



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

THIRD ASSEMBLY-THIRD SESSION

THE HANSARD

Monday, 7th 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

QUORUM

QUORUM CALL AT COMMENCEMENT OF SITTING

The Speaker (Hon. Mwambire): Mr. Clerk, do we have a quorum?

The Clerk at-the-Table: We do not have a quorum, Mr. Speaker Sir.

The Speaker (Hon. Mwambire): Hon. Members, I can confirm that there is no quorum in the House. I direct that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung for ten minutes)

The Speaker (Hon. Mwambire): Mr. Clerk, do we have a quorum?

The Clerk at-the-Table: Yes, we have a quorum Mr. Speaker, Sir.

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PETITION

EMPLOYMENT GRIEVANCES BY A SECTION OF EMPLOYEES OF KILIFI COUNTY GOVERNMENT

The Speaker (Hon. Mwambire): Hon. Members, I have a Petition before you here. The Petition is drawn by: -

- 1) Robert Ziro
- 2) Jumaa Chuka
- 3) Nyale Mwango
- 4) Robert Changawa
- 5) Victoria Kadzo

It is a Petition by a section of residents of Kilifi County Government to seek re-address for the employment grievances.

We the undersigned citizens of Kenya who are residents of Kilifi County and workers of the Kilifi County Government, draw the attention of the County Assembly of Kilifi to the following: -

We are aware that Article 185 of the Constitution of Kenya, 2010 is the legislative authority and oversight of the County Government in the County Assembly. Further aware, that the Constitution of Kenya under Article 37 and Section 15 as read with Section 88 of the County Governments Act, 2012 provides rights for the citizens to Petition the County Government on any matter.

That, aware that this Petition is presented in line with Article 37 of the Constitution of Kenya, 2010 and Section 15 of the County Governments Act, 2012.

That, the undersigned persons and residents of Kilifi County were employed by the County Government on diverse dates on different departments and currently working as such within the Department of Environment and Municipality.

That, sometimes in August 2024 the undersigned persons were summoned by the County Public Service Board to execute letters of absorption as employees with a contract of a period of one year. That the said letters of absorption as employees with a contract period of one year were mandatory for the continuation of the employment relation and further intimidation and threats of termination were issued.

That, the undersigned persons have further not been paid their salaries for a period of exceeding three months and have accumulated arrears contrary to the tenets of the Constitution and Employment Act.

That, the undersigned persons have worked continuously and uninterrupted for diverse periods exceeding four years and are such employees as per the Employment Act with accrued statutory benefits as per the law.

That, the non-payment of the salaries has resulted in human living conditions and suffering as the undersigned persons have been unable to make ends meet.

That further, in light of this non-payment of their salaries, the undersigned persons are in an eminent risk of default of their personal loans payment further exposing them to attachment proceedings and default interest by the relevant lending institutions.

That, the salaries of the undersigned persons have on several occasions been reduced without an indicator of right and justification.

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That, the undersigned persons have not been issued with the necessary work and safety gears and equipment as per the guidelines and requirements further jeopardizing their health safety and welfare.

That, the actions herein above have been done without the undersigned persons their fundamental rights to be heard and no public participation conducted in that respect.

That, whereas the undersigned persons confirmed that efforts have been made to have the grievances addressed by the County Government of Kilifi and the County Public Service Board and have failed to address the matter and give satisfactory response.

That, the County Government of Kilifi and the County Public Service Board have continuously infringed the Employment Rights of the undersigned persons contrary to the Constitution of Kenya and Employment Act.

That, this honourable House is the only available redress in pursuit for justice to address the grievances of the undersigned persons touching on their fundamental employment rights and resolve their matter in accordance with the Laws of Kenya and that the undersigned persons confirm that the issues in respect of which the Petition is made are not pending before any court of Law or Constitutional body.

Therefore, your humble petitioners pray that the honourable County Assembly intervenes and ensures: -

- 1) That, all or any issue on the relevant employment of the undersigned persons be heard and determined with extreme urgency.
- 2) That, the letters of absorption as employees with a contract period of one year issued by the County Public Service Board be withdrawn forthwith.
- 3) That, the undersigned persons be accorded employment contracts and letters of employment as from the date of the individual employment pursuant to the Employment Act.
- 4) That, all the outstanding salaries arrears of the undersigned persons be cleared without further delay.
- 5) That, all the salaries henceforth payable to the undersigned persons be paid on monthly basis as required by law.
- 6) That, the undersigned persons be accorded their rightful and lawful employment status as permanent and pensionable employees as per the employment benefits be provided.
- 7) That, the undersigned persons be provided with necessary work and safety gears and equipment as per the OSHA (Occupational Safety and Health) guidelines; and,
- 8) That, the County Public Service Board (CPSB) and all relevant County Agencies be summoned to address the aforementioned grievances and the petitioners will be ever grateful.

Hon. Members, the names I have read before reading the Petition were the names of those who brought the Petition to the Assembly. Allow me now to read the names of the Petitioners who appended their signatures.

NO.	NAME	ADDRESS	ID NO.
1.	Eric Mtawali Baraka	Kilifi	21180860
2.	Lucky Chambi Kombe	Kilifi	27513918
3.	Nyale Gari Chipawa	Kilifi	24291692

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4.	Kahindi Karisa Katana	Kilifi	21092167
5.	Ruth Lewa Rondo	Kilifi	11763304
6.	Samson Kamili Chengo	Kilifi	27458992
7.	Athman Ali Kadenge	Kilifi	30534573
8.	Isabela Pola Ngowa	Kilifi	11567429
9.	Gladys Chadi Kahindi	Kilifi	13734110
10.	Irene Shida Mramba	Kilifi	21431322
11.	George Mwaringa Fondo	Kilifi	26833487
12.	Elijah Masha Karisa	Kilifi	27286376
13.	James Karisa Wanje	Kilifi	23267775
14.	Mutiko Baya Maitha	Kilifi	30965221
15.	Elvina Karemba Kahindi	Kilifi	27320973
16.	Rashid Hussein Ali	Kilifi	23970579
17.	Eunice Munga Mukambe	Kilifi	29473972
18.	Wilson Karisa Shikari	Kilifi	26857925
19.	Amani Jackson Sikubali	Kilifi	26541971
20.	Isaac Kenga Fondo	Kilifi	30566747
21.	Aliphano Mwalimu Said	Kilifi	32270541
22.	Margret Sidi Charo	Kilifi	24237052
23.	Rachael Mwanza Mkoka	Kilifi	20374730
24.	Rachael Samson Mshono	Kilifi	20728556
25.	Choni Mwamganga Janji	Kilifi	27249640
26.	Mariam Monje Kasena	Kilifi	23859561
27.	Khamisi Mweni Charo	Kilifi	28168138
28.	Tsuma Lewa Saidi	Kilifi	12845204
29.	Ibrahim Charo Gona	Kilifi	22447516
30.	Julius M. Nvamawi	Kilifi	30687587
31.	Vincent Yanga Mkare	Kilifi	31113784
32.	Francis Yawa	Kilifi	27769134
33.	Felix Gandhi Ngala	Kilifi	26319878
34.	Emmanuel Kiringi Jefwa	Kilifi	25736787
35.	Tosiri Oteko	Kilifi	27237379
36.	Kitsao Kazungu Mwaruwa	Kilifi	20089634
37.	Remmy Katubu	Kilifi	11084925
38.	Johnson Chai Mwashe	Kilifi	23388141
39.	Robert Ziro	Kilifi	29251424
40.	Samuel Nyale Mwango	Kilifi	30051858
41.	Stanley Gari Lewa	Kilifi	30918652
42.	Janet Kanze	Kilifi	26480785
43.	Katana Kenga	Kilifi	21111418
44.	Duncan Kahindi	Kilifi	25904609
45.	Mustafa Ngala	Kilifi	22805976
46.	Irene Katana Liwali	Kilifi	12843560

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47.	Victoria Kadzo Katana	Kilifi	21996333
48.	Zawadi Katana	Kilifi	11567203
49.	Salama Mlanda Wanje	Kilifi	27441723
50.	Irene Kwekwe	Kilifi	30909112
51.	Prisca Sada Wanje	Kilifi	24250316
52.	Elizabeth Bendera Chengo	Kilifi	29966531
53.	Tsuheni Kalama Rimba	Kilifi	30703349
54.	Loice Karemba Charo	Kilifi	13142410
55.	Kwekwe Nyale Kiti	Kilifi	20821546
56.	Mary Kombora	Kilifi	32372059
57.	Fatuma Baya	Kilifi	20373527
58.	Paul Maitha	Kilifi	27036767
59.	Chilumo Kopa	Kilifi	20581522
60.	Brian Chilango	Kilifi	22276650
61.	Dhahabu Charo	Kilifi	14498973
62.	Happy Mlanda	Kilifi	31278861
63.	Mariam Suleiman	Kilifi	13375165
64.	Katana Kasena	Kilifi	13625982
65.	Charles Menza	Kilifi	27583527
66.	Rodgers Bundi Chivatsi	Kilifi	28642364
67.	Dennis Chiwai Joseph	Kilifi	29472540
68.	Dame Chai Joseph	Kilifi	28630226
69.	Amani Chai Nyambura	Kilifi	20400302
70.	Eliud Mwanyule	Kilifi	31401503
71.	Mapenzi Choki Chani	Kilifi	30901547
72.	Muzungu Kombe Charo	Kilifi	27780500
73.	Harrison Chengo Kaingu	Kilifi	23375131
74.	Jackson Kazungu Kahindi	Kilifi	29456968
75.	Terry Luvuno Chonga	Kilifi	30291488
76.	Joyce Dama Tuva	Kilifi	24494802
77.	Janet Kanze Kahindi	Kilifi	26480785
78.	Morris Baya Kahindi	Kilifi	9112551
79.	Hezron Jeffa Kalama	Kilifi	32980088
80.	Selina Mkarye Mjeni	Kilifi	36670774
81.	Robert Changawa Charo	Kilifi	25072831
82.	Alex Kalama Nguma	Kilifi	32137850
83.	Jumaa Chula Ndundi	Kilifi	20492772
84.	Nyale Gari Chakwa	Kilifi	24291692
85.	Salim Gari Kalume	Kilifi	33821818
86.	Emmanuel Kalume Menza	Kilifi	9474863
87.	Francis Benjamin Yawa	Kilifi	27769134

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Hon. Members, this is the Petition by the employees of the County Government of Kilifi. Normally the Petition will be considered by the Committee of Devolution and bring a Response on the same.

STATEMENTS

DELAYED SUBMISSION OF MTAKATIENI LAND SURVEY REPORT

The Speaker (Hon. Mwambire): Hon. Oscar Wanje.

Hon. Oscar: Thank you, Mr. Speaker, Sir for giving me this opportunity. I do have several Statements or I will be here for some time, the first Statement goes to the County...

The Speaker (Hon. Mwambire): You said you have several meaning how many?

Hon. Oscar: I have four.

The Speaker (Hon. Mwambire): Say four not several because the record might indicate over one thousand. Okay, read them through.

Hon. Oscar: The first one goes to the Department of Lands to the County Executive Committee Member (CECM) in charge of Lands, Physical Planning, Housing and Urban Development through the Chairperson; Lands, Energy, Housing and Urban Development Committee in regard to Mtakatieni Lands Survey. The Statement reads: -

Whether the CECM in charge of the Department of Lands, Physical Planning, Housing and Urban Development is aware that the Mtakatieni Lands survey is a Ward Development Project which was allocated two million five hundred thousand Kenya Shillings in the Budget Estimate 2023/2024.

Further aware that, the beacon mapping was done in June 2024.

If yes, what plans does the CECM have to publish this survey Report?

NON-FUNCTIONAL GANDA AND MSABAHA CENTRE HIGH MAST LIGHT

Hon. Oscar: Another Statement goes to the same Department through the Chairperson; Lands, Energy Housing, Physical Planning and Urban Development Committee regarding Ganda and Msabaha Centres high mast lights.

Whether the CECM in charge of the Department of Lands Physical Planning and Urban Development is aware that Ganda and Msabaha Centre high mast lights have not been functional for more than six months now.

If yes, what measures does the CECM have to address this because most of the vendors at Ganda Centre leave early due to lack of light.

Mr. Speaker, I have other Statements, should I read the other Department, or I proceed.

The Speaker (Hon. Mwambire): Read the third one.

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STATUS OF THE SALIM KATHETHE TO KARISA KWEKWE PIPELINE IN GANDA WARD

Hon. Oscar: I have two Statements to the same Department of Water and Natural Resources through the Chairperson, Water and Natural Resources Committee. One; Salim Kathethe to Karisa Kwekwe Pipeline in Ganda.

Whether the CECM in charge of the Department of Water and Natural Resources is aware that the Salim Kathethe to Karisa Kwekwe Pipeline in Ganda Ward was budgeted for this Financial Year 2024/2025 for an amount of four million Kenya Shillings.

Whether the CECM is further aware that this pipeline which had been allocated four million Kenya Shillings is less than half a kilometre complete which will not give value for money.

If yes, could the Department provide the scope of work done to establish that there is value for money for this County project that is meant to help the community residents of Ganda.

Secondly, if yes, what plans and measures is the Department taking to ensure that this pipeline benefits all residents of the community along Salim Kathethe to Karisa Kwekwe Pipeline in Ganda Ward?

STATUS OF BUDGETED PROJECTS IN GANDA WARD FOR THE FINANCIAL YEAR 2023/2024

Hon. Oscar: The last Statement, Mr. Speaker, goes to the same Department of Water, Environment Forestry, Solid Waste Management and Climate Change through the Chairperson; Water, Environment, Forestry Solid Waste Management and Climate Change Committee in regard to budgeted projects in Ganda Ward for the Financial Year 2023/2024 that are still pending up to date.

Whether the CECM in charge of the Department of Water, Environment, Forestry Solid Waste Management and Climate Change is aware that there were projects in 2023/2024 to be implemented in Ganda Ward including: -

1. Mukunguni Water Kiosk: Completion of Mukunguni Water Kiosk for Kshs500,000 and the status of completion; has not started up to date.
2. Pendukiani Water Kiosk: Rehabilitation of Pendukiani Water Kiosk worth Kshs500,000 and the status of completion; has not started yet.
3. Mutakatieni Borehole: Rehabilitation and equipping of Mutakatieni Borehole for one million Kenya Shillings. The status; has not started yet.
4. Five-hundred Litre (500) distillation system salt purifier for one million shillings; the purifier has been there awaiting installation for more than five months.

Whether the CECM is aware that some of the projects above have been pending and others have not been factored in the current budget 2024/2025 and these projects have been in the 2023/2024 budget.

If yes, what actions is the Department planning to ensure that these missing projects are included and implemented for the people of Ganda Ward?

Finally, I reach the climax Mr. Speaker. Thank you.

The Speaker (Hon. Mwambire): Climax of the several Statements.

(Laughter)

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Hon. Oscar: Yes.

The Speaker (Hon. Mwambire): The first two will be taken by the Lands Committee because the Chairperson is in the House. I believe he will bring the Response within the timelines. The last two will be taken by the Chairperson, Water who is also in the House. So, kindly adhere to the timelines to bring the Response to hon. Oscar who represents the great people of Ganda.

The next one is a Response. Who is reading the Response? Yes? No? Chairperson Education is the one supposed to read, but I am wondering, I am seeing another request which was the one to... Oh, you do not want the Response to be read hon. Ziro, because I saw you put in a request. Okay. Chairperson, you can download the Response.

STATUS OF HADEMU (ECDE) EARLY CHILDHOOD DEVELOPMENT EDUCATION CENTRE AND
HADEMU VOCATIONAL TRAINING CENTRE

Hon. Rashid: Thank you, Mr. Speaker. I rise to read the Response to the Statement made as follows on Hademu Vocational Training Centre: -

1. That, this was a Ward Development Project that was initiated by the area MCA (Member of County Assembly).
2. That, the project was first budgeted for in the Financial Year 2018/2019 in an initial amount of Kshs7,000,000.
3. That, the project was tendered in the same financial year and was awarded at Kshs369,375.68.
4. That, a subsequent amount equal to the contract sum was budgeted for in the Financial Year 2019/2020.
5. That, the contractor was taken to the site but could not start the project because there were some land issues.
6. That, the Department together with the area MCA tried to resolve the conflict but efforts were in vain.

Hademu ECDE (Early Childhood Development and Education):

1. That, the project was first budgeted for the Financial Year 2020/2021 at the initial amount of Kshs3,000,000.
2. That, the project was tendered for in the same financial year at the contract sum of Kshs4,999,762.40.

Communication from the area MCA has confirmed that the alternative piece of land has been acquired, so allocation will be made in due course for the implementation of the project. Thank you.

The Speaker (Hon. Mwambire): Hon. Ziro, are you in concurrence with the Response?

Hon. Ziro: Thank you, Mr. Speaker, for giving me this opportunity and thank you Chairperson, Education for the Response, but I am not contented with this Response simply because, Mr. Speaker, if you can agree with me, this project was budgeted for in the Financial Year 2018/2019 budget. The CECM is talking of being a project that was initiated by the area MCA and then the Department together with the area MCA tried to solve the issues. I do not

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know whether he is talking about the current MCA that has tried to solve the issues or the previous MCA.

As I understand, there was a land issue which is why the project did not take place. But, in my first year of being in power, I tried to solve the land issues and as you speak, according to the area Chief, the land for the Vocational Training College is there. So, what I want to hear from the CECM is to tell the good people of Mwanamwinga when the project is going to start because the land is there. What we want is maybe to get the date and the day as to when this project is going to start. So, I am not contented, maybe the Chairperson and the Committee on Education should make a follow-up so that the people of Mwanamwinga can get their rights.

Secondly, Hademu ECD, Mr. Speaker, there are no land issues at Hademu ECD. The project has land; the project was built within the Hademu Primary School, so there are no land issues at Hademu ECD. So, when the CECM is talking about land issues at Hademu ECD, I do not think that is right, meaning he has not done sufficient research on the project. So, I am not contented with this Response, Mr. Speaker. Through the Chairperson, maybe I need some more elaborations as to where the project is going to start up. Thank you.

The Speaker (Hon. Mwambire): Chairperson, I think you have heard from hon. Ziro but in case there is any other Member who wishes to speak about the same because it is not just about Hademu or Mwanamwinga. Some people normally say that every individual is like an organ pulling many tentacles together. You might also be interested in commenting on it before we go to the Chairperson or give directions. Any Member who wishes to speak on the same? Yes, Chairperson. Do you have any other information apart from what hon. Ziro has shared? Or what you have read is the position that you have as a chairperson and as a Committee?

Hon. Rashid: Thank you, Mr. Speaker, for another opportunity. Mr. Speaker, guided by the Standing Orders, this is a Response from the Executive. So, I am not entitled to put any information in the Response. Once I put any information in that Response, I will be held responsible in case of anything. So, Mr. Speaker, let me rest my case here. Thank you.

The Speaker (Hon. Mwambire): Very well. The position is that you will reach out to the CEC Member so that he can come to the Committee to clarify those issues and on that day, make sure that hon. Ziro is also in attendance so that he can hear from the horse's mouth and clarify the issues in context. The CECM claimed that there were land issues, while the representative of the people claimed that there were no land issues. Maybe in that meeting we can get a clear position and move forward for the purposes of offering better services to the great people of Kilifi. I think we can rest at that, okay. Hon. Changawa.

BUSINESS FOR THE WEEK COMMENCING MONDAY, 7TH OCTOBER 2024

Hon. Changawa: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order 40, I stand to read the Business for the week. However, I seek your guidance. The business for today has already been transacted. Will I be in order when I read?

The Speaker (Hon. Mwambire): Just put it on record.

Hon. Changawa: Thank you. Monday, October; That is today, 2.30 p.m.

- A. Petition: Petition by a section of the employees of Kilifi County Government for redress of their employment grievances.
- B. Statements:

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- i. Statement by hon. Oscar Wanje to the Department of Lands, Physical Planning, Housing, and Urban Development regarding the Mtakatieni Land Survey.
- ii. Statement by hon. Oscar Wanje to the Department of Lands, Physical Planning, Housing, and Urban Development regarding Ganda and Msabaha Centre High mast Lights.
- iii. Statement by hon. Oscar Wanje to the Department of Water, Environment, Natural Resources, and Climate Change regarding Salim Katete to Karisa Kwekwe Pipeline, Ganda Ward.
- iv. Statement by hon. Oscar Wanje to the Department of Water, Environment, Natural Resources, and Climate Change regarding projects in Ganda Ward Financial Year 2023/2024 that are still pending.
- v. Response to a Statement sought by hon. Edward Ziro from the CECM Department of Education and ICT regarding Hademu ECD and Hademu Vocational Training Center.

On Tuesday, October 8th at 9:30 a.m. the business shall be: -

A. Statements:

- i. By hon. Benson Ngirani to the Department of Health and Sanitation Services regarding the disbursement of the DANIDA (Danish International Development Agency) grants to dispensaries within Kilifi County.
- ii. Response to a Statement sought by hon. Jonathan Biryra Fondo from the CECM Department of Trade, Tourism and Cooperative Development regarding Kaloleni Market.

On Tuesday, October 8th at 2:30 p.m.: -

A. Statements:

- i. By hon. Ronald Kazungu Mbura to the Department of Health and sanitation Services regarding Ziani ECD projects.
- ii. Response to a Statement sought by hon. Benson Ngirani from the CECM Finance and Economic Planning Department regarding re-voted projects for the Financial Year 2023/2024.

On Wednesday, 9th 2:30 p.m. the business shall be: -

A. Motion: Adoption of the Report of a Sectorial Committee on Devolution Public Services and Disaster Management on the Internal Advert of the County Public Service Board.

Thank you, Mr. Speaker.

ADJOURNMENT

The Speaker (Hon. Mwambire): Honourable Members, the House stands adjourned until tomorrow at 9:30 a.m.

The House rose at 3:13 p.m.

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