

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**

**THE HANSARD**

**Monday, 12<sup>th</sup> February, 2018**

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

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

**PRAYERS**

**COMMUNICATION FROM THE CHAIR**

**The Deputy Speaker** (Hon. Kenga): Hon. Members, let me take this opportunity to inform you that the hon. Speaker is currently away attending an official meeting in Nairobi with the Controller of Budget for issues that had been raised by the Office of the Controller of Budget. He will be back once the issues have been sorted out. Thank you. Next!

**PROCEDURAL MOTION**

APPROVAL OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE

**The Deputy Speaker** (Hon. Kenga): Yes, Leader of Majority please proceed.

**Hon. Matsaki:** Mr. Speaker, Sir. I stand in for the Leader of Majority. I would like to move the following special Motion:-

THAT, pursuant to the provision of Standing Order No. 151 (1) (f), this Assembly Approves the following seven other Members to the House Business Committee in addition to the Members Specified under Standing Order No. 151 (1) (a) (b) (c) (d) and (e):-

Hon. Peter Ziro Ngowa

Hon. Jana Tsuma Jana

Hon. Christopher Mwambire

Hon. Victorine Atieno Nyamolo

Hon. Mary Anzazi Maneno

Hon. Saumu Sidi Julius

Hon. Daniel Kitsao Charo

Mr. Speaker, Sir, this Committee is very crucial in this House because it is the one which gives direction especially on the business of the House. I would like to call upon hon. Kiraga to second this Motion.

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*(Hon. Kiraga seconded)*

*(Question proposed)*

**Hon. Kiraga:** Mr. Speaker, I am trying to press the button of interjection because I have an issue under Standing Order No. 35 (2). I do not know whether you will allow me to bring out that issue before I make my contribution?

**The Deputy Speaker** (Hon. Kenga): Please proceed.

**Hon. Kiraga:** Standing Order No. 35 (2) talks about the Order Paper. In that Standing Order, the Order Papers are required to be distributed to the Members 12 hours before a sitting starts. They are also required to be projected in the County Assembly website. I believe some of the Members provided their emails. We thought it better that the same be emailed to the Members. This will give them an opportunity to prepare themselves before coming to the House. Members are being ambushed and that is why some of us are not prepared in our contributions. I was here in the First Assembly; that has been the tendency and I am seeing the same thing being repeated. Can we get a way forward before we start contributing to this Motion?

**The Deputy Speaker** (Hon. Kenga): Thank you very much. Hon. Members, I wish to say that today is the first sitting we are having after the long recess we have had. If you consider the provisions of the Standing Orders, we are supposed as Members to first of all approve as a House the names of the seven other Members that will form the House Business Committee. The Committee will sit and allocate business for the Assembly. I have already communicated to the Clerks-at-the-Table that we need to do business not as usual; we need to see changes taking place so that Members are able to access the Order Paper in time so as to know the business that is supposed to be transacted within the time as stipulated in the Standing Orders. We have already taken note on that and I want to assure Members that the Clerks-at-the-Table and the House Business Committee is not going to fail you. We shall make sure that everything is done according to the provisions of the Standing Orders.

You can now proceed to make your contribution having seconded the Motion that was moved by the Leader of Minority.

**Hon. Kiraga:** Thank you so much Mr. Speaker. I will proceed but can we get assurance that the business of this House should not be the same again? We need contributions from the Members; they need to prepare themselves and if the Order Papers are given out at the right time we are going to have good contributions.

I have seconded this Motion but I am against the Motion. I have my facts about that. If you look at Standing Order No. 151 (1) (f), the Membership of the House Business Committee as illustrated in that Standing Order should also take into consideration the interests of the Independents. Looking at these seven Members, unless I do not know some of them but I do not see the interests of the Independent Members being taken care of in the House Business Committee. I do not know but can we get a way forward as much as we wish to contribute and approve this list, what about the Independents? Are they taking care of...

*(Hon. Kiraga spoke off record)*

**The Deputy Speaker** (Hon. Kenga): It seems we have a problem with the system... Yes hon. Pascal.

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**Hon. Pascal:** Thank you Mr. Speaker. I am just standing to seek your indulgence. Has this Motion been seconded because the Member who has just sat has supported the Motion? Contributions....

*(Hon. Pascal Spoke off record)*

What is your position Mr. Speaker?

*(The Clerk-at-The-Table consulted with the Deputy Speaker)*

**The Deputy Speaker (Hon. Kenga):** Hon. Pascal, the hon. Member who seconded the Motion is very much in order. He rose and bowed signifying that he seconds the Motion but in seconding the Motion, he is against it and that is very much in order. He has made his contributions as to why he is against the Motion. Anybody who is in support of the Motion, I have already proposed the question, so it is upon Members to make contributions and then I will put the question and take a vote. I am seeing there is a request from hon. (Ms.) Philister Messo... okay sorry hon. Thaura proceed.

**Hon. Thaura:** Thank you Mr. Speaker. I stand in support of the Motion because I believe the House Business Committee is a very important Committee without which we cannot undertake any business in the House. I would like to respond to hon. Kiraga's concern. In this House, we have very many Committees and I want to believe that those who are not captured in this Committee are safe in other Committees. That is not a good enough reason ...

*(Hon. Thaura spoke off record)*

I stand in support of the Motion.

**The Deputy Speaker (Hon. Kenga):** Yes, there is an intervention from hon. Albert Kiraga.

**Hon. Kiraga:** This intervention was to the Member who was on the Floor. If he says that the Members who are not captured here can be in any other Committee that is not true because we are going by the Standing Orders. Standing Order 35(2) states clearly that in the House Business Committee the interests of Independents should also be taken care of. I was asking, do we have an Independent Member in this House Business Committee? That is where my concern is Mr. Speaker. With the other Committees we are also being guided by the same Standing Orders. So, may you please give us the way forward?

We may debate and the House Business Committee is a very crucial Committee in this House. The Business of the House cannot be transacted in absence of the House Business Committee but are we following our Standing Orders? That is the question Mr. Speaker, Sir.

**The Deputy Speaker (Hon. Kenga):** Yes Hon. Matsaki.

**Hon. Matsaki:** Mr. Speaker, Sir. I want to inform the hon. Member that as we are all aware that in this House we have many Members from Orange Democratic Movement (ODM) and we have only three Members who are coming from minority parties. We have from Kadu Asili hon. (Ms.) Mary Anzazi Maneno, hon. (Ms.) Saumu from Devolution Party and finally hon. Daniel Kitsao Charo from Ford Kenya. If we were to take another Member from the Independents, then it means the ODM Party, which is the majority party, will have only three

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Members. This is not fair. I am sure the Independent candidates are also captured within the minority parties. Thank you.

**Hon. Baya:** Thank you Mr. Speaker, Sir. I stand to oppose this Motion in support of hon. Kiraga. This list did not include the Independent Members. I am an Independent Member in this County Assembly and the list has not considered us according to the Standing Orders. We are only two Independent Members in this County Assembly so I disagree with the Leader of Minority that the minorities are captured but the Independents do not stand either in the majority or minority parties. We are completely independent. Mr. Speaker, Sir, I stand to oppose this Motion.

**Hon. Hassan:** Asante sane msheshimiwa Spika kwa kunipatia hii nafasi. Naomba niwajuze Waheshimiwa wenzangu kwamba hata wale ambao walichagua haya majina walikuwa ni watu wenye akili zao timamu na walifwata hizo sheria. Msheshimiwa Spika, mimi nashangaa mtu yuko katika chama kikubwa na anasimama kutetea mtu mmoja ama wawili. Labda ningelimumba msheshimiwa ajiuzulu aje na kile kitengo cha kibinafsi ama aje kama Mwakilishi wa Wachache. Haiwezekani watu wawili wawe watapatikana kila Kamati. Kila Kamati ni muhimu na hakuna ambayo ni bora na nyingine si bora. Sioni sababu ya kwamba tupoteze muda ama shughuli za Bunge zikwame eti kwa sababu mtu anayesimama kibinafsi hajawakilishwa. Tuko na kiongozi wa Walio Wachache Bungeni na anawasimamia. Nimesimama kuunga mkono.

**The Deputy Speaker (Hon. Kenga):** Yes hon. Mbura. Take out your card and insert again. Please proceed.

**Hon. Mbura:** Thank you Mr. Speaker. I also stand to oppose the Motion because we are guided by the Standing Orders and if we go against the Standing Orders, it is like we are in this House but we are led by our thoughts, emotions and other things but not the Standing Orders of the House.

*(Applause)*

If that is stipulated in the Standing Orders, then it is important for him to be in the Committee, because he is supposed to be in the Committee for representation. It is not that they are few so we leave them out; it is not that because ODM Members are more so they represent the few. That is not how it should be. What we need is their contribution in that Committee. Let us take this time also to recognize the Independent Members.

Two Members of ODM can have enough contributions in the Committee. The single Independent Member can add something different from the ODM Members and the likes; let us give him a chance. I stand to support the Chairperson of the Budget Committee Hon. Kiraga. Thank you so much.

**The Deputy Speaker (Hon. Kenga):** Thank you hon. Mbura. Let us now get contributions from hon. Al-mas Hadad.

**The nominated Member (Hon. Al-mas Hadad Faisal):** Thank you Mr. Speaker, Sir. I would like to inform Members that as we were in the Committee on Selection. Each Member in here has a maximum number of Committees. So, if any Independent Member wants to be in this Committee, kindly resign from the other Committee and join this Committee and let us not waste time in such simple matters. Thank you.

**The Deputy Speaker (Hon. Kenga):** Hon. Dickson (Shaban) you wanted to contribute?

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**Hon. Shaban:** Asante Bw. Spika. Mimi nasimama kuunga mkono hii Kamati. Bw. Spika, nataka nifahamishe Bunge kwamba majina haya yalikuwa pale mwanzoni. Nafikiri kwa wakati mmoja tulikuwa kule Watamu na tukaweza kukubaliana kwa pamoja kuhusiana na majina haya ya *House Business Committee*. Majina haya yakaletwa hapa Bungeni na sisi kama Wabunge tukapitisha majina haya kama yalivyokuwa. Sasa, nashangaa kwamba leo majina yale yameletwa Bunge na sisi tunayakataa. Sababu ni nini? Tungekuwa pale mwanzo tumeyakataa lakini majina ni haya haya, ni vile tumeanza Bunge tena leo. Inakuwaje kwamba majina haya tunayakataa? Mimi nataka kusema kwamba hii Kamati ambayo iko hapa inaangalia maslahi ya Wabunge wote ambao wako hapa.

Tunafahamu kwamba wakati wa nyuma wamefanya kazi nzuri ya mipango kuhakikisha kwamba mambo ya Bunge yanaenda sawa. Bw. Spika, mimi nataka kuwaomba Wabunge wenzangu kupitisha haya majina kwa sababu bila ya kupitisha haya majina inaweza kuathiri hata vikao vyetu vya Bunge kuchelewa kwa sababu hawa ndio wanapanga. Mheshimiwa Spika, mimi naona hawa wako sawa kwa hivyo naunga mkono Mswada huu. Asante.

**The Deputy Speaker (Hon. Kenga):** Yes hon. Kombe (Mwarandu)

**Hon. Mwarandu:** Asante Mheshimiwa Spika. Kwa haya ya kipekee, nataka kuunga mkono Mswada huu kwa sababu sisi sote hapa tunataka kwenda mbele. Wale ambao ni wachache na wale wengi sote tunataka kwenda mbele. Kitu ambacho kimenifanya mpaka niongee, nataka leo nifahamu kwamba mheshimiwa George Baya amekiri kwamba hayuko kwa walio wengi Bungeni na hayuko kwa walio wachache. Wenyekiti wa ile Kamati anayoisimamia ni ya wale walio wachache na sisi tulio wachache tukaona ni bora tumpatie yeye. Kwa hivyo, nafikiria ni muhimu leo hii kwa sababu hayuko huku wala kule atuwachie wenyewe kiti kile ili tuweze kumtia kwa hii Kamati ya *House Business*. Ni hayo tu asante.

**The Deputy Speaker (Hon. Kenga):** Yes hon. (Ms.) Philister.

**Hon. (Ms.) Messo:** Thank you Mr. Speaker, Sir. I would like to support the Motion. First of all, I would like to thank the hon. Member from “Bongo” on the statement that he has just used on hon. George Baya. For sure, I support this Motion because when we were making the list of Committees there was no complaint for Independents but now, it has come to the Floor of the House that we are now talking of Independents. Hon. George Baya, the post you have I think is big and you should always learn to say thank you and then you leave this post to the ones who have been written in this list...

**The Deputy Speaker (Hon. Kenga):** There is a Point of Order from hon. George Baya.

**Hon. Baya:** Thank you Mr. Speaker, Sir. Here we are discussing the House Business Committee. We are not discussing the Committee on Public Investments and Accounts and to make it very clear hon. Members, we are here as per the Standing Orders. We are not here for the interest of the minority or the majority parties. I have no problems with the list but we are against the Standing Orders. I am here as an Independent candidate. I was elected as the Chairperson of the Public Investments and Accounts Committee as per my qualifications and as a Member of this County Assembly. Mr. Speaker, Sir, I did not receive any favours from the minority to get this post. Thank you.

**The Deputy Speaker (Hon. Kenga):** Okay proceed hon. Philister.

**Hon. (Ms.) Messo:** Thank you Mr. Speaker, Sir. So, according to the names which are here; those who are opposing, can they just tell us which names we remove from the list? When we were forming this Committee, it is the same names which are here, so, can they tell us who we should remove from the list? Thank you so much, Mr. Speaker, Sir.

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**The Deputy Speaker** (Hon. Kenga): Hon. Albert Kiraga, what is your Point of Order?

**Hon. Kiraga:** Thank you. You know Mr. Speaker, we are not complaining but we just want this House to follow the Standing Orders. I also agree that these names were there before but the understanding was that since the Membership is approved in every Session...

**Hon. Hassan:** Point of Information!

**Hon. Kiraga:** I do not want to be informed. Mr. Speaker, I want the Members to read Standing Order No. 151 (1) (f) with open eyes. The Membership especially the seven members are to be approved in every Session. Like today we are starting this Session and we are now approving these names but Mr. Speaker, we cannot keep on making wrongs just because we have been with these issues. It is high time we rectify this following what has been captured in the Standing Orders, Mr. Speaker.

**The Deputy Speaker** (Hon. Kenga): Yes hon. Hassan.

**Hon. Hassan:** I would like to ask the *mheshimiwa* who is on the Floor; is he contributing or is raising a Point of Order? I do not understand. Let him explain further.

**The Deputy Speaker** (Hon. Kenga): Thank you, but he has already taken his time and he is through with his contribution though it was on a Point of Order. We should be able to proceed. I want to take one contribution from hon. Pascal Jacob Thuva before I put the question.

If you consider the Committee on Selection and the roles that it has, the Standing Order is talking about the issues of numerical strength and also taking into consideration the interest of the Independents and the strength based on parties and it has been clearly stated by the Leader of Minority and even hon. Faisal Hadad that we have got two independents in this House.

It may not be humanly possible for them to fit into every Committee that we have in the County Assembly. In order to make our contribution we should also take into consideration that where the strength of the Party has been considered, the Members must take into account the interest of the Independent Members in whatever deliberations they will be having. So, let us hear the contribution from hon. Pascal Jacob Thuva then I put the question.

**Hon. Pascal:** Thank you Mr. Speaker. Let me take this opportunity to support the Motion on the Floor of the House. We all understand that the composition of all the Committees were done through a consultative process and we spent almost two days in composing these Committees but I see it ambiguous for a Member today to stand and oppose the names of Committee Members that was composed through a very consultative process.

Let me tell the ODM (Orange Democratic Movement) Party fraternity and that is the Majority Party that we, as the biggest party in the House need to have a bigger stake because we are the majority in this House. A time will come when maybe a critical issue will need voting and our numbers will always assert the authority of the Party. So let us understand that there are times that we are needed and we will need to assert our majority role.

Mr. Speaker, again, the distribution that was done when we were composing this Committee, each party was given numbers to nominate in each Committee. So, distorting or moving one Member from this Committee will take the entire process to the start and we will need to re-do the entire process from the word go and it will be a hectic exercise. So, I think this is the most critical Committee that we need and since time has come for us to actually move, then I would beg hon. Members to support the Motion on the Floor so that we can jump-start the process of contributions in this House. I stand to support. Thank you very much.

*(Question put and agreed to)*

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APPROVAL OF THE LEGISLATIVE CALENDAR FOR THE SECOND ASSEMBLY  
SECOND SESSION, 2018

**The Leader of Minority** (Hon. Matsaki): Mr. Speaker, Sir, I stand in on behalf of the Leader of Majority and I beg to move;

THAT, pursuant to standing Order No. 25, this County Assembly approves the Legislative Calendar of the County Assembly (Regular Sessions) for the second Assembly Second Session, 2018.

Mr. Speaker, Sir, this Calendar will guide us for the whole year. I call upon hon... because I do not want to make a mistake, calling on a Member then...

*(Laughter)*

*(Hon. Pascal stood on a Point of Order)*

**Hon. Pascal:** Although it is a bit late but I would want to ask for future posterity. Mr. Speaker, is it in Order for the Leader of Minority Party to stand in place of the Majority Leader? Because I was meant to believe that if the Leader of Majority is not in the House, the Deputy would stand or any other Member would also stand for him. I need your indulgent on this.

**The Deputy Speaker** (Hon. Kenga): Just for your information, the Deputy Leader of Majority is not a Member of the House Business Committee. The Leader of Majority and the Leader of Minority amongst others are Members of the House Business Committee and any Member is allowed to Move a business of the House Business Committee. Proceed hon. Matsaki.

**The Leader of Minority** (Hon. Matsaki): Let me call hon. Pascal Thuva to second.

*(Hon. Pascal seconded)*

*(Question proposed)*

**Hon. Pascal:** Thank you for given me an opportunity to actually support and call on hon. Members to adopt the Legislative Calendar for the County Assembly of Kilifi. We all understand we have had a very long recess and we are really energetic and ready enough to get into business.

Mr. Speaker, after coming from a general election, the majority of people of Kilifi are looking to our good performance but there are so many things that we need to do as a House to ensure that we better the lives of the people outside there. That will come out of this arrangement that we have in this House that we would like to adopt so that we can get to work. I stand to support the Calendar of the Assembly. Thank you very much.

*(Question that the mover be now called upon to reply, put and agreed to)*

**The Deputy Speaker** (Hon. Kenga): Leader of Minority do you have anything?

**The Leader of Minority** (Hon. Matsaki): Mr. Speaker, I do not think I have much to say but to ask the hon. Members to adopt this Calendar because if we do not plan our programmes in

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this Assembly, then we are done. I am therefore calling upon all the Members in this House to support the Calendar of this Assembly so that we are aware of when we will be going for recess and when we resume back to work. Thank you Mr. Speaker, Sir.

**The Deputy Speaker** (Hon. Kenga): Hon. Members allow me to now put the question.

*(Question put and agreed to)*

### **ADJOURNMENT**

There being no business to transact in the Order Paper, this House stands adjourned until tomorrow 13<sup>th</sup> February, 2018, at 9:00 a.m. Thank you.

**The House rose at 3:17p.m.**