



**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**  
**SECOND ASSEMBLY –THIRD SESSION**  
**THE HANSARD**

**Monday, 11<sup>th</sup> November 2019**

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

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

**PRAYERS**

**STATEMENTS**

**INACCESSIBILITY OF THE ROAD CONNECTING DZITSONI - JARIBUNI IN JARIBUNI WARD**

**Hon. Maitha:** Thank you Mr. Speaker for giving me this opportunity. I rise to seek a Statement directed to the County Executive Committee Member in charge of Roads, Transport and Public Works through the Chairperson; Committee on Roads, Transport and Public Works:-

Whether the County Executive Committee Member (CECM) in charge Roads, Transport and Public Works is aware that the road connecting Dzitsoni - Jaribuni in Jaribuni Ward is almost being cut off due to heavy rains endangering the lives of roads users?

If yes, what measures has he put in place to ensure that the problem is addressed?

Signed by hon. Maitha Masha, MCA Jaribuni Ward. Thank you, Mr. Speaker.

**STALLED RE-ROUTING OF 10 KILIFI TANKS OUTLET PIPELINE WATER PROJECT**

Allow me to read another Statement to the County Executive Committee Member in charge of the Department of Water, Environment, Natural Resources and Forestry through the Chairperson; Committee on Water, Environment, Natural Resources and Forestry:-

Whether the County Executive Committee Member (CECM) in charge of the Department of Water, Environment, Natural Resources and Forestry is aware that the re-routing of 10 Kilifi

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tanks outlet pipeline water project which was in the approved FY 2018/2019 budget has not started?

If yes, what are the reasons for water projects stalling and what measures the CECM is planning to ensure the project is completed.

Signed by hon. Maitha Masha. Thank you Mr. Speaker, Sir.

**The Speaker** (Hon. Kahindi): Hon. Chiriba.

#### INACCESSIBILITY OF THE KHOMBENI AND LANGOBAYA ROAD IN JILORE WARD

**Hon. Chiriba:** Thank you Mr. Speaker for giving me this opportunity. I rise to seek a Statement to the County Executive Committee Member in charge of Roads, Transport and Public Works through the Chairperson Committee on Roads, Transport and Public Works:-

Whether the County Executive Committee Member is aware that the road connecting Khombeni and Langobaya in Jilore Ward was cut off due to heavy rains making the two areas inaccessible?

If yes, what measures has he put in place to ensure that the problem is addressed? Thank you, Mr. Speaker.

**The Speaker** (Hon. Kahindi): Next hon. Mwayaa.

#### ELECTRICITY CONNECTION TO TSANGATSINI VOCATIONAL TRAINING CENTRE IN KAYAFUNGO WARD

**Hon. Mwayaa:** Thank you Mr. Speaker, Sir. My Statement is directed to the County Executive Committee Member of Education and ICT through the Chairperson; Pre-primary Education and Vocational Training Committee on electricity connection to Tsangatsini Vocational Training Centre-Kayafungo Ward:-

Whether the County Executive Committee Member in charge of Education and ICT is aware that Tsangatsini Vocational Training Centre in Kayafungo Ward has not been connected to electricity hence hindering effective learning and operation of machines?

If yes, what measures is the County Executive Committee Member in charge of Education and ICT taking to ensure that the said Vocational Training Centre is connected to Electricity? Signed by hon. Alphonse Mwayaa.

**The Speaker** (Hon. Kahindi): Next!

#### DELAYED INSTALLATION OF HIGH MAST LIGHT AT TSANGATSINI TRADING CENTRE

**Hon. Mwayaa:** Mr. Speaker I wish to withdraw this Statement of high mast light because they worked on it on Friday and now it is functioning.

**The Speaker** (Hon. Kahindi): It is functioning?

**Hon. Mwayaa:** Yes, thank you.

**The Speaker** (Hon. Kahindi): So, for the record you would wish to withdraw the Statement?

**Hon. Mwayaa:** Yes.

*(Statement withdrawn)*

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## COMMUNICATION FROM THE CHAIR

### VACANCY IN THE OFFICE OF THE MCA DABASO WARD

**The Speaker** (Hon. Kahindi): Hon. Members, I have a Communication to make; the Office of the Speaker was served a certificate from the High Court of Kenya at Malindi on an Election Petition appeal number four of 2018. The appellant in this matter was Dickson Karani Yaa verses the IEBC as the first respondent for Kilifi North then Emmanuel Changawa Kombe as the third respondent.

The certificate is directed to my office and to the office of IEBC and I want to read as follows; “As whereas the election of Emmanuel Changawa Kombe as a Member of Kilifi County Assembly for Dabaso Ward was challenged in the High Court at Malindi in the election appeal number four; Dickson Karani Yaa verses the IEBC Abdiwahid Hussein and Emmanuel Changawa Kombe and whereas the court held the appeal dated 19<sup>th</sup> March, 2018 and after considering the said appeal and the evidence, the court made the following orders.

That the appellant’s appeal dated 19<sup>th</sup> March, 2018 be and is hereby disallowed that a declaration be and is hereby issued that Emmanuel was not validly declared the Member for the County Assembly for Dabaso Ward; Kilifi County and the declaration issued by the Independent Electoral and Boundary Commission to that effect is invalid, null and void.

Number three; the Independent Electoral and Boundaries Commission (IEBC) to hold a fresh election in conformity with the Constitution the Election Act, 2011 and the rules and regulations made there under.

Number four; the award made by hon. Dr. Julie Aseko, Chief Magistrate, hereby be set aside and the appellant cost is capped at Kshs600, 000 for the proceedings before the lower court and the appellant is further awarded Kshs300, 000 being the cost of the appeal which cost shall be recoverable from the Independent Electoral and Boundaries Commission.

That Emmanuel Changawa Kombe the third respondent is also awarded costs capped at Kshs600, 000 for the proceedings before the lower court and Kshs300, 000 being cost of the appeal which cost shall be recoverable from IEBC. Given under my seal of this High Court suit; 27<sup>th</sup> July, 2018 at Malindi.

I further received a letter from the Registrar of the High Court and it is written to the Clerk of the County Assembly and to the Speaker. The County Assembly wrote as a matter of practice to the High Court to confirm the veracity of these orders and this was a response from the Deputy Registrar of the High Court at Malindi; That reference is made to your letter dated 4<sup>th</sup> of November, 2019 and received on the seventh of November, 2019 regarding the above matter. This is to confirm that the certificate pursuant to Section 86 (1) of the Election Act, 2011 dated 25<sup>th</sup> October, 2019, copy attached, emanates from this court.

Now, hon. Members, this essentially means that I have moved to the point where I now declare as a matter of practice; I now issue the notice of vacancy to the Chairperson IEBC for Dabaso Ward.

That whereas a vacancy has arisen in the office of the Member of the Kilifi County Assembly in respect of the above mentioned ward. Now therefore in pursuant of Section 19 (3) of the Elections Act, 2011, I command that due notice being first given you do cause elections to be held according to law of a member to serve in the County Assembly for the said ward. This notice will be forwarded to the IEBC today. The implication to that therefore is that hon.

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Changawa now seizes to be a Member of the County Assembly and as a matter of practice all privileges that he enjoyed as a Member of the County Assembly will stand withdrawn and I want to take this earliest opportunity to wish him all the best in his endeavors. Thank you very much.

### **ADJOURNMENT**

Hon. Members, in the absence of any other business in the Order Paper, I move to adjourn the House until tomorrow morning. Thank you very much.

**The House rose at 2.42 p.m.**

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