid the document on the Table)

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The Speaker (Hon. Mwambire): The Report will be taken to the Committee so that they can go through and come up with another Report for deliberations.

STATEMENTS

BUSINESS FOR THE WEEK COMMENCING MONDAY, 19TH FEBRUARY 2024

The Speaker (Hon. Mwambire): Yes, Hon. (Ms.) Meso.

Hon. (Ms.) Meso: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.40, I want to read the business of the House starting today Monday to Wednesday 2:30 p.m.

On Monday, February 19th, 2024, at 2:30 p.m., we have Communication from the Chair, on visiting dignitaries.

We have Papers; Second Quarter Report for the Financial Year 2023/2024 for the Department of Trade, Tourism and Cooperative Development from the Leader of Majority. Then we have a Statement sought by hon. Samson Zia Kahindi regarding the intended acquisition of 800 acres of land formerly held by Pastor Mackenzie by the National Government. We also have the Second Reading of the Kilifi County Finance Bill, 2023 (Report in progress) by the Chairperson of the Finance and Economic Planning Committee.

On Tuesday, February 20th, 2024, at 9:30 a.m., we have Papers on the Report of the Committee on Finance and Economic Planning on the Kilifi County Finance Bill, 2023 and that will be done by the Chairperson, Finance and Economic Planning Committee.

We also have the Second Reading of the Kilifi County Finance Bill, 2023 that will be done by the Chairperson, Finance and Economic Planning Committee. We have Committee of the Whole House on the Kilifi County Finance Bill, 2023. We also have the Third Reading of the Kilifi County Finance Bill, 2023.

On Tuesday afternoon we have Papers; Reports of the Sectoral Committee on Agriculture, Livestock and Fisheries on the status of KEMFSED projects within Kilifi County done by Chairperson, Agriculture, Livestock and Fisheries Committee. We have Notice of Motion; Adoption of the Report of Sectoral Committee on Agriculture, Livestock and Fisheries on the status of KEMFSED (Kenya Marine Fisheries and Socio-Economic Development) projects within Kilifi County done by the Chairperson, Agriculture, Livestock and Fisheries Committee.

On Wednesday, February 21st, 2024, at 2:30 p.m. we have a Motion; Adoption of the Report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the status of KEMFSED projects within Kilifi County done by the Chairperson, Agriculture, Livestock and Fisheries Committee. We also have a Procedural Motion on Adjournment of the House Pursuant to Standing Order 28 done by the Leader of Majority. Thank you.

The Speaker (Hon. Mwambire): The other Statement, Hon Zia.

THE INTENDED ACQUISITION OF 800 ACRES OF LAND FORMERLY HELD BY PASTOR MACKENZIE BY THE NATIONAL GOVERNMENT

Hon. Zia: Thank you, Mr. Speaker, Sir. I beg to make the following Statement to the County Executive Committee Member (CECM) in charge of the Department of Lands, Energy,

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Housing, Physical Planning and Urban Development through the Chairperson, Lands, Energy, Housing, Physical Planning and Urban Development Committee.

Whether the County Executive Committee Member (CECM) in charge of Lands, Energy, Housing, Physical Planning and Urban Development is aware that; The National Government intends to acquire the 800 acres of land in Shakahola formerly held by Pastor Mackenzie upon the expiry of the lease in respect of the said property for public usage. If so, to what extent has the County Government been involved?

Whether she is aware of the exact acreage that the National Government intends to allocate for public use.

Whether she is aware that public land is supposed to be vested in and held by the County Government in trust for the people residing in the County as provided for under Article 62(2) of the Constitution of Kenya and shall be administered on their behalf by the National Lands Commission.

If yes, what steps has she taken to ensure that the interests of the people of Kilifi have been safeguarded?

Whether she is aware that there is a need for the County Assembly to be involved and to what extent. Thank you.

The Speaker (Hon.Mwambire): The Response will be shared by the respective Chairperson of the Committee as guided by the Standing Orders.

BILL

THE KILIFI COUNTY FINANCE BILL, 2023

(Second Reading)

The Speaker (Hon. Mwambire): Yes, Hon. Mohamed on behalf of the Chairperson.

Hon. Mohamed: Thank you, Mr. Speaker Sir. I stand under Standing Order 120(5) to report the progress of the Financial Bill, 2023 as I seek this Honourable Assembly to defer the Second Reading of this Bill to tomorrow Tuesday, 20th of February 2024.

The Finance Bill 2023 was Tabled on Wednesday, 6th December 2023 when the House was adjourning for the long recess and therefore the Committee could not process the Bill as Members were proceeding for recess.

Section 132(1) and (2) of the Public Finance Management Act, 2012 provides as below; each Financial Year, the County Executive Committee Member for Finance shall with the approval of the County Executive Committee Member make a pronouncement of the revenue raising measures of the County Government. The County Executive Committee Member for Finance on the same date the revenue measures are pronounced shall submit to the County Assembly, the County Finance Bill, setting out the revenue-raising measures for the County Government together with the Policy Statement expounding on those measures.

Section 133 of the same Public Finance Management Act, 2012 provides that not later than 90 days after passing the Appropriation Bill, the County Assembly Shall consider and approve the Finance Bill with or without Amendments. The same provisions are further reiterated in Standing Order 213 of the County Assembly Standing Orders which provides that

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not later than 90 days after passing the Appropriation Bill, the Assembly shall consider and pass the Appropriation Bill with or without Amendments.

Section 131(1) of the Public Finance Management Act, 2012 provides the time upon which the Appropriation Bill should be passed and provides as below. The County Assembly shall consider the County Government Budget estimates with a view of approving them with or without Amendments in time for the relevant Appropriation Law and any other Laws required to implement the budget to be passed by 30th June each year.

According to the provisions of the law, the County Assembly should have passed the Finance Bill by the 30th of September 2023. However, the Bill was tabled at a time when the Members were proceeding to long recess three months past the deadline. The Committee held public participation in all seven sub-counties and called for a written memorandum from members of the public in accordance with Article 196 of the Constitution of Kenya, 2010.

Mr Speaker, Sir, a total of six memoranda were received from members of the public.

- a) Kwacha Afrika in collaboration with Kenya Community Support Centre (KECOSCE)
- b) Maono CBO (Community Based Organization) Consortium
- c) Haki Yetu Organization in collaboration with Kwa Jiwa Traders Self-Help Group
- d) Haki Yetu Organization in collaboration with Magarini Community Group
- e) Meru Community Association Igembe Business People
- f) Kaloleni Sub-County Memorandum on the Kilifi County Finance Bill 2023

The Committee considered all the written and oral submissions from Thursday, 15th to Saturday, 17th February 2024 and prepared its report which is awaiting adoption by the Committee and will be tabled in this House tomorrow Tuesday, 20th February 2023.

Mr. Speaker Sir, the failure of the Committee to meet the September 30th deadline as provided in the Public Finance Management Act, 2012 was attributed to the delayed submission of the Bill by the County Treasury. This in return results in under collection of own source revenue leading to poor execution of budgeted programmes culminating in huge accruals of pending bills. This Honourable House has a Constitutional duty to ensure maximum compliance of laid down provisions of the law and further helping the Committee on Finance and Economic Planning to discharge its mandate as provided in our Standing Orders. I thank you, Mr. Speaker Sir.

I would like to say that the Department of Finance has been submitting the Finance Bill very late. It has been attributed to poor collection because we are in a financial year where we are supposed to collect as per our Bill but we are not able to because the Bill that we are using to collect is the previous year's Bill, so the Committee is requesting that it tables the Bill tomorrow morning because we took three days for the Report writing but as you have seen we have six memorandum to go through. So, we managed to do all that work, but Members could not adopt it because of some clarification. We are adopting it tomorrow morning and it will be tabled in the House tomorrow morning.

The Speaker (Hon. Mwambire): I believe you will also share the reasons why they have been coming late because it is the Committee which is supposed to be engaging the CECMs. If you know the timelines, you should by now be engaging them so that by the next financial year you will not have the same challenges. If that is the reason why the County Government has challenges in collecting its own-source revenue, then you should be engaging them so at least you can get a clear way of handling such issues.

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As you come up with the Report, let me believe that the Report is inclusive of the reasons why they came late. You have said it has become a historic habit of them doing that but as an Assembly, we should come up with ways of assisting them if they have issues. Engage them so that they can streamline; there was a reason why there were those timelines. The timelines have very clear reasons; if they pass the timeline then there should be clear reasons also to convince you to understand why they are doing that.

Hon. Mohamed: Thank you, noted, Mr. Speaker.

(Second Reading of the Kilifi County Finance Bill deferred)

ADJOURNMENT

The Speaker (Hon. Mwambire): There being no other business to transact now, the House Stands adjourned until tomorrow 20th February 2024 at 9:30 a.m.

The House rose at 2:45 p.m.

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