

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 19th March, 2018

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

(The Speaker (Hon. Kahindi) in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM TAHDHIB MUSLIMS ACADEMY

The Speaker (Hon. Kahindi): Good afternoon. Hon. Members, today we are privileged to have students from Tahdhib Muslim Academy who are here to visit us. As a matter of tradition, I will call out their names and you will acknowledge and then we will allow one Member to make a Statement on all our behalf to welcome them to the Assembly. We have:-

1. Fatma Salim
2. Fatma Ali
3. Khadija Athman
4. Hanan Arafat
5. Fatma Amin
6. Shufaa Ali
7. Amal Ali
8. Maryam Omar
9. Manal Mohamed
10. Asya Khalid
11. Zahra Feiswal
12. Rudayna Manhal
13. Firdaus Nassir
14. Rafida Ali
15. Sheikha Abdulswamad
16. Kawthar Ahmed
17. Aisha Abdulrahim
18. Salma Omar
19. Bushra Bashir
20. Hanaa Ahmed

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

21. Maryam Mohamed
22. Nuseiba Ahmed
23. Maryam Ismail
24. Taysira Yusuf
25. Nasra Mohamed
26. Aisha Mahdi
27. Naima Ayub
28. Maryam Ikbal
29. Mulki Abdisalam
30. Zeitun Musa
31. Naima Abdallah
32. Aisha Ahmed
33. Marwa Sheikh
34. Fatma Abdallah
35. Maimuna Athman
36. Khulud Salim
37. Shufaa Sami
38. Awatif Abdul-Munib
39. Alwiye Yassir
40. Aisha Mohammed
41. Fatma Yusuf
42. Hamda Fat-Hi
43. Fatma Omar
44. Maryam Abubakar
45. Sofia Abubakar
46. Naima Ali
47. Aisha Famau
48. Ummu Omar
49. Hamdi Abdisalam
50. Hafswa Khatim
51. Sumeiya Mohamed
52. Mwanaisha Said
53. Maryam Ali
54. Fatma Mbarak
55. Fatma Hassan
56. Jamal Idris
57. Luqman Yahya
58. Haitham Abdulfatah
59. Fahmi Abdalla
60. Nilyas Ghalib
61. Said Aboud
62. Ali Mohamed
63. Yassir Abdulhafidh
64. Abdallah Twahir
65. Ahmed Swaleh

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

66. Imran Amar
67. Issa Iqbal
68. Ahmed Abdulrazak
69. Omar Mohamed
70. Swabir Abdulhakim
71. Mahsen Abubakar
72. Abdulwahid Mohamed
73. Abdulrahman Luqman
74. Hashim Abubakar
75. Hussein Abubakar
76. Yunus Habab
77. Mujahid Said
78. Al-Amin Hussein
79. Mahsen Twaha
80. Abdulmajid Amiar
81. Ferouz Ahmed
82. Walid Abdallah
83. Ibrahim Mohammed
84. Samir Said
85. Jamal Ferouz
86. Abdulbasit Abdallah
87. Suheil Abdulrahim
88. Abdulwadir Ibrahim
89. Abdallah Omar
90. Anas Omar
91. Abdul-Llahi Ahmed
92. Swaleh Said
93. Jamil Masha
94. Hashim Rashid
95. Mohamed Abubakar
96. Said Suleiman
97. Twalib Mohamed
98. Mohamed Ahmed
99. Said Yusuf
100. Salim Abdallah
101. Handwallah Hudheifa
102. Mohamed Yusuf
103. Said Salim
104. Salim Said
105. Shueb Mohamed
106. Ahmed Abdallah
107. Twaha Hassan
108. Ali Omar
109. Abubakar Salim
110. Mohamed Abdallah

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

111. Mohamed Ali
112. Abdallah Swaleh
113. Fahmi Hadi
114. Abdul-Khaliq Abubakar
115. Farhan Khalif
116. Swaleh Ahmed
117. Mbarak Omar

They are accompanied by their teachers. We have:-

1. Mr. Ahmed Wanyama
2. Mr. Erick Barasa
3. Mr. Gambo Muye
4. Ms. Saumu Shaban

Thank you so much. I want to take this opportunity to invite the students to witness what the County Assembly does. I will give an opportunity for one Member to ...

(Hon. Ziro entered the Chamber)

Hon. Members, when the Speaker is on his feet...you are not supposed to allow any people to come in. Serjeant, why are you flaunting the rules? There is a reason why I have stood up today, isn't it? When I stand up, nobody moves including you Mr. Serjeant. Thank you very much.

Hon. Kadenge: Let me take this opportunity to welcome my students from Tahdhib; feel at home and interact with the Members. On a light note to the teachers that are responsible for the students, kindly next time let me know in advance. My office is 100 metres from Tahdhib and unfortunately I had no idea that you were coming. If I had known earlier, I could have given you a good welcome. So next time when you plan to come and this goes to the teachers, just let me know in advance so I can welcome you. Nevertheless, feel at home to interact with the Members and take this opportunity to learn. *Karibuni sana.*

(Applause)

Hon. Mramba: Thank you Mr. Speaker for granting me an opportunity to second what hon. David Kadenge Dadu has spoken. I want to assure the entire students and the teaching fraternity of Tahdhib Muslim Primary School that you are ably represented by hon. Kadenge Dadu who is the Chairperson of the Labour and Social Welfare Committee in the County Assembly of Kilifi and I wish to say that though Tahdhib is a young school; it has become an academic giant in Kilifi County and Coast Province in general.

Tahdhib has produced students to National schools be it Alliance, Mangu, Kenya High name any national school in Kenya; Tahdhib is represented there. What I want to assure the students is that this County Assembly is the one that came up with Kilifi County Ward Scholarship Fund that as we talk, we are distributing Ksh10 million for every Ward which translates to Ksh350 million in one financial year. Do not let this money go in vain because we have forfeited projects so as to make our students go to high schools, colleges and universities. We do not want this money to go down the drain. We want you to put a lot of effort, maintain

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

discipline and respect your teachers so that this money is put into a project that after a few years we will have engineers, doctors, lawyers and directors of parastatals.

I want to assure you that whatever you are seeing here, the County Assembly is a replica of the National Assembly. While at the National Assembly we have a Speaker, here we also have a Speaker and the arrangement you are seeing here is exactly the arrangement you will see in Nairobi and there is no doubt about that. I want to point out that there is no need of you to travel to Nairobi so that you can see how legislation is being carried out. All you have to do is to come to Malindi in Kilifi County and you will gain the knowledge of how legislation is being done at county level and even at the National level. I wish to welcome you and we have people of diverse disciplines; we have doctors here like hon. Kiraga; we also have pastors and Sheikhs with us.

I want to assure you that after we have retired, because age is catching up with us, we want you to take these positions so prepare yourselves. I wish to thank you so much and welcome.

(Applause)

The Speaker (Hon. Kahindi): Thank you hon. Mramba. Next order!

STATEMENTS

STATUS OF KANAGONI SALE YARD IN ADU WARD

Hon. Kenga: Thank you very much Mr. Speaker. Allow me to seek the following Statement that is directed to the County Executive Committee Member Department of Agriculture, Livestock Development and Fisheries through the Chairperson at the County Assembly of Kilifi:-

Whether the County Executive Committee Member (CECM) in charge of Agriculture, Livestock Development and Fisheries is aware of the status of the Kanagoni livestock sale yard in Adu Ward. If yes, why has the project which first featured in the financial year 2013/2014 not been completed until now? How much money has been paid to the contractor as of today? What action is the CECM taking to ensure the completion of the project?

Thank you very much.

STALLED WATER PROJECTS IN MAWANAMWINGA WARD

Hon. Pascal: Thank you Mr. Speaker for granting me an opportunity to read a Statement to the County Executive Committee Member (CECM) in charge Water, Forestry, Environment, Natural Resources and Solid Waste Management through the Chairperson of Water, Environment and Natural Resources Committee. The Statement is about stalled water projects in Mwanamwinga Ward:-

Whether the County Executive Committee Member in charge of Water, Environment, Natural Resources, Forestry and Solid Waste Management is aware that, the following projects in Mwanamwinga ward have stalled;

1. Kabatheni Borehole which was started in the financial year 2015/ 2016.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

2. Juhudi- Kakomani water pipeline which kicked off in the financial year 2016/ 2017.

If yes,

1. What are the reasons for not completing the projects in good time?
2. When shall the said projects be completed and put in to use since the dry season has just began and people and animals are suffering?

Whether the CECM is further aware that, Hademu-Nguluweni-Mtsengo-Bikidzaya water pipeline was completed in 2016 but has since not been operationalized? If yes, when shall the above projects be operational and handed over to the residents?

Thank you Mr. Speaker sir.

CONSTRUCTION OF KILIFI AND MALINDI SUB-COUNTY HOSPITAL MORTUARIES

Hon. Kiraga: Thank you so much Mr. Speaker. I rise to seek the following Statement to the County Executive Committee Member (CECM) in charge of Health Services:-

Whether the CECM in charge of Health Services is aware that in the financial year 2013/2014 budget a total of Kshs30 million was allocated for construction of Kilifi and Malindi Sub-County hospital mortuaries and in the financial year 2015/2016 budget a total of Kshs20.5 million was allocated for the completion of the said projects. In the financial year 2016/2017 the completion of Kilifi mortuary was further allocated Kshs17million and completion of Malindi mortuary was allocated Kshs. 21.2million.

Has the construction of the mortuaries been completed? If no, when will the said projects be completed?

Thank you very much.

The Speaker (Hon. Kahindi): Next, yes just move to the next one. I see hon. Ziro is not there. Hon. Chiriba.

ABSENTEEISM OF THE PRINCIPAL OF ADU YOUTH POLYTECHNIC

Hon. Chiriba: Thank you Mr. Speaker for this opportunity. I rise in response to a Statement sought by hon. Kenga, member representing Adu Ward and also our able Deputy Speaker. The Statement reads:-

Whether the County Executive Committee Member (CECM) is aware that the Principal of Adu Youth Polytechnic has not attended duty from the start of this term to date (12th February, 2018) and that this habit has been exhibited from the time he was employed by the County Government of Kilifi and posted to Adu Youth Polytechnic with many cases of absenteeism.

Whether the CECM is aware that the 2017 Tailoring and Dress making class of Adu Youth Polytechnic was not registered for the final examination yet they paid examination registration fees within the stipulated timelines.

If yes, what action has the CEC taken towards those responsible?

Mr. Speaker, the CECM is aware that the Principal of Adu Youth Polytechnic has only attended duty once from the start of this term. The supervisor who is the Director of vocational training summoned him on 16th of January, 2018 and issued a first verbal warning as per the disciplinary manual for the Public Service of May, 2016 Section 4.1 a.

In the event of initial instances of minor offences committed by an officer, his /her supervisor will issue a verbal warning. The verbal warning should be in form of structured

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

discussion which may entail counseling. The officer should be informed of the alleged offence and what is likely to befall him or her in case the offence(s) is repeated in future. A copy of the record for such a warning indicating that there was a meeting between the supervisor and the officer should be kept by the supervisor.

In the event the officer repeatedly commits minor offences in irrespective of the verbal warning, a written warning should be given to the officer by his/her supervisor. The warning letter should state the exact nature of the offence and indicate future disciplinary action which will be taken against the officer if the offence is repeated.

The Principal however tendered this resignation dated 9th February, 2018 just before a written warning was done. The Department has advised the payroll in charge to stop his salary and an acting manager has been appointed.

The Statement was further seeking to know whether the County Executive Committee Member is aware that 2017 tailoring and dressing making class at Adu Youth Polytechnic was not registered for the final examination yet they paid examination registration fees within the stipulated timelines.

The 2017 tailoring and dress making class had a total of number of six trainees; four trainees attempted to pay for the National Industrial Training Authority trade test (NITA) which they were supposed to pay Kshs5, 350. They paid partially and by the time they were clearing the payment, they were caught up by the deadline which was on 30th July, 2017. Therefore they were not in a position to be tested. However, arrangements have been done and the trainees will be tested in April, 2018.

The Speaker (Hon. Kahindi): Hon. Kenga, are you happy with that response?

Hon. Kenga: Mr. Speaker, I am not happy with the response that has been given with the following reasons. The Statement had two pertinent issues that we wanted the CEC Member to address; one of the issues is on the absenteeism that was exhibited by the Principal of Adu Youth Polytechnic who has been in the institution for over 15 months by December of last year, 2017. The response that has been read by the Chairperson is talking about a first verbal warning that was given yet in my Statement had stated that they were numerous cases of absenteeism. If you visit the institution and you go through the duty roster, you will ascertain the information that I gave in the Statement that the member who has been employed by the County Government who is supposed to offer services to the people has absconded duty for so many days.

The response is also trying to allege that the issue of absenteeism duty is a minor offense. I do not know the direction that we are given by the Labour laws of the Republic of Kenya. The CEC Member is accurate to purport that the issue of absenteeism is a minor thing? Remember these are students who have devoted their time. Why did the Constitution realize that there is need for us to undertake the issues of vocational training? It is because they wanted as a county to be able to empower the youth in terms of skills. His absenteeism has led to the second issue that I raise to get a response. We are talking about the entire class of 2017 that was doing tailoring and dress making as a result of the habit of the principal, students were not able to be registered for their exams.

One funny thing, this is an issue that I want you Mr. Speaker to give us guidance on it. Why is the CEC Member trying to submit lies to this hon. House? I have with me receipts of students who paid and in the receipts it is clear that they paid for the National exams within the stipulated timelines. By saying that they failed to pay within the deadline which was 30th of July, these are lies. I wonder why the CEC should be allowed to say such lies to the County Assembly

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

of Kilifi. It is grave; the response to this Statement was supposed to be given last week and the students and their parents had prepared themselves. In fact, they came to the Chamber only for the business of the Assembly, not to be able to accommodate because of some challenges that we had as an Assembly. I am talking about a class that was denied an opportunity to sit for their exams.

Two, in the response given, they are talking about measures put in place to make sure that students sit for their exams which they will now sit for in Mombasa. Who is going to take care of the cost that these students are going to incur? These are not exams that will be handled within a day; they may run for a whole week. The issue of accommodations and travel costs; somebody must be able to bear this burden and account for this and take responsibility for having failed an entire class. These may be some of the reasons that we have seen the performance of students in this institution not being able to perform as per the expectations because of such issues that we have seen.

I have copies of these documents and if called upon to do so, I am ready to submit for further investigation into this matter to be carried out so that the truth may come out and justice be done to the people. I am not happy that the CEC is talking about measures taken for the students to sit for their exams in Mombasa. Remember the 2017 class was supposed to do their exams at Gongoni Mapimo Youth Polytechnic which is just around 40 kilometres from Adu Youth Polytechnic. They had even paid for accommodation. Therefore, unless we are told who is going to take care of the students during their stay in Mombasa for the exams, who is going to pay the bill? Remember already we have lost their time. By now they could be looking for employment. They have been denied that opportunity just because they have not been able to sit for their exams.

I wish to say that out of the issues that I had raised in my investigation, I realized the administration could even change names of students and I have a good example that one student is given two names, Dama Karisa Changawa and Mercylne Dama Changawa just because they want to take the monies from the students and deny them the opportunity to be able to do their exams. This is the same student; not a different one but why did they have to go to the extent of giving two receipts with two names, one of Kshs3,000 and the other one of Kshs2,350 which is a total of Kshs5,350 the amount that was required for the exams?

Again, I also have an issue, a student paid the full fee and the student was given a single receipt of only Kshs5, 000. This receipt is dated 27th January, 2017 way before the deadline that was 30th July, 2017; the receipt is of Ruth Kalume who paid Kshs5, 350 but was given a receipt of Kshs5, 000 and the Kshs350 cannot be accounted for yet this student did her best to make sure that the fees was raised. Thank you very much Mr. Speaker.

The Speaker (Hon. Kahindi): Hon. Chiriba, are you in a position to respond to hon. Kenga before I make my ruling? This is not your burden hon. Chairperson. However, if you have any response that will add value to his questions then you say so; if not then you let me make my ruling on the same.

Hon. Chiriba: Thank you Mr. Speaker. As much as this is a reported speech and as I concur with the hon. Member for Adu Ward, I also have my doubts to some extent in whatever the hon. Member has submitted. In saying so, I am judging him to have more knowledge of the happenings on the ground because he is currently there but if we could also go to the judgment of whatever we have on paper here then I think hon. Member you should substantiate where Mombasa comes in. This is because I actually do not see where Mombasa is being mentioned.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Otherwise, I think it was stated that arrangements have been done and the trainees will be tested in April and I still do not understand where Mombasa is coming in.

The Speaker (Hon. Kahindi): Yes hon. Kenga.

Hon. Kenga: Thank you very much. Mr. Speaker, as I said earlier this is an issue that is very sensitive and I have been able to make follow ups to an extent of communicating with authorities that are in a position to give me directions on these matters. I am informed that for this class; for those who are going to sit for exams during the month of April then those exams are not going to be offered in Adu Youth Polytechnic. Neither are they going to be offered in Mapingo Youth Polytechnic but the students are supposed to ...

The Speaker (Hon. Kahindi): How many students are affected by this whole...?

Hon. Kenga: Six students. The class was of six students.

The Speaker (Hon. Kahindi): Six. Okay. Can you allow me to make my ruling now?

Hon. Kenga: Thank you. Proceed.

The Speaker (Hon. Kahindi): Hon. Members, based on the facts that have been submitted by hon. Kenga and the reply...

(The Speaker spoke off record)

... On education, convey a meeting within 14 days. People to be summoned to appear before the Committee are the Principal concerned, the CEC Member concerned and the six students who have been affected. The Committee has powers to investigate and to summon witnesses to appear before the same. Let this House be furnished with a Report in the next 14 working days. Thank you. The Office of the Clerk to issue letters to the concerned parties that I have mentioned immediately after this session.

Hon. Kenga: Thank you very much Mr. Speaker. I am happy with the direction that you have given out regarding the same but as an interested party in this, I wish to also appear before...

The Speaker (Hon. Kahindi): In fact you are not just an interested party. I failed to mention but you have to be there.

Hon. Kenga: Thank you.

The Speaker (Hon. Kahindi): You are not just an interested party; you are a party to the suit. Let us have all those issues that have you raised by the Committee and then we can have a way forward.

GARBAGE COLLECTION IN WATAMU WARD

The Speaker (Hon. Kahindi): Hon. Hassan is not present? Do we have anybody to represent him?

Hon. Chiriba: Thank you Mr. Speaker, in the absence of the hon. Member, I stand in brief for him to read the Response of the Statement as sought by hon. Gorge Baya:-

“Reference is made on your letter dated 6th December, 2017 Ref. No: CAK/ADM/3/VOL.14/145 concerning accumulation of garbage in the areas mentioned; Gede Market, Timboni (KK) and Watamu Richland (Mama Diwani).

We acknowledge that there was accumulation and presence of garbage on the aforementioned areas of Watamu and Kilifi North Sub-County. Efforts were done on the receipt

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

of this letter through the officer in charge and the area ward administrator where all the waste accumulated in that area was collected for disposal.

Persistent accumulation of waste in these areas is brought by illegal dumping wastes and breakdown of vehicles. Scrupulous wastes from unknown sources emanate and are disposed to these areas hence posing a challenge in collection and disposal hence the accumulation.

As a Department, there were challenges on vehicles for collection of waste especially in Watamu but currently efforts have been done to restore the situation. The Department is also engaging private waste collectors and community groups in collection and disposal of waste which will ensure responsibility of the community in ensuring they live in a clean and healthy environment as provided in the Constitution. These groups will be managed and controlled from the Department hence reducing illegal waste dumping this reduce accumulation of wastes.”

Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): Thank you. Hon. Gorge Baya, are you satisfied with the Response?

Hon. Baya: Thank you Mr. Speaker, Sir. I am very happy and satisfied with the Response at least now the people of Watamu are living in a good environment and also free from cholera. Thank you very much.

The Speaker (Hon. Kahindi): This Statement was for...did I see hon. Thaura leaving the Chamber? This is because it cannot be given in his absence. Let us move to the next Statement.

STALLED TSANGATSINI CATTLE SALE YARD

Hon. Noordin: Thank you Mr. Speaker, Sir. I am standing to read the Response on Tsangatsini Sale Yard that is from the CEC of Agriculture, Livestock and Fisheries. However, allow me to read the Statement before doing that

The Speaker (Hon. Kahindi): Yes.

Hon. Noordin: The Statement was:-

Whether the County Executive Committee Member for Agriculture, Livestock and Fisheries is aware that the cattle sale yard project at Tsangatsini has stalled and that the material used is at risk of theft and insect distraction e.g. termites?. This could lead to collapse of the project hence causing further financial implications and also not being of help to the residents. If yes, what measures is the Department taking to complete the project and make it operational? This Statement was from hon. Mwayaa, MCA Kayafungo Ward.

The Response Mr. Speaker, Sir, was as follows:-

“This is to confirm to your office that I, the County Executive Committee Member for Agriculture, Livestock and Fisheries, am aware that the cattle sale yard at Tsangatsini has stalled this is because when we went for the final phase of fence and construction of toilets, Mr. Kenga Kiraga and Kassim Kiraga went to court and obtained an injunction to stop access to any work on the said plot until the land ownership dispute is determined. The matter has been taken up by the County Legal Department.”

Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): Hon. Mwayaa, are you happy with that reply?

Hon. Mwayaa: Mheshimiwa Spika, sijaridhishwa na majibu hayo. Nilikuwa natazamia Mwenyekiti wa Kilimo anielezee kama hayo mambo yamechukuliwa na *Legal Department*, wamefikia wapi na kesi itasikizwa lini?

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Nimefikia kiwango cha kutokuwa na imani kwa sababu kama ilipelekwa kortini, *court order* iko wapi? Na kama iko, imefikia wapi kusikizwa? Kule mashinani *yard* inaliwa na mchwa, ni kama hakuna kitu kinachoendelea. Mheshimiwa Spika, ningetaka maelezo zaidi kama kesi itasikizwa lini?

The Speaker (Hon. Kahindi): Thank you. Hon. Mwarandu you have anything?

Hon. Mwarandu: Thank you Mr. Speaker. Personally, I am not satisfied with the Response from the CEC Member because as *Mheshimiwa* has said, they should at least attach documents from the Legal Department to support this. It has been a norm for the CEC and the Executive to point fingers accusing each other. I would like to urge the hon. Chairperson to seek further information concerning this. Thank you.

The Speaker (Hon. Kahindi): Very well said. If there is an allegation that the matter is before court, it is common sense that the House needs to be informed of the particulars of the case. I am sure hon. Mwayaa when he is doing his ward rounds and is asked about that; if he has a court order with him it will be much easier for him to explain. Hon. Noordin, are you in a position to provide that now or you would want to seek more time for further clarification?

Hon. Noordin: Mr. Speaker, sir, I think I need more time.

The Speaker (Hon. Kahindi): I will give you seven days because you are only going to get, if any, documents to prove that the matter is before court and on Monday next week, please report to the House on the position of that matter.

Hon. Noordin: Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): Next, hon. Thaura, you will be left out. Let us go back to hon. Chiriba. Your microphone requests intervention mode, proceed.

HIKED WATER BILLS IN KILIFI COUNTY

Hon. Chiriba: Thank you Mr. Speaker. Again, I am standing for hon. Chairperson who is absent and this is in Response to a Statement sought by hon. Harrison Thaura Mweni from the County Executive Committee Member in charge of Water, Environment, Natural resources, Forestry and Solid waste Management.

Hon. Speaker I wish to give a response to the Statement dated 20th ...

The Speaker (Hon. Kahindi): Do you have a copy of the Statement that was requested so that we can also follow? Read to us what hon. Thaura requested then read to us what the Response is. If you have a copy of that Statement, provide it to the Members.

Hon. Chiriba: Okay, thank you. The Statement to the County Executive Committee Member for the Department of Water, Environment and Natural Resources through the Chairperson Water, Environment and Natural Resources that:-

Whether he is aware that water bills in Kilifi County have been hiked since October, 2017? If yes, what are the reasons given for that increase?

Mr. Speaker, I would wish to give a Response to the Statement dated 20th November, 2017 as follows:-

That the County Executive Committee Member in charge of Water Environment and Natural Resources is aware that water bills in Kilifi County have gone up since October, 2017.

This is because the water companies namely; Malindi Water and Sewerage Company Limited (MAWASCO) and Kilifi Mariakani Water and Sewerage Company Limited

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

(KIMAWASCO) had to implement the new tariff as regulated by the Water Services Regulatory Board (WASREB).

Below is a sample case in regards to water tariff changes for KIMAWASCO:-

Water charges to customers by water services providers (KIMAWASCO etc) in Kenya are based on pre-determined and approved tariffs by the sector regulator, the WASREB. The regulator will only approve a tariff for a Water Service Provider (WSP) after thorough scrutiny of the WSP's application and upon being satisfied that the WSP is not out to exploit the *mwananchi* but is only out to cover its operating cost and carry out some bit of investments that will make the water service provision better.

Even after a tariff is approved for execution by the WSP, WASREB continuously monitors the WSP to make sure that customers are charged based on the approved tariff, nothing more. It also follows up with the water service provider to ensure that all conditions and pledges made during the regular tariff adjustment applications are met. The tariffs approved for the various water services providers normally run for two to five years before they are reviewed and adjusted. Companies apply for regular tariff adjustments to the sector regulator in order to one; met their operating cost (cost coverage). These includes among other things the buying of water from Coast Water Service Board, cost of operation and maintenance, personnel costs, loan repayments, lease fees, regulatory levies etc. Two; to carry out minor extensions and rehabilitations of its water supply system. Three; to carry out minor investments in technology and infrastructure of better service delivery.

KIMAWASCO started the process of regular tariff review for its expired old tariff in 2015. This old expire tariff had hampered the company operations as it made the company not being able to cover its cost from the revenue it makes through water sale to the public. The company only source being water sell costumers. This had the effect of dwindling water provision service for the company as the company could not meet many of its obligations that would enable it provide better services. The process culminated into approval of a new tariff that came into force in the month of September, 2017 that had some adjustment on the water charges structure for the various consumer categories with the first water bill in the tariff reaching to the customers in October, 2017, hence the alleged hiked water bills within Kilifi County from the said month. Before this approval the company went through the following mandatory process;

One, the water service provider (KIMAWASCO) applied for an adjustment to its tariff to the regulator (WASREB) through the Coast Water Services Board (CWSB) justifying why the adjustment on the water charges.

Two, the public was notified of the intended tariff charges which was done officially through print media (newspaper) by CWSB and also through radio.

Three, the WSP also held a public consultative forum to sensitize and seek the opinion of the public on the same. KIMAWASCO gave out notices throughout its satellite stations and invited its stakeholders for a meeting on the 17th May, 2017. This meeting was held in Mnarani Club with invitations sent to the office of the CEC Member for Water, Environment, Forestry, Natural Resources and Solid Waste Management, the Chairperson, Committee on Water Environment and Natural Resources-County Assembly of Kilifi, Clerk of the Assembly-County Assembly of Kilifi and representative of the various customer groups within KIMAWASCO'S area of justification. The minutes for the stakeholder's consultative meeting in the tariff adjustment are hereby appended with the list of participants. Also appended are public notices and invitation letters to the various stakeholders.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Four, the consultative meeting takes place in the presence of CWSB and the regulator. WASREB then takes note of the sentiments of all the stakeholders concerning the tariff adjustment request and if in its own judgment finds that there is no reason to reject the tariff adjustment by the WSP, officially Gazettes the new tariff.

Five, after Gazettement of the tariff by the regulator, KIMAWASCO went ahead to publicize and sensitize its customers on the new water charges and why they are important for the company and the customers as a whole. KIMAWASCO has so far carried out several sensitizations of its clients on the new tariffs by carrying a radio advertisement (Baraka FM) that ran for weeks, through SMS via their bills and also by training done to community water projects committees.

The new tariff did not bring major changes on the domestic category which applies to 80 percent of KIMAWASCO clients. The Kshs300 was raised to kshs360 for the bracket between 0-6 m³ (cubic meter) which caters for many households. The other brackets in this category remained as it was before. The other clients were slightly changed and these include the commercial, industrial and Government institutions which are meant to cushion the poor. The poor were also not affected as the tariff meant for kiosks and community water projects was not affected (it remained at Ksh35 per cubic meter).”

Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): There is a lot of literature there so can you tell us...

Hon. Thaura: Mr. Speaker, I am personally not contented with the answer.

The Speaker (Hon. Kahindi): Is it that it is too long or?

Hon. Thaura: No, I have taken time to read it.

The Speaker (Hon. Kahindi): It has not addressed your concerns, in what ways?

Hon. Thaura: I went out to consult on a few issues before I came in to make my contributions. *Maji ni uhai*. I Table this Statement back in November last year. We are talking about the issue of water and the Response is coming today; that is laxity on the side of the Executive.

Two, I went out to consult on ... in this Response, there is this thing he has called WASREB. I have SMSs of customers who paid their bills in Loitokitok and Nakuru and they are paying as low as Kshs27 per cubic meter so I wonder why in Kilifi County we are paying Kshs86 per cubic meter. The other thing that I am concerned about is the channel of communication to the clients. They are saying that they use newspapers, but how many of our people read newspapers? So in terms of public participation I believe *mwananchi* was not consulted in the best way possible.

In the last paragraph, the author says the poor were also not affected. I wonder what that means because our people need to be treated with a lot of respect. So I think the CEC has not done enough to make sure that KIMAWASCO is held responsible in terms of looking at the clients. In fact, if the tariffs hike, the people who are affected are the common *mwananchi*. In my view and in the view of the people who made me bring this Statement to this House, we are not contented with this Response. Thank you Mr. Speaker.

Hon. Shaban: Thank you Mr. Speaker, Sir. I want to inform the hon. Member that this Statement was read last time but he was absent. So, hon. Thaura by saying that the Response came late, he is wrong. This is because the Statement was read last time and you were absent so you need to withdraw those words. Thank you.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The Speaker (Hon. Kahindi): Just hold on there, are there Members who wanted to contribute? Hon. Kenga, press the intervention button. Hon. Kiraga, you have something to say? Just hold on hon. Kenga. I will give it to you.

Hon. Kiraga: Thank you very much Mr. Speaker. From the submissions of the Mover of the Statement, I am learning that there were some issues which were not captured in his prayer and I am wondering whether this Statement can be amended to address those issues. This is because I am trying to look at the prayer of the Statement: “Is the CECM in charge of Water Environment and Natural Resources aware that water bills in Kilifi County have been hiked?” So, is the CEC Member aware that the water bills have been hiked and what are the reasons given for this hike?

Looking at the Response, it reads that “this is because the Water Companies namely MAWASCO and KIMAWASCO had to implement the new tariffs as regulated by the water service regulated body. This means the CEC Member is aware hence he gave the above reasons. I wish the Mover of the Statement to probably amend the Statement to accommodate the issues he has but as far as I can look at the Response, it has addressed his concerns. He needs to amend this Statement so that his issues are projected. Thank you.

The Speaker (Hon. Kahindi): Hon. Chiriba, you have anything to say?

Hon. Chiriba: Thank you Mr. Speaker. I think if I have rightly quoted the hon. Member who is the Mover of the Statement, I want to say that the issues captured in the Statement have been addressed in the Response unless he has other issues to bring on board otherwise, I feel that the Response meets the threshold. Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): That is not for you to say. It is for the Mover of the Statement to confirm whether he is happy or not. Yes hon. Kenga.

Hon. Kenga: Thank you very much Mr. Speaker. Allow me to make the following observations. One; and I want to set the record very clear here on the issue that was raised by hon. Thaura. It is true as hon. Dickson Shaban said that last time the Statement was placed in the Order Paper and the Member was not present. I want to say that he reported to me that he was not feeling well and therefore he decided to go for medication but again the issue is the Statement was raised in the month of November and the Response was given in the month of February. So yes, he has a point in saying that this Statement has taken a lot of time before the Response was brought before the Assembly. Mind you, this is an issue that needed to be addressed within the shortest time possible, then from November to February cannot...

The Speaker (Hon. Kahindi): But you know that you need to put into consideration that the House was on recess for two months.

Hon. Kenga: But again Mr. Speaker...

The Speaker (Hon. Kahindi): No I am not trying to defend any position. I just wanted to bring to the attention of the House that the House adjourned for the long recess on 6th December, 2017 and then we came back in February, 2018. Okay, let us move on. At least there is a window of the recess there so that does not negate the fact that it is a good or a bad Statement. Proceed.

Hon. Kenga: Mr. Speaker.

The Speaker (Hon. Kahindi): Yes

Hon. Kenga: My point of argument is...

The Speaker (Hon. Kahindi): Yes! Yes! Let us go to the real issues now.

Hon. Kenga: Whether it was during the time of Response should have been given earlier and then it was for us to plan when to sit. Maybe we would have called for ...

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The Speaker (Hon. Kahindi): Again you are right, if it was brought before...

Hon. Kenga: For us to be able to sit and deliberate on the issue because this is an issue that is affecting millions of people. That is one observation and then two; I was looking at the language that has been used. I have known hon. Chiriba to be very articulate and very fluent in terms of speaking the Queen's language. Why is it that he had had a lot of difficulties in going through the Statement? As I am talking, I am very serious about this. We have received visitors; these are students and are even better off than the Statements we are receiving from CECs who are serving in this County. This is not just an observation I am making out of this Statement but if you go through all the Statements that have been given out by the respective CECs you will realize there is a problem with the language. There are issues of grammar, issues of spellings and so much more. What are we trying to portray to the students? Hon. Mramba has said it very clearly that these are academic giants. Mr. Speaker, they are seated since they have come here to learn and this is the experience they are getting from us. Mr. Speaker you need to say something about these issues. Thank you very much.

(Laughter)

The Speaker (Hon. Kahindi): So what is the issue hon. Kenga? Is it that the Response is not good or the grammar in the Response is not good?

Hon. Kenga: Mr. Speaker, I want to take you to the first line. 'I would wish to *response* to the Statements dated...'

The Speaker (Hon. Kahindi): Okay, that is wrong.

Hon. Kenga: That is one. Two...

The Speaker (Hon. Kahindi): Okay, leave it there ...

Hon. Kenga: Mr. Speaker, you have heard...

The Speaker (Hon. Kahindi): I know, I understand.

Hon. Kenga: Thank you.

(Laughter)

The Speaker (Hon. Kahindi): I understand and I appreciate that, but again to hon. Thaura Statements issues which normally come from Members you cannot impose on a Member that your Response is good unless he is satisfied. Okay, those are the rules. Unless the Member who raised the Statement is convinced that he is answered, he will always have the opportunity of asking for further clarification.

I would now put in to you, hon. Thaura, do you wish hon. Kiraga to seek further clarification on the matter or ... I know you are not the Chairperson but you have won the ...when you are holding brief you take responsibility and then you delegate back to the person who is ... so do you seek to get further clarification on the matter or you are satisfied?

Hon. Thaura: No I am not satisfied Mr. Speaker.

The Speaker (Hon. Kahindi): If you are seeking further clarification, please you are going to tell us which areas you are seeking further clarification on.

Hon. Thaura: The fact that we have a similar WASREB, you know what that means Mr. Chair wait for...

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

(Laughter)

The Speaker (Hon. Kahindi): Please proceed.

Hon. Thaura: If Taita- Taveta County can pay as low as Kshs27 and we are paying Kshs86, then there is a problem.

The Speaker (Hon. Kahindi): You need justification as to why other counties are paying less and Kilifi is paying more than that. It feels that the justification given there is not very clear so hon. Chiriba, you are having a very rough day but can you kindly seek further investigation as requested by the Member? Just a justification on why other citizens in other counties are paying less and Kilifi is paying more than the other counties that will be given back by next week on Monday because I do not think it is something of high magnitude. It does not require more than seven days. Yes move to the next agenda. Yes hon. Noordin proceed.

NON-OPERATIONAL PLOUGHING FARM TRACTORS

Hon. Noordin: Thank you Mr. Speaker. I stand to read the Response from CEC Member Agriculture, Livestock Development and Fisheries but before that I will read the Statement. It was stated that:-

Whether the County Executive Committee Member is aware that most of the ploughing farm tractors of the County Government are not operational considering that the long rains are expected any time from now and the farmers want to prepare their farms for the planting season. What action is she taking to address this problem? This Statement was from hon. Kenga, MCA Adu Ward.

Mr. Speaker Sir, the Response is as follows;

“This is to confirm that the fleet of our county tractors are serviceable and currently operating in the Sub-County albeit on minimal basic. 43 out of the 53 tractors have deliberately been parked pending routine maintenance (normal services).

The process of procuring parts, oils and normal services items as well as replacement of worn out parts and services parts has already been done. The actual works will be done in the fourth week of February, 2018 in readiness for land preparation for the long rains season.

The other ten tractors at the Agriculture Training Centre, Mtwapa, were checked on Tuesday, 20th February, 2018, and are in good condition in need of resetting which is a routine maintenance.” This is from hon. Luciana Sanzua the County Executive Committee Member. Mr. Speaker, Sir?

The Speaker (Hon. Kahindi): Yes?

Hon. Thaura: If you will allow me to make a short Statement.

The Speaker (Hon. Kahindi): A further Statement to that Statement?

Hon. Thaura: Yes

The Speaker (Hon. Kahindi): Your own personal opinion? Yes proceed.

Hon. Thaura: There is no need to put this Response...

The Speaker (Hon. Kahindi): Why?

Hon. Thaura: We as the Committee Members did not agree on this issue.

The Speaker (Hon. Kahindi): What have you done about it? Who requested that Statement? I do not want to give hon. Kenga because he is ready to fire his bullets.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

(Laughter)

The Speaker (Hon. Kahindi): You are talking of February, the fourth week of February and we are in March, are those tractors working?

Hon. Thaura: No they are not working.

The Speaker (Hon. Kahindi): As a matter of procedure, let me give it to hon. Kenga. I know this is ... let this go on record whether he is satisfied or not.

Hon. Kenga: Mr. Speaker, I wish to take this opportunity to thank the Chairperson and the Committee. I think they are doing a good job. Even before this Statement is Tabled before the Assembly for us to make our contribution, they have gone ahead even to sit as a Committee and deliberate on the same.

The information that we are receiving and you heard very clearly from him is that they are not even satisfied with what is happening. Mr. Speaker, we are now in the third week of the rains. We have had these rains now for the third week in most parts of Kilifi County.

One of the issues, last week we were looking at the County Fiscal Strategy Paper and the five major issues is that the county, and this is from the Governor himself; that we would want to see that these items are more ... so that we achieve development.

One of these areas is the issue of food sufficiency. Mr. Speaker, we want to get out of our usual way of farming and do mechanized agriculture and we cannot be able to do this unless the machines are in good working condition.

Mr. Speaker, why I am I saying this and also in agreement with the observation from the Committee? The CEC confirms that there is a fleet of the 53 tractors that are in the County Government of Kilifi. Out of the 53, 43 are parked pending routine maintenance yet at the initial introduction to the Statement Mr. Speaker, she confirms that the tractors are currently operating in the Sub-Counties. Then you go further it is talking about a fleet of 43 tractors that have been put at the parking bay waiting for a routine maintenance.

That is one of the issues that are coming out very clearly. The other ten we are told that they are at the Agricultural Training Centre checked on the Tuesday, 20th February, 2018, and are in good condition in need of resetting which is a routine maintenance. They need to have been reset so that they are out there, how do we plan to be a food sufficient county? There are a lot of issues maybe the Chairperson has not been able to tell the House but they have told me that they have already done a schedule of visits they are planning to get to where these tractors are and do a report and maybe out of it we may find work is done. We are getting late; our farmers are not able to get the services.

The Speaker (Hon. Kahindi): Yes hon. Mwarandu.

Hon. Mwarandu: Thank you Mr. Speaker. In 1997 there was a programme in Kenya Broadcasting Cooperation (KBC) that was called mind your language. I will just read a small part of the Response from the CEC Member. It is very unfortunate I am responding to the same CEC Member. She is saying that 43 out of the 53 tractors have deliberately..., underline the word *deliberately*; who is doing this deliberately? Thank you.

The Speaker (Hon. Kahindi): It is very clear that the Statement today...okay we still have more contributions I did not see that. Let us have hon. Gogo and the hon. Kiraga.

Hon. Gogo: Asante Bw. Spika. Langu ni kuhusu Kamati ya watu tisa inayosimamia mambo ya ukulima ndani ya Bunge hili. Tulipopata hiyo barua kwa Kamati yetu, sisi wenyewe kama wanakamati hatukuridhika na tukaomba kikao na huyo waziri na viongozi wote wa hiyo

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

wizara ili yale maswali ambayo Mheshimiwa aliuliza tuyapatie majibu. Kwa hivyo, sioni sababu ya kuwa na mazungumzo marefu juu ya swali ambalo liliulizwa na kiongozi fulani katika Kamati yetu. Tungeomba kama vile Mwenyekiti wetu amesema tupewe wakati ili tukae na viongozi wa hiyo wizara na baada ya muda usiokuwa mrefu tutawapa jawabu lililo zuri.

Hon. Kiraga: Thank you very much Mr. Speaker. In every financial year, the Budget Committee appropriates funds for maintenance of the tractors and other vehicles of the county. Apart from the monies which are being appropriated for the maintenance, every farmer is charged Kshs1, 500 per acre. We are wondering if a mere maintenance on the tractors... where does this money go to... where is the Kshs1, 500 being charged to the farmers? I also wish the Committee to establish where the monies are going if they cannot do even the slightest maintenance which they call *mere* maintenance.

Hon. (Ms) Elina: Asante Mheshimiwa Spika. Nataka kuongezea hapo kwa mambo ya tinga. Kuna moja limelala pale Gongoni na tunashindwa limelala kivipi; anasema *clutch* ndio imechomeka na anakusanya pesa shilingi 1,500 kwa eka.

Pili, Kamati iende iulize kuhusu haya matinga kama yako na wasimamizi kwa sababu tunaona madereva peke yao mashambani. Haya matinga yameachiwa watu binafsi na kuzungushwa kiwango cha kwamba hatutaelewa kinachoendelea hata nilipokuwa naja huku nimeona mawili yanaelekea wakasema wanaenda Marafa lakini utashindwa huku Marafa watu wanalalamika mpaka sasa hakuna tinga. Wakati huu hasa, Marafa hakulimiki maana udongo wa kule ni *black soil* na tinga halitaweza kulima kule. Kwa hivyo, tunaomba Kamati ya Ukulima iende ichunguze zaidi.

The Speaker (Hon. Kahindi): Thank you. First let me just lay out the procedure in which the Responses have to be handled. I want to appreciate the work that the Committees have done though they jumped the gun; they went further ahead but some due process was never followed. One, it is not a responsibility of the Chairperson to try to justify what the CEC has said. The responsibility of the Chairperson is if a Statement has been issued then you get the feedback from the CEC Member and Table it before the House any direction will be given after the Statement has been given.

Now, as to whether the Committee was happy or not happy because a Committee is a delegation of the Assembly, whether or not a committee is going to the CEC, that authority is derived from the House. Therefore, I rule the following that one, by looking at the Statement itself in its nature is very contradicting. Further, the language used... these people, I assume, are holders of PhD; the language itself is not good.

What the Committee needs to do, one, is that by noting the sentiments of hon. Kenga that this is a rainy season where farmers are supposed to be ploughing, I direct that the Committee first calls for a meeting between the CEC and the Chief Officer Agriculture and any other officer from that Department to be present in that meeting. Hon. Kenga must be there and any other Member who is interested. That should take place within this week then in the course of next week, I also direct that the Committee on Agriculture visits the areas where all these tractors are located. While doing so, they should be accompanied by the county mechanical engineer so that when you are told a clutch is not functioning, then let there be somebody to ascertain that. In a fortnight, let the Agriculture Committee present a full Report on what has been happening with the tractors.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

ADJOURNMENT

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

The House rose at 4:14 p.m.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*