

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 1st August, 2016

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

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

PRAYERS

STATEMENTS

ORDER OF BUSINESS FROM 1st AUGUST, 2016 TO 3rd AUGUST, 2016

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker. I would like to take this opportunity to read the Order of Business. First Assembly (Fourth Session) Programme of County Assembly Business for the week commencing Monday, August 1st 2016.

Monday 2:30 p.m., Communication from the Chair, Messages, Petitions, Papers, Notice of Motion, Statements and Bills.

- a) Statement sought by Hon. Stephen Mlanda to Department of Education, Youth Affairs and Sports through the Chairperson, Early Childhood Education and Children Welfare Committee.
- b) Statement sought by Hon. Stephen Mlanda to Department of Trade, Industrialization, Cooperative Development, Tourism and Wildlife through the Chairperson, Planning, Trade and Cooperative Committee.
- c) Statement sought by Hon. Stephen Mlanda to Department of Water Environment, Minerals and Natural Resources through the Chairperson, Environment and Natural Resources Committee.
- d) Statement sought by Hon. Teddy Mwambire to Department of Health Services through the Chairperson, Health Services Committee.
- e) The Response from the County Public Service Board to Statement sought by Hon. Pascal Thuva on July 4th, 2016.
- f) Response to Statement Sought by Hon. Teddy Mwambire to the Department of Water, Environment and Natural Resources.
- g) Committee of The Whole House- The Kilifi County Persons with Disabilities Bill, 2016.
- h) The Kilifi County Persons with Disabilities Bill, 2016 (Third Reading).

Tuesday 9:00 a.m. 2nd August, 2016. Communication from the Chair, Messages, Petitions, Motions.

- a) Motion for adoption of the Report of the Committee on Lands, Housing and Settlement on Land Bills and Acts Seminar held at the Kenya School of Government Mombasa from 31st March to 2nd April, 2016 tabled on 21st June, 2016.

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- b) Committee Of The Whole House- The Kilifi County Vetting and Appointment of Public Officers (County Assembly Approval) Bill, 2016.
- c) The Kilifi County Vetting and Appointment of Public Officers (County Assembly Approval) Bill, 2016 (Third Reading).

Tuesday 2.30 p.m. Communication from the Chair, Messages, Petitions, Papers, Statements, Motions and Bills.

- a) The Kilifi County Maternal, Newborn And Child Health Bill, 2016 (Third Reading)
- b) Committee of The Whole House – The Kilifi County Petition to County Assembly (Procedure) Bill, 2016.
- c) The Kilifi County Petition To County Assembly (Procedure) Bill, 2016 (Third Reading)

Wednesday 2:30 p.m. Communication from the Chair, Messages, Petitions, Notice of Motion, Statements

- a) Committee Of The Whole House - The Kilifi County Vocational and Technical (Polytechnics) Bill, 2016.
- b) The Kilifi County Vocational and Technical (Polytechnics) Bill, 2016 (Third Reading)

Thank you, Mr. Speaker Sir.

REQUESTS FOR STATEMENTS

UNCOLLECTED GARBAGE AT THE MALINDI SUB COUNTY TRADING CENTRE

Hon. Mlanda: Thank you Mr. Speaker for this chance to read a Statement directed to the County Executive Committee Member in charge of Water, Environment, Minerals and Natural Resources through the Chairperson, Environment and Natural Resources Committee;

Whether, the County Executive Committee Member in charge of Water, Environment, Minerals and Natural Resources is aware that the Malindi Sub County Trading Centre including Malindi Town Ward and Shella Ward garbage centres smell with uncollected garbage.

What measures has the Executive Committee Member in charge taken to ensure our environment is clean and healthy?

STALLED MALINDI OLD MARKET

I have another Statement, directed to the County Executive Committee Member in charge of Trade, Industrialization, Cooperative Development, Tourism and Wildlife through the Chairperson, Planning Trade and Cooperative Committee;

Whether, the County Executive Committee Member in charge of Trade, Industrialization, Cooperative Development, Tourism and Wildlife is aware that the Malindi Old Market has stalled. Noting with concern that, most of the traders operate outside along the road on self-designed makeshift stands which expose them to rain.

What steps has the County Executive Committee Members taken to ensure these traders are taken back to the market? Also can the County Executive Member tell this hon. House: One, how much it took to build the Market? Two, what stalled the Market?

STALLED EARLY CHILDHOOD DEVELOPMENT CENTRES

Hon. Mlanda: I have a third Statement Mr. Speaker, directed to the County Executive Committee Member in charge of Education, Youth Affairs and Sports through the Chairperson, Early Childhood Education and Children Welfare Committee;

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Whether, the County Executive Committee Member in charge of Education, Youth Affairs and Sport is aware that many Early Childhood Development (E.C.D) centre projects for the Financial Year 2015/2016 have not been completed within the stipulated time frame. What action has the County Executive Committee Member in charge taken to remedy this challenge? Thank you, Mr. Speaker.

OPERATIONS OF DR. DANCAN AMANI CHAI IN SOKOKE WARD HEALTH FACILITIES

Hon. Mwambire: Thank you very much Mr. Speaker, Sir. I beg to make a statement directed to County Executive Committee Member for Health through the Chairperson, Health Services Committee;

1. The County Executive Committee member in charge of Health Services is fully aware that the Sokoke Ward Public Health facilities have been conducting surgical services through Dr. Dancan Amani Chai.
2. Did the doctor (Dancan Amani Chai) follow all the required procedure before launching his operations?
3. Why did the County Health Department fail to second at least some nurses to accompany the doctor in his operations yet operations are very beneficial to the society bearing in mind that the doctor is an employee of Taita Taveta County?
4. Is there transparency in the operations in relations to the resources used to affect the undertakings and County Health records of the operations?
5. Why were the operations of Dr. Dancan Amani Chai in Sokoke Ward health facilities abruptly stopped as from 29th July, 2016?

Thank you very much Mr. Speaker Sir.

STATEMENTS

RECRUITMENT OF FIRE, FORESTRY, TRAFFIC AND BEACH MARSHALS

The Speaker (Hon. Kahindi): Are ready hon. Stanly Kenga?

Hon. Kenga: Thank you very much hon. Speaker. There was a statement that was sought by hon. Pascal Thuva directed to the County Public Service Board through the Chairperson, Sectoral Committee on Labour and Social Welfare and it was on;

“Whether the Chairperson Sectoral Committee on Labour and Social Welfare is aware that the County Government of Kilifi recruited youth early last year to join some Departments namely;

1. Fire
2. Forestry
3. Traffic marshals
4. Beach marshals

But one year down the line, some of the successful candidates from Forestry Department have neither been notified nor engaged in service. When will they be notified and subsequently hired? Signed by hon. Pascal Jacob Thuva, MCA, Mwanamwinga Ward.”

Mr. Speaker, I have with me the reply from the County Public Service Board;

“Reference is made to your letter ref. CAK/ADM/32/VOL.1/29 DATED 8TH July 2016 requesting the status of recruitment for Forest Guards.

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The County Public Service Board carried out interviews for Fire Services men and women, Forest Guards, Traffic Marshalls and Beach Safety Unit at Sub-County venues between 10th October 2015 and 29th October 2015.

Due to constraints, the recruits could not be taken on board immediately but I wish to confirm that all the successful candidates have now been recruited. Thank you.” It is signed by the Secretary/CEO, County Secretary Public Service Board; Rosalia S. Nyale and copy sent to the Speaker, County Assembly of Kilifi and the Chairperson Liaison Committee/Deputy Speaker, County Assembly of Kilifi and the Chairperson, Committee on Implementation, County Assembly of Kilifi. Thank you very much.

The Speaker (Hon. Kahindi): Hon. Pascal are you...

Hon. Pascal: Thank you very much Mr. Speaker for giving me an opportunity to respond to the response. Let me thank the Chair for that information that is before this House, but again, to point out reservations for the same. First, I do not know how we can term it but I do not see it as being in order for a whole County Government to recruit at a time when it feels that it does not have the capacity to actually accommodate employees and this is why I sought for a statement in this House.

Mr. Speaker, if we recruit or engage someone and then one year down the line there is no communication whether he or she is successful or not, then we will be holding our county residents to ransom. I call upon the Chairperson, Labour and Social Welfare Committee to liaise with the relevant authority that is given the mandate to recruit, because I think this is not fair and we need to put that body in order so that we can recruit when we feel that we have the capacity to recruit.

That notwithstanding, I have some reservation regarding the response that has been given out because of the successfully candidates from Mwanamwinga Ward; four of them were recruited and they were hired but one of them at this moment has not been captured in that system. So I feel this report is inconclusive and the Chair should go back to the necessary authority to get an appropriate answer. There is one young man from Mwanamwinga by the name Amos Baya Nyanje who happened to be successful on that day and he was promised to be called later only for him to wait in vain. So, I thank him for the other part but his report is inconclusive and it needs some other clarification. Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. Stanley Kenga, are you in a position to answer now or you need more time?

Hon. Kenga: Thank you very much Mr. Speaker. What is coming out from the response by the County Public Service Board is that all the recruits have now been hired to work within the County Government but I am now learning from the Member that there is one of those who were successful who up to date has not been offered with the letter for him to be able to work with the County Government.

Mr. Speaker, I need to get the relevant particulars of the said candidate so that I can now take up the matter with the County Public Service Board for me to bring this matter to conclusion. Another aspect Mr. Speaker, the response is very clear that interviews were conducted in the month of October between the 10th October, 2015 and 29th October 2015 and they have also sighted the issue of budgetary constraints and I think this is an issue that as a County we have witnessed.

One of the issues when we plan to hire out of what is budgeted for, some of these monies are coming from our own revenue and it is in public domain and the hon. Members are very much aware that as a county, we have not been in a position to achieve our projections and these

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are some of the challenges that we are facing as a county. Once we are not in a position to achieve our revenue projections, there comes a problem; how then do we meet the shortfall that is there? I am happy that the Minority Leader has stated by recognizing and appreciating the efforts that the Chairperson has done and even thanking me for these efforts. Thank you very much.

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

Hon. Mramba: Thank you Mr. Speaker. While I thank my able Chairperson for the work well done, I also need to highlight something so that when he engages the secretary of the County Public Service Board, this thing can also be of great help. The Departments that we advertised were four, that is; fire, forestry, traffic marshals and beach marshals. In Malindi Sub County, the chances were 20 and were supposed to be divided equally in five wards and that is four from every Ward. Surprisingly, one young man from Kakuyuni Ward by the name of Leonard Nzaro Kavelei emerged top but unfortunately his chance was given to another young man from Faza in Lamu. I had to rush to the Board a few days before the letters were dispatched.

As we speak, the letter that was addressed to this person named Issa Omar Faizul is with the Chairman of the Board himself. He went for the letter and he was asked some questions such as where he comes from and he said that he comes from Kakuyuni and so he was also asked if he knew any village elder or any Assistant Chief or the Chief and he did not know. He was then referred back to Kakuyuni to get a letter from the area Assistant Chief confirming that he comes from Kakuyuni. He never went back with that letter and unfortunately he was given a letter by a person pretending to be a village elder. When the letter went to the Board, it was suspicious because he was asked to give the mobile telephone number of the village elder and he disappeared. That means that chance is still open because that young man from Faza went away and the successful applicant has not been given that letter so that he can start training. I would wish the Chairperson of Labour and Social Welfare Committee to take up this matter so that the chance is given to the rightful owner, Mr. Speaker. Thank you.

The Speaker (Hon. Kahindi): Any other comment on that Statement?

Hon. Dele: Thank you Mr. Speaker. I also have a concern on the same Department and I would first take this opportunity to thank the Chairperson who is able hon. Stanley Kenga.

(Hon. Dele's microphone went off)

The Speaker (Hon. Kahindi): Can you press the mic once again?

Hon. Dele: Yes, thank you hon. Speaker. In Magarini Sub County the same exercise took place on the same dates as has earlier on been expressed by the Chairperson. It was to our surprise in Sabaki ward as this exercise took place, we saw a lot of corruption and we reported that but when the results came, actually what happened was a mistake. I will tell you that for the position of firemen in Sabaki, we had somebody called Abdalla Abdulmalik; this person has never been in Sabaki and we do not know him but the results of the Board gave him the position. When we went to traffic marshals, somebody called Nuru Jason Guyo has never been to Sabaki and the position was given to him and they are currently serving.

I would like to enlighten this House that there was a lot of corruption in Magarini Sub County. I know my fellow hon. Members who come from Magarini Sub County have the same issues. I would like the Chairperson of the Labour Committee to engage the Board to at least bring out the good analysis of why we have Nuru Jason Guyo as traffic marshal in position of somebody who was called Ronald Ngala and also the fireman Abdalla Abdulmalik. Why do we

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have these two names? We do not have these two names in Sabaki. Much as we have Muslim names but for sure these people we have good evidence that were ferried from Mombasa so that they can acquire both positions with good money. We had earlier reported this to the Board but they failed to investigate...

(Hon. Foleni stood on a Point of Order)

Hon. Foleni: Hon. Speaker, I stand on a Point of Order; that the Member who is on the Floor has suggested that the exercise that was done in regards to the forest guards and the rest was marred with corruption. I want him to come out clearly; what kind of corruption was there? Was there any money that exchanged hands and how did that happen? What changed to what and at what time? Because, hon. Speaker, this is a House of honour and we should be able to relay the required evidence in whatever we put across to this House. Thank you Mr. Speaker, Sir.

Hon. Dele: Thank you hon. Speaker. I would also like to thank the hon. Member who was seeking clarity on the matters of corruption. Magarini Sub County has six Wards and the regional balance was coming to around four members for the positions. In Sabaki, the corruption came in a place where Ronald Ngala was to be fixed because he emerged the best; Nuru Jason Guyo from Mombasa was fixed as a traffic marshal. I call that, corruption.

Number two; fireman, somebody called Kaingu...

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

Hon. Foleni: Hon. Speaker, I doubt if the definition of corruption being led to this House by the hon. Member who is on the Floor is consequential. If he talks number one became number three, number three became number seven, does that amount to corruption? How?

Hon. Dele: Thank you hon. Speaker. I want to first educate the hon. Member who was asking about corruption. Corruption does not involve money only; if any fault is played that will hinder someone who is on a good merit and here people of Sabaki went on a merit and they were not given what they had deserved because in Magarini, I have clearly stated that we have six wards and the regional balance that we had talked with the Board is that each and every ward is to be given four positions of which in Sabaki two positions were given to people who came from far away. Thank you, hon. Speaker.

The Speaker (Hon. Kahindi): I want to guide the House. The Statement that is being made by hon. Dele might be valid but you see on the other hand it might be complete hearsay because this House has not been furnished with any of those allegations you are making. Hon. Foleni you should have stood under Standing Order 87. Hon. Edward Dele, you are making a very strong Statement which I believe we need to get that information. You know when you tell that House that so and so emerged number one and he was not given the job it was given to another person, the rest of us are left to just believe that Statement.

I would however advice that if you have any information because I think this Assembly can actually follow up and verify the veracity of your Statement. So we do not want to receive half backed information; it is not just for our ears but I think we have a responsibility to follow up on the issues that you are raising and any other issues for that matter. That is why Standing Order 87 says that, "a Member shall be responsible for the Statement that they make and if they are not at the time able to substantiate the same then in the next sitting they should be able to do so failure to wish they need to withdraw that Statement." You are speaking with a lot of confidence and I believe you have information. My question is would you be in a position to provide that information to this House?

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Hon. Dele: Thank you hon. Speaker. On 11th July I wrote a letter to the Board to request them to furnish me with the details of Sabaki during that exercise and here is their reply. They confirmed to me that they have Lulu Jayson Guyo and Abdalla Malik pretending to be coming from Sabaki.

The Speaker (Hon. Kahindi): Okay fine, what you do is this; deposit that information with the office of the Clerk. I believe that there is a Committee that will follow up. This is because these issues have emitted and I am seeing there are a lot of reactions coming up. As an Assembly we do not just hear them. You know you are rightly placed hon. Dele because you are here by virtue of the people of Sabaki; the same way hon. Pascal is here by virtue of the people of Mwanamwinga. While the Chairperson of Labour, these are issues that you will need to receive the information.

The reason why I do not want to overrule hon. Dele is because he is holding a document and you might never know and there might be some truth which you might want to unearth. I will direct that hon. Dele you give that information to the Chairperson and any other issue that has been raised related to this exercise so that you conduct your investigations as provided for under the Standing Orders.

Hon. Dele: Thank you Mr. Speaker, Sir. I rest my case there.

The Speaker (Hon. Kahindi): Thank you. Yes hon. Teddy Mwambire.

Hon. Mwambire: Thank you very much Mr. Speaker. I want to make a comment on the issues that have been raised both by the Chairperson and my colleagues concerning the response from the County Public Service Board. I am a Member of the Labour and Social Welfare Committee and I have discovered that we made an error during the supplementary budget for last year when we were making the budget. It is during that time whereby we removed some monies from the County Public Service Board and placed it somewhere else which created this challenge. I think the next time when we will be handling the supplementary budget we need to make clear inquires before sanctioning the same because it is brings a lot of issues.

Currently, if you look at the proposed budget in that department the amount is very minimal even though we want a lot of money to go to the project we also need to look at this Board because there are a number of positions which need to be filled. At the same time we removed monies which had been placed there for the village administrators bearing in mind that by that time we had not passed the Bill and we are now expecting the Bill and we need also more monies so that immediately we pass the Bill and it is assented by the Governor, we have these people in place. This is because without doing that there will be a tendency of having interviews this year and maybe we will go into the elections before having these people and they are very important in our service delivery.

In the other issues Mr. Speaker, I believe that your ruling is very much okay even though we have not seen the letter from hon. Dele but I think we need to get that information. There is a very big difference between corruption and nepotism. I believe the moment we get the letter as a Committee we will be in a position to interrogate all those issues so that we can come up with clear information through the Chairperson which will guide us in knowing what led to those issues.

I also had the same problem whereby somebody from Kibarani Ward but they had migrated from Sokoke Ward went back to Ganze for the practice and he was given a chance claiming that he comes from Sokoke Ward while in reality that person comes from Kibarani Ward. So he was denying us a chance that could have helped the great people of Sokoke Ward and Ganze in particular whereby everybody knows that we are facing a lot of challenges in terms

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of everything. So when somebody just comes in and picks up a position which is not rightfully for him then it becomes a very big challenge. I believe that the moment we get that letter we will sit as a Committee and we will engage the Board effectively and we will get a clear way forward especially for the next employees that are going to be taken by the Board. Thank you very much Mr. Speaker.

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

Hon. Kenga: Thank you very much Mr. Speaker. I stand to be guided on the position that we should be taking and maybe for the Chairperson of Lands who is also the hon. Member for Sabaki Ward that he submits the same to the office of the Clerk and the Clerk is going to furnish to the Chairperson of the Labour Committee. He is not the only person with complaints; we have also had from hon. Mramba, the Chairperson for the Committee on implementation. So maybe for all Members who have got issues with the exercise that took place then they can forward the same so that as a Committee we should be in a position to execute the same.

Just to put the record straight, the issues of monies that were taken from the County Public Service Board during the window for making the supplementary Budget is very true as given out by the Deputy Speaker, but the only challenge was for the Board not to be in a position to conduct the interviews or the recruitment exercises. Otherwise for the salaries they come from the relevant departments. If it is about forest guards then there is the department that deals with the issues of forestry and they do not draw their salaries from the County Public Service Board or rather they draw their salaries from the relevant departments based on the positions that were advertised. Thank you very much.

(Applause)

The Speaker (Hon. Kahindi): Okay I hope you all stand guided. Yes hon. (Dr.) Chitibwi.

Hon. (Dr.) Chitibwi: Thank you very much hon. Speaker, I think the issue of employment is quiet emotive and I believe that almost every Ward has got a question on this issue of those who are employed. This is because there were 35 positions for each cadre and we all assumed that each Ward would get one person employed in that cadre. Maybe to reduce all these questions can we ask the Chairperson to bring us a complete list of those who are employed indicating which Ward they come from. Then I believe that is going to clear all these issues. Thank you very much hon. Speaker.

Hon. Kenga: Thank you Mr. Speaker, I am yet to furnish this House with a complete list of all the people who were recruited in the various positions. Again what is coming out is if you heard it very clear from hon. Mramba, Lugandu was employed though the allegation is that he comes from Kakuyuni but Mramba alleges that the same person comes from Lamu but was posted to appear as if he comes from Kakuyuni.

So apart from furnishing this House with a list we need and you as Members should be in a position to help us. This is because as Members you know the people who were recruited whether they are really from your Wards or whether these positions were filled by foreigners who do not come from your Wards. It is very true that there were four positions for each and every Ward and these four positions were supposed to be filled by people from every respective Ward. The issue of people being employed to serve in certain wards yet they do not come from that Ward is not the best way for us to go. We need to investigate that and get the truth so that we take the relevant action.

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The Speaker (Hon. Kahindi): I think I had already ruled on that matter; that as the Chairperson you need to receive the complaints and furnishing a Report to this House is for the consumption of the House but that does not take away the fact that there was a problem which each representative of the Ward needs to have addressed. So, that is how you will proceed and anybody who has an issue with regard to that exercise should please take the concrete information to the Committee so that it can be followed up.

INTERRUPTION OF WATER FLOW IN PARTS OF THE COUNTY

Hon. Hassan: Thank you Mr. Speaker, Sir, for giving me this opportunity. I would like to respond on the issue and resolution which came here on 4th July, 2016 from Sokoke Ward.

I would wish to respond to the Statement to me the Chairperson for Water Service Committee dated 21. 6. 2016 as follows:

“That I am indeed aware that water flow to different parts of Kilifi County, Sokoke Ward included once in a while gets interrupted despite the fact that Zakhem water pipeline to Mombasa traverses the County. In such circumstances as power black outs/outrages, or disconnection of the Coast Water Service Board who manage the Baricho Water works by Kenya Power for outstanding bills, or bursts along the pipeline, or shut down by the Coast Water Service Board to either Kilifi Mariakani Water and Sewerage Company (KIMAWASCO) or Malindi Water and Sewerage Company (MAWASCO) or both on account of outstanding bulk water bills, then there shall always be water flow interruption. Under normal circumstances and holding all other factors constant, water should be able to flow into all the connections unless there emerge ‘Operation and Maintenance (O & M)’ issues which are always manageable by our two companies as highlighted above.

For that, yes, I do confirm that regular water flow gets affected. In the month in question, there was power surge at the Baricho water works which the Kenya Power technicians finally managed to contain. I do confirm that the department currently operates four water boozers to serve the whole of Kilifi County. Despite this, we have tried our best to serve emergency situation to both communities and institutions. Naturally with this limited resource, it is expected that there would be one or two needy institutions and or communities in Kilifi County that might not get the service at exactly the time of need. I also need to emphasize that water taken to needy communities and or public institutions in distress is catered for by this department through paying bills to either KIMAWASCO or MAWASCO and therefore, is not charged on the consumer/recipient institution.

Water tracked for personal purposes is charged by the respective water service provider at prevailing rates and is payable to the Company only after which a genuine receipt is given. I do acknowledge that the department has received allegations that some of the water boozers developed a habit of charging unsuspecting institutions and communities for water tracking services that have essentially been taken care of by the County Government. The department held a meeting immediately afterwards with all water boozers chaired by the Chief Officer for Water Resources and also attended by the Departmental Administrators e.g. MD KIMAWASCO, Human Resource Manager KIMAWASCO and Technical Manager KIMAWASCO to address the same. I commit that the Department is keen on transparent dealings and will deal with culprits professionally and firmly once identified.

I am aware that some surveys for future water projects have not yet kicked off but the Department late last Financial Year engaged consultancy services for several water pipeline

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survey and designs as well as hydro-geophysical surveys for boreholes including Ndigiria borehole among others that shall be constructed in the current Financial Year. I commit that the Department is still focused on all initiatives that will finally alleviate the water problems in the County. Kind Regards, hon. Mwachitu, CEC Water. Thank you.

Hon. Mwambire: Thank you very much Mr. Speaker. I am lacking the proper words to describe the response from the CEC Member because he was observant of public relations. By 21st July when he was responding...the question was directed to Sokoke Ward but in his response he touched on the County among other places. By that time in Bamba Ward, water was sold in boozers and if it is true that they sat and agreed on that, then I think we have to look for ways of getting these people.

I think we will have to communicate especially to all the primary, secondary and health facilities in Ganze Sub-County in general or even the other Sub Counties in Kilifi so that they can be observant of any person who is trying to sell water to them, because the drivers have been taking 15 thousands per boozers in these institutions. When we inquire from the offices we are informed and we have even seen in different records that the county is paying money. So, I do not think it is just for the county to pay for a service which again is being sold to the recipients.

When the great people of Kilifi have challenges of water like the situation as of now we expect the county to assist and that is what we have been budgeting for. If a county is utilizing that money to pay for a service then a driver uses a fake receipt to institutions so that they can make money then I think these people must have connections with individuals who need to be identified and dealt with. I am very glad that the County Executive Committee Member has accepted that indeed we have such drivers who are doing some things which are against the operations of the department.

Mr. Speaker, when it comes to the connections even though he has tried to keep on to his public relations I do not think he has been very specific and the Chairperson needs to come up with clear guidelines or clear indicative dates because you cannot say that the surveys will be made, the question is when? We do not want to be like the National Government which normal has a term “tumetenga” because as Sokoke Ward we have reserved Ksh. 2 million in the 2014/2015 Budget of the Ward development fund which was to be used for surveys but up to date nothing has been done on the ground.

It looks very funny when today the department through the CEC Member via the Chairperson claims that they will be doing surveys without indicating by when. We are supposed to know by when, may be by December or by January so that we can know, and maybe look for other initiatives. Apart from looking at the budget we want to use these surveys to talk to different donors who can assist because we want public private partnerships in the County so that people can get water instead on relying on unreliable sources like the boozers whereby we know it is free and people do sell.

The Chairperson needs to bring two issues; one, indicative measures not just saying they have sat and say they will handle those issues. We want those people who are selling water against the will of the department to be pointed out and how many cases have been handled because of such dealings. The other question is; by when will the survey be done because it is taking too long Mr. Speaker. Thank you very much.

The Speaker (Hon. Kahindi): Yes hon. Foleni you have an intervention.

Hon. Foleni: Hon. Speaker, the speaker who has just been on the floor has suggested and mentioned that the National Government is not doing enough and he has gone ahead and used the word “kutenga”. Hon. Speaker, I want him to confirm probably to me alone that there is

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nothing that has happened in Sokoke Ward in regards to the National Government and if there is anything that has been done let him withdraw that statement with immediate effect. Thank you.

Hon. Mwambire: Mr. Speaker, I think hon. Foleni is fair enough being in the Jubilee Government and thinking that they have done a lot in Kilifi County. He has specifically mentioned Sokoke Ward where currently we have not seen even a dot from the government. So if he has any projects that were done but only promises of Kenyan shillings one hundred million to be injected to the Godoma technical institute which is within Sokoke Ward and the money has not been channeled to the institution as of today. Thank you very much.

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

Hon. Pascal: Thank hon. Speaker. I have a brief statement to comment on the issues of water as the Chairperson had put it across. Mr. Speaker, Kaloleni gets water from Ganze-Bamba water pipeline and of late we have had a real problem because it looks like it is preserved for Bamba only. I do not know who manages the supply of water but I am putting this across to the chairperson and his committee so that he can investigate and probably assist the people of Kaloleni. Kaloleni does not get any water while we depend on that line but most of the time when we ask we are told that the water is not enough and it is until the people of Bamba are properly served then we can get our share there.

Mr. Speaker, as I speak we have three or four good months without receiving any drop of water. So as he addresses the water problem in the County, let him again look into that problem because we believe we all belong to Kilifi County and any water project that is done is for the success and is supposed to get to the Kilifians. If we can have a priority to a section of the Kilifians then I believe that will not be fair. So I urge the chairperson to actually investigate that.

Another thing Mr. Speaker, about the distribution of water through the boozers; yesterday, there is a school in my Ward called Mnazi M'mwenga primary, the principal called me and said that he bought the water from a Kilifi County boozier. That calls for investigation because if the Chief Executive Committee Member says that water is to be distributed free of charge then some other schools are paying for that commodity then there is a contradiction of information which calls for proper investigation so that we can have the right position of this County Government. Thank you very much.

The Speaker (Hon. Kenga): Hon. Hassan, I will take your contribution last so that you can be able to respond. Yes proceed.

Hon. Kenga: Thank you very much Mr. Speaker. I am rising in my capacity as; one, being the Ward representative for Adu Ward and two, taking care of the interest of the people of Gongoni because the Member for Gongoni Ward is absent.

Mr. Speaker, why I am saying so is because we have shared most of these problems and this Assembly acknowledges that we have had challenges on the issues of water in Gongoni and Adu. There is the issue that was coming up on water tracking and water boozers giving the services to people especially in institutions like schools and other areas.

Mr. Speaker, just to call the Chief Executive Committee Member to come up with a better programme that will serve the people of Kilifi and on the issues of other schools having to close business because of shortage of water is not the best that we would want to hear. We are doing a lot of work in the education sector in regards to the issues of building ECD Centres and we want to see our children getting the best out of these but most of them have been forced to get out of school because of water issues.

Therefore just to call upon the Chief Executive Committee Member to come up and develop a comprehensive programme that is going to address the water issues in the areas that are not served by the pipeline. Thank you very much.

The Speaker (Hon. Kahindi): We have diverted from the main issue. Hon. Hassan, I do not think you have given anything for further clarification because you have only made your own personal statements. Yes, hon. Hassan do you have anything to say.

Hon. Hassan: Asante sana mheshimiwa Spika kwa kunipatia nafasi hii. Naomba kujibu maswali kama yalivyojitokeza. Nianze na swala la utafiti ambalo ni la *survey* alilozungumzia mheshimiwa Teddy Mwambire ambaye ni wa Sokoke. Lile swala tu litashughulikiwa punde tu pesa zitakapoingia katika hazina ya Idara yetu kufikia sasa bado hatujapata pesa. Swala la pili ni la water boozers; kuhusiana na swala hilo tumepata malalamishi kutoka kwa waheshimiwa wengi lakini ningeliomba na ninapendekeza ifanyike kwa haraka na kwa njia ya uadilifu. Tupate kithibitisho kwa sababu hata kama mtu ni mhalifu ni lazima kuwe na ithibati. Kwa hivyo tupate ushahidi ikiwezekana tupate hizo risiti ili tuchukue hatua na sheria ifuate mkondo wake kisawasawa.

Swala la Kaloleni nitalifuatilia na nitakupatia majibu ukinipa muda labda katika kikao kingine wiki ijayo. Swala la Adu na Gongoni mheshimiwa hili nalo nitalishughulikia kwa karibu sana. Naelewa kwamba eneo hili liko na shida kubwa sana ya maji na tunavyojua kwamba maji ni uhai majibu yatapatikana kwa haraka na ikiwezekana hata tuwatengee gari lenu ili libaki liwashughulikie maeneo yale. Si ni manne? Lakini tutabakisha gari moja liwashughulikie nyinyi tu kulingana na ile shida mlilo nayo. Asante sana mheshimiwa Spika.

The Speaker (Hon. Kahindi): I think the Chairperson has been straight on point and I do not think there is any further question. Next?

BILL

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Kahindi) left the Chair]

IN THE COMMITTEE

[The Chairperson (Hon. Mwambire) took the Chair]

THE KILIFI COUNTY PERSONS WITH DISABILITIES BILL, 2016

The Chairperson (Hon. Mwambire): Hon. Members, welcome to the Committee of the Whole House. We are considering the Kilifi County Persons with Disabilities Bill, 2016. Just as you know, the rules of engagement have been relaxed. A Member can speak more than once. The other rules are adhered to. So, let me call upon the clerk to take us through the Bill so that we can move as fast as required. Thank you. If you look at the back of the Order Paper there are some notices of amendments which the Chairperson will guide us. Let me call the clerk to read out the clauses. If you reach at the clause where there is an amendment then the Chairperson will rise and share what she or he has. Clerk please.

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(Clause, 3, 4, 5 and 6 agreed to)

Clause 7

The Chairperson (Hon. Mwambire): Yes Chairperson.

Hon. (Ms.) Barka: Thank you Mr. Chairperson. I beg to move:-
THAT, Clause 7 sub section 3(b) be amended as in the Order Paper. Thank you.

THAT, Clause 7(3) (b) be amended by deleting the word “five” and inserting thereof with the word “three”.

(Question of the amendment proposed)

(Question, that the words to be deleted, be deleted, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause (3) (b) as amended agreed to)

(Clause 8, 9 and 10 agreed to)

Clause 11

The Chairperson (Hon. Mwambire): Yes Chairperson.

Hon. (Ms.) Barka: Thank you Mr. Chairperson. I beg to move:-
THAT, Clause 11 subsection 6 be amended as in the Order Paper. Thank you.

THAT, Clause 11 (6) be amended by deleting the word “minimum” and inserting thereof with the word “maximum”.

(Question of the amendment proposed)

(Question, that the word to be deleted, be deleted, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 7 as amended agreed to)

(Clause 12, 12, 14 and 15 agreed to)

Clause 16

The Chairperson (Hon. Mwambire): Yes Chairperson.

Hon. (Ms.) Barka: Hon. Chairperson, I beg to move:-
THAT, (a) Clause 16 (b) is amended by inserting the phrase “and intervention” between the word “identification” and the word “of”.

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(b) THAT, Clause 16 is amended by inserting sub clause 16 (h) to provide as follows:
“establishment of community based rehabilitation centers”

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 16 as amended agreed to)

(Clause 17, 18, 19, 20, 21, 22, 22, 24, 25, 26, 27 and 28 agreed to)

Clause 29

Hon. (Ms.) Barka: Hon. Chairperson, I beg to move:-

THAT, Clause 29 (1) is amended by inserting the phrase “or harm (kill)” immediately after the word “conceal.”

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 29 as amended agreed to)

Clause 30

Hon. (Ms.) Barka: Hon. Chairperson, I beg to move:-

- (a) THAT, Clause 30 (1) is amended by deleting the word “one” between the word “ shillings” and the word “ hundred” and inserting thereof with the word “ five”
- (b) THAT, Clause 30 (1) is amended by deleting the word “one” between the word “ exceeding” and the word “year” and inserting thereof with the word “ three”
- (c) THAT, Clause 30 (2) is amended by deleting the word “may” between the words “court” and “ order” and inserting thereof with the word “shall”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 30 as amended agreed to)

(Clause 31, 32, 33 and 34 agreed to)

Clause 2

Hon. (Ms.) Barka: Hon. Chairperson, I beg to move:-

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- (a) THAT, Clause 2 is amended by inserting the phrase “County Executive Committee Member means the Kilifi County Executive Member for the time being responsible for Devolution, Public Service and Disaster Management.
- (b) THAT, Clause 2 is amended by deleting the word “fund” and its interpretation thereof.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 2 as amended agreed to)

(Long Title agreed to)

Short Title

Hon. (Ms.) Barka: Hon. Chairperson, I beg to move:-

THAT, the Short Title of the Bill be changed to “Kilifi County Persons Living with Disabilities Bill, 2016”.

(Question of the amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(The Short Title as amended agreed to)

Hon. (Ms.) Barka: Thank you Mr. Chairperson. I beg to move that the Committee do report to the House its consideration of the Kilifi County Person with Disability Bill, 2016 and its approval thereof with amendments. Thank you Mr. Chairperson.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (hon. Kahindi (in the Chair))]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE KILIFI COUNTY PERSONS WITH DISABILITIES BILL, 2016

Hon. (Mwambire): Hon. Speaker, I beg to report that, the Committee of the Whole House has considered the Kilifi County Persons with Disability Bill, 2016 and approved the same with amendments. Thank you very much.

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Hon. (Ms.) Barka: Mr. Speaker, Sir. I beg to move that, the House do agree with the Committee in the said Report. I call upon hon. Cosmos Foleni Kenga from Tezo Ward to second.

(Hon. Foleni stood at his place to second)

The Speaker (hon. Kahindi): Hon. Members, a Motion has been moved by hon. (Ms.) Barka to have the House agree with the Committee in the said Report and the same has been seconded by hon. Foleni. I now propose that the same is ready for debate.

(Question proposed)

Hon. Foleni: Asante sana Mheshimiwa Spika. Mimi pia nasimama kuunga mkono Ripoti ambayo imesomwa na mheshimiwa Mwenyekiti Mdogo. Sheria hii ambayo hivi leo tunaipitisha itahakikisha ya kwamba mahitaji na mienendo na zile dhulama zote ambazo watu wanaishi na ulemavu wako nazo basi watapata nafuu. Hivyo basi mheshimiwa Spika nasimama kuunga mkono.

The Speaker (Hon. Kahindi): Hon. Members, we have heard from hon...yes hon. Mwambire.

Hon. Mwambire: Thank you very much. I am gratefully that this county is now heading towards the aspired position. By passage of this Bill, our county will now be seen to be serious in engaging people living with disabilities even though in several Reports including the Kilifi County Public Service Board has been giving indications that they are identifying these people. In the Budget we have seen some allocations but all those were initiatives to set the conditions but the passage of this Bill will now be made clear. Even the people living with disabilities in this county will be in a position to come up with proposals which will better their lives instead of the goodwill positions that we have been having without clear indications of what we should be doing.

These people have been left hanging even though last time we passed a Bill which is now a Law, The Kilifi County Ward Scholarship Fund; these people were recognized in that Act but looking at its implementation the people living with disabilities have not been fully enjoying the benefits. People look at those who are in secondary, technical institutions, colleges and universities but that Act had even looked at people living with disabilities who are in special schools. I believe by passing this Bill even the committee on Implementation will be at a good position to follow up. It has been a challenge because there was no committee which we can make inquiries from so it is a big stride that the Committee on Justice in this Assembly has come up with a legislation which we should all make sure it goes through and signed so that we can start enjoying the fruits especially for the people living with disabilities who are very many in this County. Thank you. My colleagues will stand supporting the same.

Hon. Pascal: Thank you Mr. Speaker for granting me this opportunity to also contribute towards the subject on the Floor. We have heard the cries of the people living with disability (PWDs); they have always lacked an opportunity in society, and they have always complained about how they are being treated by the public and this is because there has not been any proper legislation that would guide on the way these people should be handled. By passing this Bill, I believe as a county we are in the right direction. When this Law is properly implemented these people will get a relief and enjoy the fruits of the Constitution.

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It is a bit sad and I believe the passage of this Bill will give light to the same people because they have lacked proper strength of fighting for their rights and it is because they have seen the County Government not caring much on their plight. For example, if you look at the number of those who stand for employment, you will find that these people are not properly enlightened. If you take the example of this County Assembly we have not had an opportunity to recruit even one person with disabilities and it is because they do not take the plight of applying for these chances and the passage of this Law will give them the courage.

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

Hon. Kenga: Thank you very much. The Member who is making contributions alleges that the county has not been able to employ those people living with disabilities. I would rather wish he is in a position to substantiate and if he is not in a position then he should withdraw.

Hon. Pascal: I mean the County Assembly Service Board; the only person with disability in this Assembly is a hon. Member but the workers who are within the County Assembly, we have not seen any Member who has applied and got employment in the Assembly and the passage of such a Law will...

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

Hon. Mramba: It sounds funny for a hon. Member who is also a Member of the County Assembly Service Board to insinuate that the Board has never employed even one single Member staff who is disabled. I think he had better resign as a Member of the County Assembly Service Board otherwise he is putting the Board to shame...

The Speaker (Hon. Kahindi): If I heard him correctly he said, there is no Member with disability has applied and gotten employed.

Hon. Pascal: Yes that is what I said.

The Speaker (Hon. Kahindi): If you were listening carefully he said that the Board has not received any applications from persons living with disability and gotten employed. I am I putting words in your mouth or...because that is what I heard.

Hon. Pascal: That is what I said and what I mean. This call for Members to be attentive when a Member is contributing because...

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

Hon. Mwambire: I am standing on a Point of Order; that the Member who is on the Floor regardless of his position and a Member of the County Services Board, I am wondering because if he claims that there is nobody who is living with disabilities who has ever applied yet we know very well that there are people who have been applying. That is a big disaster because we believe this Assembly has a public gallery and we have the public here sometimes and people living with disabilities have been coming and they have nobody who could guide them.

He is a Member and he knows very well that there are those kinds of applications among others. If maybe we could give him more time to come up with records we could accept but the issues he is raising I think he needs to apologies and ask for time to get more facts before we...them because we can also bring evidence showing that he is lying. Thank you.

Hon. Pascal: Mr. Speaker, to respond to hon. Mwambire, my argument is based on the positions that were advertised early. The issues of sign language and all that are positions that we anticipate to advertise; we look forward to advertise the position of sign language experts but as at now, and this is what am talking about, we do not have any person with disability here because we have not had any in the interviews. This I am speaking from the best of my knowledge because I sit in the board that recruits people in this Assembly. So to wind up my explanation, I was saying that the passage of this Bill will enlighten members of the public both the normal

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ones and those with disabilities to chart a way forward for the plight of the people with disabilities. Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. Members having heard that I now put the question.

(Question put and agreed to)

Let us proceed. Hon. (Ms.) Barka

Hon. (Ms.) Barka: Thank you Mr. Speaker, Sir. I beg to move that the Kilifi County Person with Disabilities Bill, 2016, be now read a Third Time. I call upon hon. Teddy Mwambire from Sokoke Ward to second.

(Hon. Mwambire stood at his place to second)

The Speaker (Hon. Kahindi): Yes, hon. Teddy Mwambire.

Hon. Mwambire: Thank you very much Mr. Speaker. I am in full support for this Bill to be read a Third time so that we can first track the stages of the Bill to be approved by the Assembly and be signed into law bearing in mind that people living with disabilities have been suffering for a very long time. Even after devolution which is almost the fourth year now we do not have legislation towards that.

I beg the Assembly to support so that we can pass and it can go for signing by next week and God willing this county can start celebrating having a law on these issues so that people can feel they are part of the society that they desire to be. Thank you.

Hon. Kenga: Thank you very much Mr. Speaker. I am also in support of the Bill to be read a Third Time so that we also hasten the process of having it assented by the Governor for it to become Law. Mr. Speaker, as we do that there are various issues that have been highlighted; these are provisions that will help people living with disabilities have opportunities and can be able to enjoy. As we do that, I want to believe with the passage of this bill, the County Assembly Service Board will come up with measures to ensure those people living with disabilities are given special considerations and maybe we should also consider on how we do the adverts when we are looking for these to fill these jobs.

Why did we have issue of affirmative action? It is because we were looking at addressing a certain need in the society, as a County we need to do the same way. So this is a call that as a board and as a county let us do something that will provide opportunities for these people so that they do not feel neglected but feel appreciated and are part and parcel of the society one the society once this Bill is passed. Thank you very much.

The Speaker (Hon. Kahindi): Yes, hon. (Ms) Chiku.

Hon. (Ms) Chiku: Thank you Mr. Speaker, Sir. I also want to put a rejoinder to what hon. Kenga has said about people living with disabilities and the County Assembly Service Board before we make sure that these people with disabilities are going to be served in this County Assembly. The County Assembly itself is illegal; it does not even have a Member with disability in that Board while we have a few Members here in this House who should actually qualify to be in that Board. So the whole story of what is going on here is just “danganya toto.” Thank you Mr. Speaker.

(Hon. Nixon Mramba stood on a Point of Order)

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The Speaker (Hon. Kahindi): Yes hon. Nixon Mramba.

Hon. Mramba: Mr. Speaker, the Member who has just left the floor is out of order and with your guidance hon. Speaker, this is a honourable House. If she says that whatever is going on now is “danganya toto” what does she mean? Does it mean that we are like a public relations exercise or what? Can she please clarify what “danganya toto” means?

The Speaker (Hon. Kahindi): It is an offending statement in this County Assembly and hon. Member you are totally out of order. I believe we are here because the tax payers put us here. And if you are here because... I demand that you withdraw that statement with an apology...

Hon. (Ms.) Chiku: Sorry Mr. Speaker, Sir. Maybe I used a harsh word but actually I wanted to say that it is also illegal in that County Assembly Service Board, we do not have a member with disability. So I just say I am sorry maybe I have used a harsh word.

The Speaker (Hon. Kahindi): Yes hon. Teddy Mwambire any intervention?

Hon. Mwambire: Mr. Speaker, as much as the Member is withdrawing, I think everybody knows very well the County Government Act, the Constitution of the great republic of Kenya and the Standing Orders. The Members of the County Public Service Board are not just Members but are Members holding particular positions. I do not know but being a Member of this House I know you know very much who are holding those positions. The other members who are living with disabilities have never wanted to take up such positions and we have never had elections to either elect a Leader of Minority or Leader of Majority or a Speaker, or a Clerk who will be taking minutes. So it is by coincidence that we do not have such people.

As far as we support this Bill, I think if we have any Assembly having such people in those Boards in this great republic of Kenya, I do not think we might have them because we have even a whole commission dealing with that. I have never seen any written material to disband all those boards because of lacking those people holding those positions.

That is the reason we are having members of people living with disabilities including the Senate who are looking at what is being done by those boards. I think the Member still is out of order and I would wish you rule her out of order for insinuating that Kilifi County Assembly Service Board is illegal and if it is illegal then all the forty seven County Assembly Service Boards in this Country must be illegal. So she needs to go to court in case she does not want to withdraw to affect her issues.

The Speaker (Hon. Kahindi): Yes, hon. Foleni

Hon. Foleni: Thank you hon. Speaker. I am also deeply concerned about the statement made by my grand mum here hon. (Ms.) Chiku Wanje.

(Laughter)

If she is in a position to table to this House any person living with disability who applied and he or she was not considered can she please come forward and do so. Thank you very much hon. Speaker.

The Speaker (Hon. Kahindi): I do not want to go into what hon. (Ms.) Chiku Wanje has said, because, that is confined in her thinking but the legitimacy of the constitution of the County Assembly Service Board is not an issue of deliberation today. As to whether it is illegal because the Speaker is not a person living with disability, the Majority Leader is not a person living with disability, the Minority Leader is not a person living with disability and hon. Iha is not a person living with disability, it is an issue which I still need to comprehend. However, she is entitled to

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her opinion but my ruling is that she is out of Order because we are not here on monkey business, we are here to do serious work and it calls upon now for every Member to be wary of what you say on record.

I concur with hon. Teddy Mwambire that if you think that we have a County Assembly Service Board that has been overseeing this County Assembly for the past four years and it is illegal then you have the courts to turn to but not just to insinuate statements that will raise emotions. We have deliberated on the issue of the County Assembly Service Board for a very long time. I repeat if it is illegal because the current Members sitting there are not persons with disability then I do not understand what amounts to legitimacy. Having said that though, my ruling has been made and we move forward.

Hon. Members, a Motion to have this Bill read for the third time has been heard and deliberated. I now put the question.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and Passed)

ADJOURNMENT

The Speaker (Hon. Kahindi): Hon. Members, in the absence of any other business in the Order Paper, I now move to adjourn the House until tomorrow morning. Thank you very much.

The House rose at 4:25 p.m.