

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

**THE HANSARD**

**Monday, 13<sup>th</sup> November, 2017**

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

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

**PRAYERS**

**PETITION**

LACK OF A PUBLIC PARTICIPATION FRAMEWORK IN KILIFI COUNTY

**The Deputy Speaker** (Hon. Kenga): Hon. Members, I am in receipt of a Petition made to the County Assembly pursuant to Articles 10, 196 of the Constitution of Kenya, 2010 and parts XXII of the County Assembly Standing Orders by Mr. Harold Mwatua, Lynette Shaha, Khamis Katambo, Christine Atieno Ogutu and Mohamed Salim Chengo of Kilifi County Citizen Oversight Forum (KICOF) and residents of Kilifi County, under the project “Partnership for Transformational Devolution” concerning the lack of a framework on public participation in Kilifi County dated 6<sup>th</sup> November 2017, and the Petition reads;

We, the undersigned, residents of Kilifi County, citizens of the Republic of Kenya and representatives of the Kilifi County Citizen Oversight Forum under the project “Partnership for Transformational Devolution, draw the attention of the County Assembly to the following:-

THAT, on the matter relating to the lack of a public participation framework in Kilifi County. That, the County Government of Kilifi since its inception has not passed a law on public participation to guide the involvement of citizens in its operations.

THAT, a legal petition was filed at Malindi High Court, heard and determined for which we attach a copy of the ruling for your necessary action.

THAT, we confirm, issues raised in respect of this petition are not pending before a court of law.

Herefore, your humble petitioners, pray that, the County Assembly intervenes and directs one of its Committees to urgently inquire into and deliberate on the issues raised in this Petition concerning the enactment of a County Law on Public Participation. We attach a draft legislative proposal for consideration.

Hon. Members, in accordance to Standing Order No. 203, this Petition is committed to the Sectoral Committee on Justice and Legal Affairs. Thank you.

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## PAPERS LAID

### THE KILIFI COUNTY SUPPLEMENTARY BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2017/2018

**Hon. Ndago:** On behalf of the Leader of Majority who is not around and pursuant to the provision of Standing Order No. 211, I wish to lay on the table of this House the Kilifi County Supplementary Budget Estimates for the Financial Year 2017/2018.

Thank you Mr. Speaker.

*(Hon. Ndago laid the document on the Table)*

**The Deputy Speaker** (Hon. Kenga): Thank you Deputy Leader of Majority standing in for the Leader of Majority. The Estimates as tabled now stand committed to each of the Sectoral Committees. I direct that each Sectoral Committee scrutinizes and submits a Report to the Budget and Appropriations Committee by next week Wednesday, 22<sup>nd</sup> November, 2017. Please take note that the Budget and Appropriations Committee is further directed to finalize on these estimates on or before Monday, 27<sup>th</sup> November 2017. Thank you.

### QUARTERLY REPORT OF THE DEPARTMENT OF TRADE, INDUSTRIALIZATION, CO-OPERATIVE DEVELOPMENT, TOURISM AND WILDLIFE

**Hon. Ndago:** Thank you Mr. Speaker, Sir. Hon. Members, I beg to lay on the Table of this House the First Quarterly Report for the Financial Year 2017/2018 for the Department of Trade, Industrialization, Co-operative Development, Tourism and Wildlife for the scrutiny by the respective Sectoral Committee. Thank you Mr. Speaker, Sir.

*(Hon. Ndago laid the document on the Table)*

**The Deputy Speaker** (Hon. Kenga): Thank you the Deputy Leader of Majority. The Report is hereby committed to the Sectoral Committee on Economic Planning, Trade and Co-operatives for 21 days. Thank you very much.

## NOTICE OF MOTION

### ESTABLISHMENT OF A PEOPLE'S ASSEMBLY

**Hon. Ndago:** I beg to give Notice for the following Motion:-

AWARE THAT, on 8<sup>th</sup> August, 2017 and 26<sup>th</sup> October, 2017 IEBC conducted illegal, unconstitutional and un-democratic presidential elections;

RECOGNIZING the fact that the turnout for the presidential elections was 30 percent or thereabouts of the total number of all the registered voters in Kenya and therefore the President cannot by delegation or otherwise, be properly vested with the people's sovereign power and authority;

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OBSERVING that the exercise of the executive authority by the President has in the past few years re-introduced the trappings of the imperial presidency and despotic tendencies in the conduct of public affairs;

KNOWING that Parliament has been legislating un-constitutional, illegal, un-democratic and draconian laws, and in particular laws that contravene the Bill of Rights and the principles for the electoral system; and

ACKNOWLEDGING the sovereign power of the people of Kenya, the supremacy of the Constitution of Kenya, 2010 and the sovereign right or authority of the people to determine the form of governance in Kenya.

This house resolves as follows:-

- a) The presidential elections held on 8<sup>th</sup> August, 2017 and 26<sup>th</sup> October, 2017 were each and all invalid, null and void; and no government formed and/or president declared as a consequence thereof, and considering the negligible turnout in the presidential elections held on the latter date, can have constitutional authority or legitimacy to govern;
- b) A People's Assembly be formed to discuss and determine the affairs of the country and recommend a pathway towards and for the achievement of the promise, aspirations, objectives and rights and freedoms provided by the Constitution of Kenya 2010;
- c) The House and its membership will participate in the proceedings of the People's Assembly and will constitute a special college for the appointment or election of members, delegations and observers to the People's Assembly;
- d) A truly independent electoral and boundaries commission be established with a view of holding a fresh presidential election on or before 9<sup>th</sup> February 2018;
- e) The action and performance of constitutional commissions including the Independent Electoral and Boundaries Commission, the National Police Service (NPS), the National Intelligence Service (NIS), the Public Service Commission (PSC), the Ethics and Anti-Corruption Commission (EACC) and the National Cohesion and Integration Commission (NCIC) be reviewed with the purpose of ensuring that the said commissions are independent to enable them protect the sovereignty of the people and to promote constitutionalism;
- f) Appropriate measures be undertaken to safeguard and promote devolution and the organs and instruments of devolution including county assemblies and county governments and secure their financial viability and security with the ultimate objective of the creation of larger and autonomous devolved units within one indivisible sovereign nation; and
- g) A review of the Constitution of Kenya 2010 be undertaken to reform the structure of the Executive and Parliament and devolution and to reinforce concrete measures for the promotion of inclusivity, the welfare of the marginalized, the advancement of women and youth, the eradication of corruption and poverty and to secure social justice, equality and fairness.

**The Deputy Speaker** (Hon. Kenga): Thank you very much the Deputy Leader of Majority. The House Business Committee will sit and determine when to have this Motion debated in the House. Proceed hon. Kiraga with your Statement.

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## STATEMENTS

### LACK OF STREET LIGHTS IN GONGONI AND NGOMENI TOWNSHIPS

**Hon. Kiraga:** Thank you so much, Mr. Speaker, as I rise to seek the following Statement. It is on street lights and is directed to the County Executive Committee Member for Transport and Infrastructure through the Chairperson of the Committee on Transport and Public Works:-

Whether the County Executive Member in charge of Transport and Infrastructure is aware that there are no street lights in Gongoni and Ngomeni Townships?

When shall the County Government put street lights in these Townships?

**The Deputy Speaker** (Hon. Kenga): Thank you very much hon. Member. The Chairperson for Transport and Public Works you have 14 days from now to make sure that you bring a response to this Assembly. Proceed hon. Kiraga.

### LACK OF RESCUE BOATS ALONG NGOMENI, BAHARI YA KATI AND KINYAULE AREAS

**Hon. Kiraga:** The second Statement goes to the County Executive Member in charge of Devolution, Public Service and Disaster Management through the Chairperson of the Committee on Administration, Labour and Social Services:-

Whether, the County Executive Member in charge of Devolution, Public Service and Disaster Management is aware that fishermen along Ngomeni, Bahari ya Kati and Kinyaule lack rescue boats, hence putting their lives at risk?

When shall the County Government procure a rescue boat and supply it to these areas?  
Thank you, Mr. Speaker.

**The Deputy Speaker** (Hon. Kenga): Thank you very much. Hon. Kiraga. Is the Chairperson for the Committee on Labour present?

**Hon. Kadenge:** Yes, I am Mr. Speaker.

**The Deputy Speaker** (Hon. Kenga): Okay this is a polite reminder; you have got 14 days to make sure that you bring a response to this Assembly. I am also aware that hon. Mramba has a Statement please proceed.

### ADMINISTRATION OF THE KILIFI COUNTY SCHOLARSHIP FUND COMMITTEE

**Hon. Mramba:** Thank you, Mr. Speaker. I rise to seek a Statement from the County Executive Committee Member in Charge of the Office of the Governor and Public Service Management:-

Is the CEC Member in charge of the Office of the Governor and Public Service Management aware that some Ward Administrators' are imposing as secretaries to the Ward Scholarship Committee contrary to Section six of the Kilifi County Ward Scholarship Fund Administration (Amendment) Act 2015 which states that, "the ward administrator shall be an ex-officio member"?

If yes, why has the CEC allowed them to violate the Act? If No, can the CEC instruct the few Ward Administrators to comply with the Act?

Thank you.

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**The Deputy Speaker** (Hon. Kenga): Thank you very much the legislator for Kakuyuni Ward. Again, I direct the Chairperson for the Committee on Labour and Social Welfare to take up the issue and make sure that you engage the Committee and in 14 days you should be able to bring up a response to the Statement as raised by the hon. Member to this House. I am also informed that hon. Harrison Thaura Mweni has a Statement, please proceed.

**Hon. Thaura:** Thank you Mr. Speaker. I was waiting for the formal document from the Clerk's office; unfortunately I do not know where it is.

**The Deputy Speaker** (Hon. Kenga): Thank you. You can have your seat.

### ADJOURNMENT

Hon. Members, in the absence of any other business this House stands adjourned until Monday, 20<sup>th</sup> of October. As earlier communicated, the Sectoral Committees are supposed to take up the estimates from the supplementary budget to scrutinize and forward a Report to the Chairperson Finance. Therefore, we shall all be committed in our various Sectoral Committees that we have to look into the estimates as tabled in this Assembly. Thank you very much.

**The House rose at 2:49 p.m.**