

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
THE HANSARD

Monday, 21st November, 2016

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

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

PRAYER

PETITION

PUBLIC PETITION ON PARCEL OF LAND NUMBER 512
SITUATED SOUTH OF MALINDI

The Speaker (Hon. Kahindi): Hon. Members, the office of the Speaker received a public petition which was sent by members of the general public. The same is on a parcel of land, portion number 512 situated South of Malindi. The petition is hereby referred to the Committee on Lands to deliberate on it and bring a feedback to the County Assembly. Is the Chairperson of Lands in the House?

Hon. Members: No.

The Speaker (Hon. Kahindi): What about the Vice Chairperson?

(Hon. Muhambi stood at his place)

The Speaker (Hon. Kahindi): Thank you.

PAPERS

NOMINEE CHAIRPERSON FOR MBEGU FUND

The Leader of Majority (Hon. Mwingo): Thank you, Mr. Speaker, Sir. Today being Monday, 21st November, 2016 I wish to lay on the Table of this House the name of the nominee for the position of the Board Chairperson Mbegu Fund, Mrs. Dorothy Zawadi Kamwango. Thank you.

The Speaker (Hon. Kahindi): Thank you. The nominees name will be forwarded to the respective Committee which is the Planning Committee for the vetting exercise. So, that matter will be taken up by the Chairperson hon. (Dr.) Chitibwi.

REPORT ON THE KILIFI COUNTY

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LIVESTOCK SALE YARDS BILL, 2016

Hon. Sadi: Thank you, Mr. Speaker, Sir. Today being Monday 21st, November 2016, I beg to lay on the Table of this hon. House the Report of the Agriculture, Livestock and Fisheries on the Kilifi County Livestock Sale Yards Bill, 2016.

(Hon. Sadi laid the Paper on the Table)

INTERROGATION OF THE COUNTY EXECUTIVE COMMITTEE MEMBER IN CHARGE OF
EDUCATION, YOUTH AFFAIRS AND SPORTS

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

Hon. Mwambire: Hon. Speaker, Sir, on behalf of the Committee on General Oversight and pursuant to Standing Order 180, it is my pleasant duty to present the First dignitary Report of the Committee on General Oversight on the interrogation of the County Executive Committee Member in charge of Education, Youth Affairs and Sports on the status of its departmental projects in Kilifi County for Financial Year 2013/2014, 2014/2015 and 2015/2016.

Mr. Speaker, Sir. I beg to share the Committee mandates because the Committee comprises of the whole membership of this House. Standing Order 153 stipulates the following;

(1) There shall be a select Committee, to be designated Committee on General Oversight to be chaired by the Speaker or in his absence the Chairperson of Committees.

(2) The Committee on General Oversight shall be a Committee of the Whole House.

(3) The Committee may, pursuant to section 39(2)(b) of the County Government Act, 2012, invite members of the County Executive Committee to answer relating to the members responsibilities as raised by members under Standing Order 42.

(4) The Committee may invite to its meeting;

(a) More than one Member of the County Executive so as to address matters relating to more than one County department.

(b) The Member who had raised the question being addressed by the Committee.

Standing Order 42 stipulates the following;

(1) A Member may, pursuant to section 39(2)(b) of the County Government Act, 2012, submit a question on a matter to be addressed by a Member of the County Executive Committee in the Committee on General Oversight established under Standing Order 153.

(2) The question submitted under paragraph (1);

(a) Shall be in written form;

(b) May briefly set out the facts on which it is based;

(c) Shall be submitted to the Clerk at least seven days before the day the matter is to be addressed by the General Oversight Committee.

(3) The Speaker may decline to allow a question under this Standing Order if the question;

(a) Is a speech or limited to give information or framed so as to suggest its own answer or convey a particular point of view.

(b) Contains extracts from newspaper or quotations from speeches;

(c) Contains an argument, inference, opinion, imputation or ironical or offensive expression or epithet or seeks an expression of opinion.

(d) Repeats in substance any matter already addressed, either as a formal request or in the

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course of a debate in the Committee on General Oversight or in the Assembly, during the same Session.

(e) Contains more than one subject in one question or is of excessive length;

(f) Includes the name of any person, or any statement not strictly necessary to render the request intelligible, or contains any allegation which the Member is not prepared to substantiate.

(g) Makes or implies any allegation of a personal nature or which reflects upon the conduct of any person whose conduct can only be challenged upon a substantive motion or upon the conduct of otherwise than in the person's official or public capacity.

(h) Does not fall within the jurisdiction of county governments as contemplated under Part II of the Fourth Schedule to the Constitution.

(i) Relates to a matter which is sub-judice, within the meaning of Standing Order 89 (Matters sub-judice).

(j) Relates to a matter whose answer is readily available in ordinary works of reference or official publications.

(k) Relates to information, which by operation of any written law, is secret.

(l) Refers discourteously to any friendly country or county or to any Head of State or Government or County or the representative of any friendly country or county.

(m) Refers to the proceedings of a Select Committee before that Committee has made its report to the Assembly.

Committee meetings; the Committee held its meeting with the County Executive Member in charge of Education, Youth Affairs and Sports on Monday, 24th October, 2016 at the County Assembly Chamber, County Assembly of Kilifi Buildings, in Malindi. Thereafter, the Committee held six sittings at Sai Rock Hotel, Mombasa to compile and adopt the Report of the Interrogation of the County Executive Committee Member in charge of Education, Youth Affairs and Sports on the Status of its Departmental Reports in Kilifi County for FY 2013-2016.

Acknowledgement; On behalf of the Chairperson, may I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the logistical support accorded to it during the Committee proceedings. Thank you.

Mr. Speaker, Sir, I beg to go through the whole report for record purposes. This Report emanated from a Statement which was tabled by Hon. Steven Bahati Mlanda. Hon. Stephen Bahati Mlanda, MCA Ganda Ward in his Statement dated 27th July, 2016, sought to know the following from the County Executive Committee Member in charge of Education, Youth Affairs and Sports; Whether, the County Executive Committee Member in charge of Education, Youth Affairs and Sports is aware that many Early Childhood Development (E.C.D) Centers 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?

The response to the Statement sought by hon. Stephen Bahati Mlanda, the MCA for Ganda Ward was; The County Executive Committee Member in charge of Education, Youth Affairs and Sports responded to the Statement vide letter dated 19th August, 2016; Ref. No: CG/KLF/DPPE/CA/VOL.1/040 as follows:-

1. That, the Department of Education, Youth Affairs and Sports had initiated a total of 172 ECD Projects in the FY 2015/2016 and their status was as follows:-15 projects were

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complete, 8 projects had not started, 56% of the remaining projects were above window level, and the remaining 44% were above the foundation stage.

2. That, the challenges associated with the stalling of the projects include but not limited to:- Contractor's lack of capacity to deliver within given timelines, delay of payments by the County Treasury and delay in site handing over by stakeholders
3. That, to remedy the challenges, the Department would:- Terminate contracts of the 8 undone projects if the awarded contractors didn't start work by the end of August, 2016, fast track the payment process through proper documentation in liaison with the procurement sector and the County Treasury and advocate for contractors that have a capacity to deliver within given timelines.

Issues raised from the response to the statement sought; from the response to the Statement raised by Hon. Stephen Bahati Mlanda, the County Executive Member in charge of Education, Youth Affairs and Sports was invited to appear before the Committee on General Oversight on Monday, 24th October, 2016 to give further clarification on the following issues –

1. Provide the names of the 15 projects that are complete indicating the Ward for each project.
2. Detailed status Report of all the ECD Projects in the Financial Year 2013/2014 and 2014/2015.
3. Names of the 8 projects in the FY 2015/2016 that have not started.
4. Names of the 56% remaining projects per ward in FY 2015/2016 that were above window level.
5. Names of the 44% projects in FY 2015/2016 that were above the foundation stage.
6. Whether there are ECD Projects tenders that were awarded to two contractors, if yes, which are they and why?
7. Whether the County Department of Education, Youth and Sports has a Service Charter.
8. Whether the Department of Education, Youth and Sports terminated the Contracts of the 8 undone projects at the end of August, 2016 as it committed in its response to the Statement.

Response to the issues raised; the County Executive Committee Member in charge of Education, Youth Affairs and Sports appeared before the Committee on General Oversight on the 24th October, 2016 and responded to the issues raised as indicated in Annex 1 as summarized below;

- 1) The County Executive Committee Member in charge of Education, Youth Affairs and Sports submitted the names of 19 Projects for FY 2015/2016 that were complete indicating the ward for each projects. The respective Ward representatives confirmed that the said projects were 100% complete.
- 2) The County Executive Committee Member in charge of Education, Youth Affairs and Sports submitted the names of the 8 undone projects for the FY 2015/2016 that had not started by the end of the FY 2015/2016. The Members of the Committee on general Oversight sought to know whether the list was conclusive. The County Executive Committee Member in charge of Education, Youth Affairs and Sports submitted that out of the 172 Projects the Department had intended to do, 36 of them had not started at the time the County Executive Member in charge appeared before the Committee for interrogation.

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3) The County Executive Committee Member in charge of Education, Youth Affairs and Sports further submitted that out of the 172 Projects the Department had intended to do, 78 of them were above window level but not completed at the time the County Executive Member in charge appeared before the Committee for interrogation

4) The County Executive Committee Member in charge of Education, Youth Affairs and Sports submitted that out of the 172 Projects the Department had intended to do in the FY 2015/2016, 34 of them were still at the Foundation Stage and above at the time the County Executive Member in charge appeared before the Committee for interrogation.

5) The County Executive Committee Member in charge of Education, Youth Affairs and Sports submitted that the department had not awarded any ECD Projects to two contractors. After evaluation, only the lowest and most responsive bidder is awarded.

6) The County Executive Committee Member in charge of Education, Youth Affairs and Sports submitted that the Department had a revised service charter that was customized and translated into Kiswahili language which is displayed at its office.

7) The County Executive Committee Member in charge of Education, Youth Affairs and Sports submitted that the Department had terminated the contracts of the undone projects except for Viriko Pre-School. The contractor was given a warning letter which he responded and committed to start work immediately.

The County Executive Committee Member in charge of Education, Youth Affairs and Sports submitted the status report in the financial year 2013/2014 and 2014/2015 as indicated in Annex 2. The Committee noted; one, that, out of 114 Projects the County Executive Department of Education, Youth Affairs and Sports intended to do in the FY 2014/2015, only 74 Projects were completed and 40 Projects were incomplete at the time the County Executive Member in charge appeared before the Committee for interrogation. Two that, out of 57 Projects the County Executive Member of Education, Youth Affairs and Sports intended to do in the FY 2013/2014, only 44 Projects were completed and 13 Projects were incomplete at the time the County Executive Member in charge appeared before the Committee for interrogation.

Committee findings; Mr. Speaker, Sir, the Committee made the following findings;

1. That, out of the 172 Projects the County Executive Department of Education, Youth Affairs and Sports intended to do in the FY 2015/2016, only 19 projects were completed, 36 projects had not started and 117 projects were ongoing at the time the County Executive Member in charge appeared before the Committee for interrogation
2. That, out of 114 Projects the County Executive Department of Education, Youth Affairs and Sports intended to do in the FY 2014/2015, only 74 Projects were completed and 40 Projects were incomplete at the time the County Executive Member in charge appeared before the Committee for interrogation.
3. That, out of 57 Projects the County Executive Department of Education, Youth Affairs and Sports intended to do in the FY 2013/2014, only 44 Projects were completed and 13 Projects were incomplete at the time the County Executive Member in charge appeared before the Committee for interrogation.
4. That, the County Executive Department of Education was not able to complete the Departmental projects in the Financial Year 2015/2016 because the tenders were awarded to contractors who had lack of capacity to do the projects.
5. That, the County Executive Committee Member in charge of Education, Youth Affairs and Sports couldn't explain the status of 5 projects in the FY 2015/2016

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6. That, the County Executive Department of Education had not done thorough technical and financial evaluation on the contractors for the tenders under the quotation category.
7. That, the Department of Education doesn't have engineers and works officers for the technical evaluation and depends on the Department of Roads, Transport and Public Works.
8. That, there is lack of proper coordination among the officers of the County Executive Department of Education, Youth Affairs and Sports.
9. That, the County Executive Committee Member exhibited and demonstrated lack of knowledge and control in the line Department.
10. That, the department had a service charter that is not functional.
11. That, in the written response, the County Executive Member for Education, Youth affairs and Sports failed to cite the challenges of technical manpower or inadequate works officers.
12. That, out of the interrogation the Committee noted that the Department of Education failed to pay contractors in good time hence putting the County Government at risk of interests accruing out of unpaid certificates.
13. That, the Chief Officers (Mr. Adan Mohamed and Emmanuel Katana Joseph) who served in the County Executive Department of Education in the FY 2013/2014, 2014/2015 and 2015/2016 did not appear to explain on their roles and responsibilities during the implementation of the County Government projects in the FY 2013/2014, 2014/2015 and 2015/2016.
14. That, the Department of Education, Youth Affairs and Sports engaged casual workers as project officers for the projects.

Committee recommendations; Mr. Speaker, sir, the Committee made the following recommendations;

1. That, the Chief Officers (Mr. Adan Mohamed and Emmanuel Katana Joseph) and the County Secretary (Mr. Owen Baya) do appear before the Committee on General Oversight to explain their roles in the implementation of the County Government projects for the County Department of Education, Youth Affairs and Sports for the FY 2013/2014, 2014/2015 and 2015/2016.
2. That, the County Executive Committee Member in charge of Education, Youth Affairs and Sports be removed from office forthwith.
3. That, the process for removal of the County Executive Committee Member in charge of Education, Youth Affairs and Sports be initiated with immediate effect due to her incompetence.
4. That, stern administrative action be taken against the following officer; Mr. Jamal Bugo who is the Project Officer
5. That, the County Public Service Board initiates a process with immediate effect for the summary dismissal of the Procurement Officer in the Department of Education, Youth Affairs and Sports, one Mr. Julius Munga, for gross incompetence.
6. That, ALL the incomplete projects in the Department MUST be completed on or before 28th February, 2017.

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7. That, the Executive appoints an interim team to oversee the completion of the incomplete projects as cited in Recommendation 6 above.

Thank you very much Mr. Speaker, for awarding me this ample time to present this Report. Thank you.

The Speaker (Hon. Kahindi): Hon. Members, I have deliberately allowed hon. Teddy Mwambire to go through the Report on General Oversight that regards to the Department of Education. Hon. Teddy Mwambire, you need to table that.

(Hon. Mwambire laid the Report on the Table)

Now this being the first Report on the Committee on General Oversight which is a Committee comprising of all the Members in the House and chaired by the Speaker but in this case of course I could not table it myself. I think the same will be coming for debate tomorrow so that this matter is finally put to rest.

STATEMENTS

ORDER OF BUSINESS FOR THE WEEK STARTING MONDAY, NOVEMBER 21ST 2016

Hon. Pascal: Thank you Mr. Speaker, for giving me an opportunity to pass through the Order of Business starting Monday, 21st November 2016. I beg to read;

(A) Petition; on Monday there will be The Public petition on a parcel of land portion number 512 situated in south of Malindi.

(B) Papers; (1) Tabling of the nominee for the position of Board Chairperson, Mbegu Fund by The Leader of Majority. (2) There is The Report of the Committee on General Oversight on the interrogation of the County Executive Committee Member in charge of Education, Youth Affairs and Sports on the status of its Departmental Projects for FY 2013/2014, 2014/2015 and 2015/2016, that will be done by the Vice-Chairperson of the General Oversight Committee. (3) Tabling of the Report of the Committee on Agriculture, Livestock and Fisheries on the Kilifi County Sale Yards Bill, 2016 and that will be done by the Chairperson Agriculture, Livestock and Fisheries.

(C.) Motion; there will be a Motion on the adoption of the Report by the Committee on Appointment on the vetting of the following Nominees for the position of the County Executive Committee Members; Ms. Zeyanna Abdullah, Mr. Joseph Elvis Tinga and Mr. Charles Dadu Karisa laid on the table of this House on the 14th November, 2016 by the Leader of Majority.

(D). There will be the Committee of the Whole House for the Kilifi County Cooperative Societies Bill, 2016.

(E) There will be a Bill, the Kilifi County Cooperative Societies Bill, 2016 (Third Reading).

(F) There will be a Committee of the Whole House about the Kilifi County Abattoirs Bill, 2016 and

(G) Bill - The Kilifi County Abattoirs Bill, 2016.

On Tuesday 9 a.m. it will be on 22nd November, 2016, there will be the Tabling of the Report of the Committee on Budget and Appropriations on the Kilifi County Finance Bill, 2016, by the Chairperson, Budget and Appropriations Committee. There will be again tabling the

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Report of the Committee on Environment and Natural Resources on the Kilifi County Solid Waste Management Bill, 2016, by the Chairperson, Environment and Natural Resources Committee.

Again, we are going to have the tabling of the Report of the Committee on Lands, Housing and Settlement on the Kilifi County Planning Bill, 2016, by the Chairperson Lands, Housing and Settlement Committee. Again we are going to have tabling of the Report of the Committee on Planning, Trade and Cooperatives on the Governor's memorandum on the Kilifi County Betting, Gaming and Lotteries Bill, 2016, by the Chairperson; Planning, Trade and Cooperatives Committee.

Again, we are going to have the tabling of the Report of the Committee on Youth, Sports, Culture and Social Services on the Governor's memorandum on the Kilifi County Anti-Pornography Bill, 2016, by the Chairperson, Youth, Sports, Culture and Social Services Committee. We will proceed to have the tabling of the Report of the Committee on Youth, Sports, Culture and Social Services on the Governor's Memorandum on the Kilifi County Public Entertainment and Amenities Bill, 2016.

Again, we are going to table the Report of the Committee on Planning, Trade and Cooperatives on the Kilifi County Investment and Social Development Bill, 2016, by the Chairperson for Planning, Trade and Cooperatives Committee, and we will be having a Motion of the Adoption of the Report of the Committee on General Oversight on the Interrogation of the County Executive Committee Member in charge of Education, Youth Affairs and Sports on the Status of its Departmental Projects for FY 2013/2014, 2014/2015 and 2015/2016 laid on the Table of this hon. House on Monday, 21st November, 2016. There will be the Committee of the Whole House on the Kilifi County Livestock Sale Yard Bill, 2016 and there will be the Kilifi County Livestock Sale Yard Bill, 2016, Third reading. On Tuesday 2:30 p.m., there will be the Committee of the Whole House on the Kilifi County Finance Bill, 2016, and the Kilifi County Finance Bill, 2016, Third reading.

On Wednesday 2:30 p.m., we will be having Committee of the Whole House on the Kilifi County Public Entertainment and Amenities Bill, 2016. There will be the Committee of the Whole House about the Kilifi County Anti-Pornography Bill, 2016, and there will be again the Committee of the Whole House on the Kilifi County Betting, Gaming and Lotteries Bill, 2016. Thank you Mr. Speaker, Sir.

MOTION

ADOPTION OF THE REPORT ON THE VETTING OF TWO CEC MEMBER NOMINEES

The Leader of Majority (Hon. Mwingo): Thank you, Mr. Speaker, for giving me this opportunity to read the following Motion before the House; Adoption of the Report of the Committee on Appointment on the vetting of the following nominees on the position of County Executive Committee Members; Ms. Zeyanna Abdullah, Mr. Joseph Elvis Tinga and Mr. Charles Dadu Karisa. I beg to read; that, this hon. Assembly adopt the Report of the Committee on Appointment on the vetting of the following nominee for the position of County Executive Committee Members; Ms. Zeyanna Abdullah, Mr. Joseph Elvis Tinga and Mr. Charles Dadu Karisa laid on the table of this hon. House on Monday, 14th November, 2016. I call upon hon. Foleni to second the Motion.

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(Hon. Foleni seconded)

The Leader of Majority (Hon. Mwingo): Thank you.

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been moved by the Leader of Majority on the adoption of a Report on Appointment on the vetting of nominee for the position of the CEC (County Executive Committee) Members for ICT, Tourism and Lands. I propose that the same is ready for debate. The names have been put together; Zeyanna did not show up for the vetting exercise so let us start for Mr. Joseph Elvis Tinga, the nominee for the docket of ICT.

Hon. Foleni: Asante sana Mheshimiwa Spika. Mimi nasimama kidete kupinga kuteuliwa kwa waziri wa ICT ambaye alipitia kwenye Kamati yetu ili kuhakikisha kwamba tunaweza kumpatia kazi. Ninaogopa kwa sababu baada ya muda mrefu wa kumkagua bwana huyu kusema kweli Bw. Elivis Joseph Tinga hakuweza...

The Speaker (Hon. Kahindi): Yes, hon. Pascal, you have a Point of Order?

The Leader of Minority (Hon. Pascal): Mr. Speaker, I want to put it straight that we are discussing about a Report that gives us a detail of the nominees but it is a bit ironical that the Member on the Floor is talking about his opposition to nomination of one of the Members. I do not know how that is coming about because we are supposed to discuss about the report that is before this House.

The Speaker (Hon. Kahindi): Hon. Foleni is in Order because he is discussing the contents of the Report. Yes, hon. Teddy Mwambire?

Hon. Mwambire: Mr. Speaker, I do not think hon. Foleni is in order because the Report itself shares that the Committee had no confidence in the Member he is talking about so he is supposed to go by the Report saying that I am in support of the Report because the Report is saying Tinga is not fit for that position.

The Speaker (Hon. Kahindi): Yes, but what does the Report say ultimately? The Report says it objects to the nomination of Tinga and that is what hon. Foleni says. It is just that he did not say that he is supporting the report but he has read the contents of the Report. So you are all talking about the same thing; the Report says it did not find one Mr. Joseph Elvis Tinga suitable and that is what hon. Foleni is saying. So, probably the Member has not gone through the recommendation of the Report. I think you are still talking about the same thing because the Report is saying it did not find Tinga suitable and you are saying that you do not support the appointment. So in different words you are also in the same thing. So proceed, hon. Foleni.

Hon. Foleni: Asante Mheshimwa Spika. Nafikiri Mheshimiwa Mwambire amezowea lugha ya kitaifa lakini pia hiyo inamchenga kwa sababu ni lugha ambayo ilitoka mbali. Hata hivyo Mheshimiwa Spika, huyu Bwana alipitia kwa Kamati yetu, tukamkagua na tukagundua ya kwamba bwana huyu hangeweza kushikilia hii Wizara vizuri kwa sababu alikuwa hawezi kueleza ni jukumu gani ambalo huyu Bwana Elvis Tinga Janga angeweza kulifanya wakati anapopata hii nafasi. Kusema kweli bwana Janga alikuwa anataka kuleta janga katika jimbo letu la Kilifi. Nasema hivyo kwa sababu nikimuuliza swali kama jukumu lake ni lipi hakusema ama kupeana kwa ufasaha kwamba ninapopata nafasi hili nitafanya hivi .

Pili, Bw. Elvis amefanya uhandisi wa maji sasa nasikitika kwa sababu mhandisi wa maji ukimpatia tarakilishi basi huenda aitie virusi na hatimaye isiweze kufanya kazi. Naunga mkono Ripoti hii kuweza kumkataa Bw. Elvis Tinga. Asante Mheshimiwa Spika.

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

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Hon. Matsaki: Asante Bw. Spika. Mimi kwanza nataka nipongeze Kamati hii ya *Vetting* ambayo ilikataa na kupitisha wengine. Kusema kweli ilifanya kazi nzuri kwa sababu katika mapendekezo yenu mlifanya kazi kikamilifu. Bw. Joseph kama alivyozungumza mwenzangu ikiwa anatafuta kibarua na hawezi kujieleza atafanya vipi? Kusema kweli si rahisi. Kaunti ya Kilifi kama serikali mpya ya ugatuzi tuliyoipata si kitambo ni miaka mitano ya kwanza halafu upate mtu ambaye hawezi kufanya kazi kikamilifu ukimueka pale ni kama unaleta janga kama ilivyosemekana. Kwa hivyo, ninaiunga mkono Ripoti hii na vile vile kwa sababu wale waliopitia ni wawili nataka pia nishukuru Kamati na yale yote ambayo yamewekwa hapa kuhusiana na yule mwengine.

The Speaker (Hon. Kahindi): We will get to him Mheshimiwa. Let us put our focus on this one first.

Hon. Matsaki: Kufikia hapo, ninaunga mkono Ripoti kuwa huyo Bwana hiyo nafasi alikuwa haiwezi na huwezi kupatia mtu kazi ambayo ukimuuliza utafanya mipango yako hajui namna gani halafu useme wacha nikupatie kazi. Tuko na shida kama Kaunti ya Kilifi na tunataka watu ambao wameelimika kulingana na majukumu tunayowapatia. Sio tuwapatie tena baada ya muda kidogo tuwaone hawafai; itakuwa si vizuri. Mimi nimesimama kuunga mkono Ripoti hii. Asante sana.

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

The Leader of Minority (Hon. Pascal): Asante Mheshimiwa Spika kwa kunipa nafasi. Vile vile nasimama kuunga mkono Ripoti hii ambayo iko mbele ya Bunge. Mimi nilipata nafasi kama mwanakamati na tukawajadili wale ambao wanatafuta kazi upande wa Serikali na huyu Bwana anayeitwa Janga vile wenzangu wameeleza ya kwamba yeye ile mara ya mwisho alikuwa anaangalia mambo ya tarakilishi ni mwaka wa 1975. Sasa ukiangalia kazi hii ambayo bwana Gavana alikuwa ametuletea ili tuweze kuidhinisha ni mbali na ule ujuzi ambao yuko nao. Katika kuangalia tulikuja tukagundua kama mwenzangu alivyosema yeye ni mhandisi wa maji kwa hivyo yuko na utaalamu wa mambo ya maji na haingekuwa bora ukiangalia Katiba yetu inasema mtu apewe wadhifa kulingana na ujuzi wake aliosomea. Kwa hivyo inamaanisha ya kwamba huyu bwana tungemuidhinisha tungekuwa tunapeana nafasi kwa mtu ambaye hastahili kuwa pale. Kwa hivyo, ninaunga mkono Ripoti hii ambayo inaeleza tupate mtu ambaye atastahili kufanya kazi upande ambao amesomea. Naunga mkono.

The Speaker (Hon. Kahindi): Hon. Renson Karisa. Maybe you can move in front and proceed.

Hon. Kambi: Asante Mheshimiwa Spika. Mimi nasimama kuunga mkono Ripoti hii ambayo iko mbele ya Bunge letu. Mimi nilikuwa mmoja katika Kamati hii na niliona wazi kabisa Mzee Janga alikuwa atatuletea janga kwa sababu jambo la kwanza alikuwa hana ufahamu wa *Kaya* ambazo ziko katika Kauni ya Kilifi hata alipoulizwa ya Gongoni alisema alifanya kusikia lakini hana ufahamu kama kuna *Kaya* Gongoni.

Kwa mfano, alipoulizwa ikiwa umeipata kazi hii unaweza kuisaidia vipi Serikali yetu ya Kilifi upande wa uokotaji ushuru? Akasema ya kwamba labda niulize kwa washikadau kama tunaweza panga mipangilio gani ili kufaulu. Kibinafsi naunga mkono Ripoti hii kwamba huyu

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mzee hawezi kufanya kazi hii; iwapo atapata nafasi hii atatupotezea mambo mengi sana maana wakati nilikuwa namuangalia kwa ukaribu sana ilijionyesha wazi kabisa mwaka wake wa kuzaliwa ni mwaka 1953. Wakati tulipomchunguza alikuwa anasinzia kumaanisha ya kwamba anapokuwa kwa ofisi kuna mambo mengi yanaweza kwenda mrama ambapo hataweza kutusaidia. Kwa hivyo, nilikuwa mtu wa kwanza kumuweka kando; tutafute mtu mwengine atakayetusaidia. Asante Mheshimiwa Spika.

Hon. Mwambire: Thank you very much, Mr. Speaker, Sir. Though I support the Report, I will not go by the information shared by the Members who are in the Committee especially based on the name and his age. If you look at the emerging issues at the moment in this County, competency is very paramount. It is not like when we were starting devolution, which was the time we could have thought of trying anybody who was to be given such a position. His position does not necessarily need to be somebody with that profession but looking at the challenges that we are facing with the ICT Department whereby several members are currently at home simply because their passwords were used to siphon money from this county, it means we need to have somebody who has the technical knowhow and professional who can at least assist us to arrest the situation in that Department. So, giving somebody who does not have the qualification that we are looking for will be very disastrous. Just today, the Committee of the Whole House has tabled the Report based on incompetence by a CEC Member.

If we again allow somebody whose demonstration suggests that the person has no clue about even the operations of the County Government then that would not be fair because I think by now anybody who has the passion with the County Government must be aware of the nitty gritty issues in our county. When I was going through the Report, I discovered Mr. Tinga was more aware of the KANU regime than the current government system. So, having that person as a CEC Member means this county will be lagging behind.

Looking at the workforce or current challenges that we have in that Department, then we will be like a rubber stamp because there are other emerging young professionals especially in IT, among the other issues. Even if he is transferred, again, he will be manipulated in one way or the other. We want somebody who knows everything so that by the time he will be sitting for a Cabinet meeting with the Governor he or she will be in a position to articulate issues that will assist to foster development in this county. Giving somebody who does not know anything; somebody who will be there to add quorum, we think we cannot afford to accept such like a person.

It is for such reasons that I support this Report. So, let us give time for Janga to study hard so that he can equate with the times that we have in this country instead of joking before the Members of the County Assembly especially the Committee which vetted him because he said he only touched a computer in 1975 or 1978 and in reality I normally see him on WhatsApp and facebook making jokes which means he normally touches the computer but he does not have the knowhow. So, let him look for another job where he can fit well. Thank you very much.

The Speaker (Hon. Kahindi): Hon. Naphtali Kombo.

Hon. Kombo: Bw. Spika nimesimama kuunga mkono Ripoti ambayo iko katika Bunge hili. Sio kwa sababu nyengine bali ni kwa sababu wengi walitazamia nikisimama nitakuwa mpinzani wa Ripoti kwa kuwa Bw. Janga ametoka katika Wadi ya Ruruma na pia anatoka katika jamii yangu lakini msimamo wangu kulingana na mambo ambayo yamejitokeza kwa kaunti saa hii, tumezungumzia Ripoti ya Idara ya Elimu na tukaona kwamba kumekuwa na ulegevu wa hali ya juu ambao kwingi imeletwa na hali ya elimu ama ufahamu kulingana na Idara ile. Langu ambalo ningezungumza katika Bunge hili ni kwamba uteuzi wa Bw. Janga haukua uteuzi ambao ulitilia maanani elimu yake na changamoto ambazo atazikabili katika nafasi ambayo ameteuliwa. Hivyo basi, mimi nitakuwa wa kwanza kuota kidole kwa yule ambaye alimteuwa Bw. Janga katika nafasi hii. Hiyo haiendi pole pole maanake aliyemteuwa Bw. Janga na kumleta mbele ya Bunge hili ili tumpitishie, inaonyesha wazi kuwa yeye pia hakuwa na ufahamu wa yale ambayo Bw. Janga angekuja kukabiliana nayo katika nafasi hii.

Pili, inaonyesha wazi kuwa mteuzi yule hakuangalia fikira za Wabunge katika utendaji kazi wa maofisaa ama mawaziri wetu. Hivyo basi, ningepomba kwamba mbali na kukubali Ripoti hii kwamba Bw. Janga asipewe nafasi lakini pia mteuzi yule asichukue nafasi ya kuhadaa Bunge hili na kutuletea watu ambao hawafai katika sehemu fulani ili tuje tuweke mihuri na kupitisha watu kama hawa. Nimesimama kuunga mkono Ripoti hiyo na Bw. Spika pamoja na Wabunge wenzangu, tuwe macho kwani nafasi hizi nyengine huwa zinajazwa kiholela ili mambo ambayo yanatuletea aibu kama inavyoonekana sasa yaweze kufanyika. Asante Bw. Spika.

The Speaker (Hon. Kahindi): Hon. Chitibwi.

Hon. Chitibwi: Asante Mheshimiwa Spika. Mimi pia nasimama kuunga mkono hiyo Ripoti kwa sababu yale ambayo tunayapata hivi sasa naona iwe somo kwetu. Hapo nyuma tulikuwa tunasema hizi kazi kila sehemu ya kaunti iwe itapata shughuli fulani lakini kwa sababu ziligawanya kwa mrengo huo, shida zake tunazona. Naona ijapokuwa uwakilishaji kutoka kila mahali inafaa lakini kila mmoja apewe ile kazi ambayo anaiweza tusije tukawa tunapeana kazi kwa watu ambao baada ya yote Kaunti ya Kilifi ndiyo ambayo itapata shida kama vile ambavyo tunajikuta hivi sasa. Ningependa tu kusema kuwa huyu mzee huyu wa rika langu...

(Laughter)

lakini msimkatae kwa sababu ni rika langu, ikiwa mtamkataa mkataeni tu kwa sababu hana ujuzi wa kutosha kufanya hii kazi. Naunga mkono Ripoti hii. Asante Bw. Spika.

The Speaker (Hon. Kahindi): Thank you. Hon. Bakari.

Hon. Bakari: Asante sana Bw. Spika. Mimi pia nimesimama kuunga mkono Ripoti hii. Nilipata nafasi ya kuja kwa hicho kikao na ukweli kabisa, yaliyojiri wakati ule ilikuwa ni dhahiri kabisa kwamba yule bwana ambaye kwamba alikuwa anataka hiyo nafasi hakuwa na ufahamu na hiyo kazi. Wakati tukiwa pale, Mwenyekiti ambaye ilikuwa ni wewe Bw. Spika, uliweza kumuuliza maswali ya iwapo atachukua nafasi hii ataweza kuleta mabadiliko gani katika Kaunti ya Kilifi hasa kwa upande wa ukusanyaji ushuru. Bwana yule alishindwa kabisa kujibu. Kwa hivyo, Ripoti ambayo iko hapa ni ya ukweli; sote kwa pamoja tuweze kuiunga mkono kwa

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sababu iwapo pengine yule bwana angeweza kupewa nafasi hii basi yale maovu ambayo tumeweza kuyaona hivi sasa yangeweza kuzidi katika kaunti yetu. Nimesimama kuunga mkono kwa dhati. Asante sana Bw. Spika.

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

The Leader of Majority (Hon. Mwingo): Thank you, Mr. Speaker. I would like to have this opportunity to congratulate my fellow hon. Members for their contribution in support of this Report. As a Committee on Appointment, we received the name of this nominee from His Excellency, the Governor, and as a Committee we did our part. During the vetting, I thank God because even other hon. Members who are not Members of this Committee were there and they saw exactly how Mr. Janga was responding. We really need people who are competent; people who can perform but according to Mr. Janga, I was very much surprised that he could not answer any question from the Committee Members. He could not answer each and every question that was directed to him. What came out clearly is that Mr. Janga is not competent and I think if we give him this job he cannot do anything.

I would also thank the hon. Member from Ruruma because as he has said, Mr. Janga comes from his ward. In addition to that, they are also related but he has taken a stand because he knows him better and he knows for sure that he cannot perform. I say congratulations to the hon. Member. In this case therefore, I would urge my fellow hon. Members to reject Mr. Janga and we ask His Excellency, the Governor, to bring us another name so that we can vet to replace the current nominee. Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been moved for deliberation of the nominee one Mr. Janga. The same has been deliberated and I now put the question.

(Question put and negatived)

Let us go for the next nominee. Yes Hon. Matsaki.

Hon. Matsaki: Asante sana Bw. Spika kwa kunipatia nafasi hii pia angalau na mimi nitoe pumzi kuhusiana na Bw. Charles Dadu Karisa. Kwanza nataka niwashukuru na pili nafikiri kila mheshimiwa yuko na Ripoti yake na yale ambayo yamenakiliwa kuhusu Charles Dadu Karisa mimi pia naunga mkono. Tuko na wasomi katika Kaunti ya Kilifi lakini pia wako wengine ambao hutumia akili ile kutatiza wakaazi wa Kilifi au kuwafanyia mambo ambayo si mazuri kwa sababu wao wana elimu nzuri. Nataka niseme kwamba Bw. Charles Dadu Karisa, ametoka katika Wadi ya Kambe Ribe lakini nataka niwambie katika Bunge hili kwamba mbali na elimu yake, ni mtu ambaye akishafika nyumbani huwa ni kipenzi cha wengi kwa sababu ya vile anavyojichukulia.

The Speaker (Hon. Kahindi): Hon. Matsaki...

Hon. Matsaki: Ndio...

The Speaker (Hon. Kahindi): I do not think you are in order to tell us what this candidate does. I think a Report has the findings and that is not part of the findings. Refer to the merits and demerits as contained in the...

Hon. Matsaki: Asante sana Bw. Spika. Nataka niwaambie, kama ni elimu yuko nayo na sote tumeona makaratasi yakiwa pale na kila upande katika zile Bodi ambazo yeye pia ni mmoja wao sote tumeziona kwa hivyo imedhihirisha wazi kwamba ni mtu ambaye ni mchapa kazi. Pili,

katika yale yote ambayo yamepatikana nataka niseme nashukuru na sio tu kushukuru bali tutakuwa tumepata mtu ambaye atawajibika.

Ukiangalia umri wa Charles Dadu na ukiangalia wengine katika Bunge hili bado mimi nitasema ni kijana lakini amefanya kazi nzuri katika kikazi. Kwa hivyo, tutakuwa hatuna makosa kumpata kijana huyu akiwa katika ile sekta ya ardhi. Kama nilivyotangulia kusema, Kaunti ya Kilifi ni moja wapo ya zile Kaunti za Pwani ambazo pia tumekuwa na shida za ardhi. Mambo ya ardhi yako na changamoto nyingi na unapopata mtu ambaye anajua kazi yake kusema kweli atasaidia kaunti hii ya Kilifi. Nimesimama kuunga mkono Ripoti hii mia kwa mia ili Bw. Charles Dadu Karisa kama Kamati ilivyopendekeza apitishwe ili awe atapata hii nafasi.

The Speaker (Hon. Kahindi): Thank you. Hon. Foleni.

Hon. Foleni: Thank you hon. Speaker. I also want to pass my sentiments in regards to the appointment of one Charles Dadu Karisa. Nelson Madiba Mandela said, "Education is the most powerful tool that is able to change the world." Mr. Charles Dadu Karisa has the required knowledge. He is the wind of change in regards to the Department of Lands. I have no doubt as a Member of this Committee that given the chance, Mr. Dadu Karisa would do Kilifi Government proud. I remember we threw very harsh and hard question to him but to my surprise this young man could answer all questions without any hesitation whatsoever.

Therefore, in this regard I want to urge my fellow hon. Members that this is the right man. Let us all stand so that this young man can be a blessing to this county. Secondly, Dadu has actually participated in a number of services including urban planning activities within the former Municipal Council of Malindi and Mariakani. I urge the rest of the Members to put their hands together so that we can have this young man in this docket just for the benefit of our county. Thank you.

The Speaker (Hon. Kahindi): Yes hon. (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. I rise to support and out of the big appraise done by hon. Foleni in the House about Charles Dadu Karisa. I think we understand that he fits in this position. I was talking to hon. (Ms.) Arafa here and this is a son to hon. Elizabeth Muthoka but he is from Kambe-Rimbe so I thought *kwani tunafanyaje* without contradicting that was my thought because of the name of the son. So out of my learned friend and my neighbour and from the interview question, I am told he would answer very confidently ...

The Speaker (Hon. Kahindi): Yes hon. Mramba, is it a Point of Order?

Hon. Mramba: Mr. Speaker I think hon. (Ms.) Mbeyu is going too far by referring to hon. Foleni as a learned friend as I know that is a term used by lawyers. She is not a lawyer and hon. Foleni is not as well so let her withdraw that word.

(Laughter)

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker. I think hon. Nixon Charo Mramba is really looking upon the knowledge hon. Foleni is having in this House and because we all went to school, if that is the language the lawyers use, then I can use this language in this House because hon. Foleni and I went to school. Thank you. I think out of the CV (Curriculum vitae) of Charles ...

The Speaker (Hon. Kahindi): Order! Order! Hon. Mramba, what are you saying?

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Hon. Mramba: Mr. Speaker, we need clarification from you. The term “my learned friend” is unparliamentary but it is a term used in a competent court of law and it is usually used by lawyers or members of the bench. Can you please clarify?

The Speaker (Hon. Kahindi): I can only give direction; you cannot ask me to clarify. Okay hon. (Ms.) Mbeyu let us resist from using terms which are not parliamentary as hon. Mramba says it but I do not think whether it is real.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker. I think I will agree with you because of the correction or the direction you are giving him but what stands...

The Speaker (Hon. Kahindi): Let us just refer hon. Foleni as hon. Member. Thank you.

Hon. (Ms.) Mbeyu: Hon. Member went to school very well and this one I agree. I stand to agree that Charles Dadu Karisa fits in this position. Out of the CV he presented and out of his eloquency in answering question during the interview, this young man fits in this docket and what we understand is that this docket needs a very vibrant ...

(Hon. (Ms.) Mbeyu spoke off record).

Thank you. I support the appointment of Charles Dadu Karisa.

The Speaker (Hon. Kahindi): Hon. Mramba you are silencing hon. (Ms.) Mbeyu. Yes, hon. Stanley Kenga.

Hon. Kenga: Thank you very much, Mr. Speaker, Sir. Allow me to also echo my sentiments on the Report in regards of the issue of this nominee for the Lands docket. This is one of the widest Departments within Kilifi County Government that includes the issues of lands, energy, housing, physical planning and urban development. I am looking at the level of competence that was exhibited by this nominee during the time of vetting and I am happy for the Committee that out of the findings, they show a man who is knowledgeable with skills and necessary expertise that is required to move this county forward in handling the issues that we have before us.

I was looking at those guys who were talking about education that they are in support because these men have gone to school and I was wondering why they were not in a position to even support the first guy because he is also an assistant lecturer. We are not just going to look at the kind of education but we are going to look at experience. Out of the papers that we received and the vetting that was conducted by the Members, how did he prove himself to the Members that he has that ability to undertake the duties and responsibilities to be able to function and operate in a way that will prove competence to this County of Kilifi? Therefore, in that regard I am in support and I wish that all Members will also be in support of the same so that we can move forward. Thank you.

The Speaker (Hon. Kahindi): Thank you. Hon. Mwingo.

Hon. Mwingo: Thank you, Mr. Speaker. I once again give my thanks to my fellow hon. Members who have contributed in support of Mr. Dadu Karisa who is our second nominee. We were there as a Committee on Appointment and we vetted him. According to the way he was

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expressing himself, it showed clearly that Mr. Dadu Karisa is competent enough and he is a person who can take this lands docket very far. As we understand, one of the biggest issues in this county is about land. We always talk of squattership in our county; there are so many disputes concerning land issues in our county but we tried to give him all those questions and he was able to respond positively. According to the way he was responding Mr. Speaker...

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

Hon. Mramba: Mr. Speaker let me correct hon. Mwingo because since the day I went to nursery school I have never had an english word like squattership unless you clarify. Thank you.

The Speaker (Hon. Kahindi): We are not going to turn this into a grammar school. Hon. Mwingo please...

Hon. Mwingo: Thank you, Mr. Speaker...

The Speaker (Hon. Kahindi): Hon. (Ms.) Mbeyu, you have a Point of Order?

Hon. (Ms.) Mbeyu: Yes. As we speak in this House, the hon. Member who is correcting everybody is not even in order. The kind of dressing is disorderly and he thinks he can correct everybody here. Mr. Speaker, can he ...

The Speaker (Hon. Kahindi): How is hon. Mramba dressed?

Hon. (Ms.) Mbeyu: The trouser and the coat are not of one material and I am here to give direction. Thank you.

(Laughter)

The Speaker (Hon. Kahindi): Why do you people want to assume the powers of the Speaker today? Can we just conclude this very important debate and stop the sideshows. Hon. (Ms.) Mbeyu and hon. Mramba, I do not know what you ate for lunch but you need to relax. Hon. Mwingo, please conclude.

The Leader of Majority (Hon. Mwingo): Thank you very much, Mr. Speaker, for your protection and I would like to say that we went to different schools. Let me wind up because much has been said and for the hon. Members who have supported this nominee it is clear that once we give him the job then our county will move forward as far as land issues are concerned. Thank you Mr. Speaker and thank you my fellow hon. Members.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion to adopt the Report of the nominee, that is Mr. Charles Dadu, has been deliberated and I will now put the question.

(Question put and agreed to)

Hon. Members, the Report presented by the Committee on appointment has now been deliberated and has been passed accordingly.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

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IN THE COMMITTEE

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

THE KILIFI COUNTY COOPERATIVE BILL, 2016

The Chairperson (Hon. Mwambire): Hon. Members, welcome to the Committee of the Whole House. You all know that this Committee has some rules relaxed but most of them remain constant. Kindly take your positions and remember a Member can contribute more than once. I want us to move very fast hence I will allow the Clerk to go through the Bill on the County Cooperative Services Bill, County Assembly Bill number 27 of 2016. Immediately after concluding this Bill, we will move to the next one so that we can kill one bird with one stone. By the time the Speaker comes in, we will have concluded on all the Bills and I can give him our responses and we move forward.

Part II Clause 5 (e) (f) (g)

Hon. (Dr.) Chitibwi: Chairperson, Sir, I beg to move:-

THAT, Clause 5(e) be rephrased to read as “Authorize the cancellation of licenses or de-registration of co-operative societies, subject to provisions of the Act”.

THAT, Clause 5 (f) be rephrase to read as “Issue guidelines and regulations to facilitate growth of co-operatives and regulations of co-operative societies”

THAT, Insert Clause 5 (h) “Take affirmative action in promotion, development and registration of youth, women, persons living with disability co-operative societies”

(Question of the amendment proposed)

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

(Clause 5 as amended agreed to)

(Clause 6, 7, 8, 9, 10, 11, 12 & 13 agreed to)

Part III Clause 14

Hon. (Dr.) Chitibwi: Chairperson, Sir, I beg to move:-

THAT, that Clause 14 be amended by substituting the word “May” with the word “Shall”.

(Question of the amendment proposed)

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

(Clause 14 as amended agreed to)

(Clause 15, 16, 17, 18, 19, 20, 21, 22 & 23, 24, &25 agreed to)

Clause 26

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Hon. (Dr.) Chitibwi: Chairperson, I beg to move:-

THAT, Clause 26 (3) by inserting the words "Third Schedule" to read as "Any two or more societies may apply amalgamate to form one cooperative society subject to compliance with the regulations guiding amalgamation or cooperative societies as shall be set out in accordance with the third Schedule of this Act."

THAT, Clause 26 (4) be amended by inserting the words "Third Schedule" to read as "A cooperative society may apply to divide into more than one cooperative society subject to compliance with the regulations governing division of Cooperative societies as shall be set out in accordance with the Third Schedule of this Act".

THAT, Clause 26 (5) be amended by deleting section 9(1) and replace by section 21(1) to read 'An application under section 21 (1) this Act shall clearly specify the kind of cooperatives society intended to be incorporated.

THAT, Clause 26(6) by inserting "The Director may register the following types of Cooperative Societies –

- a) Marketing co-operative societies to deal with the processing, packaging and marketing of members agricultural produce;
- b) Consumer co-operative societies to deal with the wholesale and retail business to be patronized by members and other members of public.
- c) Industrial co-operative societies to deal for production, manufacturing and sale of goods,
- d) Housing co-operative societies to deal with purchase of land, building and construction of houses at affordable rates to members;
- e) Livestock co-operative societies to deal with the needs of members in animal husbandry , livestock keeping and dairy farming;
- f) Fisheries co-operatives to deal with fishing, processing, packaging and marketing of fish and sea products;
- g) SACCOs to deal with offering members services of saving and credit;
- h) Special skilled co-operative societies as may be established from time to time.

(Question of the amendment proposed)

(Questions, that the words 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 26 as amended agreed to)

Clause 27

Hon. (Dr.) Chitibwi: Chairperson, I beg to move:-

THAT, Clause 27 be amended by deleting the phrase "at least fifteen" and replace by the phrase "at least ten"

THAT, Clause 27 (2) (d) be amended by substituting the phrase "third" with the phrase "first"

(Question of the amendment proposed)

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

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

(Clause 27 as amended agreed to)

(Clause 28, 29,30,31,32 agreed to)

(Clause 33 agreed to)

Clause 34

Hon. (Dr.) Chitibwi: Chairperson, I beg to move:-

THAT, Clause 34 (4) be amended by the quorum of the annual general should be 50% plus one

(Question of the amendment proposed)

(Clause 34 as amended agreed to)

(Clause 35, 36 agreed to)

Clause 37

Hon. (Dr.) Chitibwi: Chairperson, I beg to move:-

THAT, Clause 37 (1) (c) be rephrased to be “has no held an elective position for two terms” and”

(Clause 37 as amended agreed to)

(Clause 38 agreed to)

(Clause 39 agreed to)

Clause 40

Hon. (Dr.) Chitibwi: Chairperson, I beg to move:-

THAT, Clause 40 be amended by deleting the phrase “fifteen” and replace by “eighteen”

(Question of the amendment proposed)

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

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

(Clause 40 as amended agreed to)

(Clause 41,42,42,44 agreed to)

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(Clause 45 agreed to)

Clause 46

Hon. (Dr.) Chitibwi: Chairperson, I beg to move:-

THAT, Clause 46(b) to read “No member, other than a co-operative society, shall hold more than one-fourth of the issued and paid –up share capital of any co-operative society”

(Question of the amendment proposed)

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

(Clause 46(b) as amended agreed to)

*(Clause 47,48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63,
64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84 agreed to)*

(Schedule 1 agreed to)

(Schedule 2 agreed to)

(Schedule 3 agreed to)

(Memorandum of objects and reasons agreed to)

Clause 2

Hon. (Dr.) Chitibwi: Chairperson, Sir, I beg to move:-

THAT, Clause 3 be renamed to be Clause 2; “Committee” means the governing body of a co-operative society to whom the management of its affairs is entrusted, and includes a board of directors;

“Contributor” means a person liable to contribute to the assets of a co-operative society in the event of its being wound up and for the purposes of any proceedings for determining and before the final determination of the persons who are to be deemed contributors, includes any person alleged to be a contributor;

“Co-operative Union” means a co-operative society whose membership is restricted to primary societies”.

“Deposit” means a sum of money paid on terms under which it shall be repaid, with or without interest or premium, and either on demand or at a time or in circumstances agreed by or on behalf of the person making the society to receive it at the risk of the society receiving it;

“Dividend” in relation to a member of a co-operative society, means that member’s share of the surplus of the society which is divided amongst its members, calculated by reference to the proportion which that member’s share capital bears to the total share capital of the society;

“International Accounting Standards” and “International Financial Reporting Standards” means the standards adopted by the Institute of Certified Public Accountants of Kenya;

“Limited liability” means limited by shares or limited by guarantee, according to the nature of the liability prescribed by the by-laws of the co-operative society;

"Malfeasance" means wrongful conduct by a public official;

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"Misfeasance" means doing a proper act in a wrongful or injurious manner;

"Member" includes a person or a co-operative society joining in the application for the registration of a society, and a person or co-operative society admitted to membership after registration in accordance with the by-laws;

"officer" includes a chairman, vice-chairman, secretary, treasurer, Committee member, employee or any other person empowered under any rules made under this Act, or by-laws of a co-operative society, to give directions in regard to the business of the society;

"Personal representative" means any person who, under law or custom, is responsible for administering the estate of a deceased person;

"Special resolution" means a resolution passed by two thirds of the members present and voting at a general meeting of a society;

"Supervisory Committee" means an oversight Committee elected at a general meeting;

"Tribunal" means the Co-operative Tribunal established under the Societies Act.

"Winding up" means all proceedings subsequent to the dissolution of a co-operative.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

Clause 3

Hon. (Dr.) Chitibwi: Chairperson, Sir, I beg to move:-

THAT, Clause 2 be renamed to be Clause 3

(Question of the amendment proposed)

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

(Clause 3 as amended agreed to)

(Long Title agreed to)

(Short Title agreed to)

The Chairperson (Hon. Mwambire): Thank you very much hon. Members. We have come to the end of the Kilifi County Societies Bill, Assembly Bill number 27 of 2016.

Hon. (Dr.) Chitibwi: Chairperson, Sir. I beg to move that the Committee do report to the House its consideration of the Kilifi County Cooperatives Societies Bill, Assembly Bill 27 of 2016 and its approval thereof with amendments.

The Chairperson (Hon. Mwambire): I will put the question that the Committee do Report to the House its consideration of the Kilifi County Cooperatives Societies Bill, Assembly Bill 27 of 2016 and its approval thereof with amendments.

(Question put and agreed to)

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THE KILIFI COUNTY ABATTOIRS BILL, 2016

The Chairperson (Hon. Mwambire): Hon. Members, we have come to the end of the deliberations of the Kilifi County Cooperatives Societies Bill 2016. Let us now move ahead to deal with the Kilifi County Abattoirs Bill, 2016.

Clause 3

Hon. Sadi: Chairperson, Sir, I beg to move:-

THAT, this is the lowest category of local abattoirs and shall have:

- a) Throughput not exceeding two bovine units or camels or five units of goats or sheep or 3 units of pigs per day
- b) land size of not less than 0.5 acre,
- c) perimeter fencing of chain link with lockable gate,
- d) provision for humane killing,
- e) facilities for bleeding animals in hanging position,
- f) suitable size and number of windows with fly screens
- g) hand washing basins with sterilizers next to it.
- h) hot water boiler for sterilization of equipment.
- i) equipment and tools as required for purposes which include bleeding chain, spreaders, and cradles, hooks, splitting axes, knives, stands and offal inspection racks,
- j) lockable doors,
- k) a toilet with hand wash facility.
- l) manure shed,
- m) an office space,
- n) Condemnation pit under lock and key kept by inspecting officer.
- o) Designs and drawings approved by Sub County Veterinary officer.

Category B - Small to medium abattoirs. This category of abattoirs shall have:-

- a) Throughput of six to 40 bovine or camels or 200 goats/sheep or 120 beconers per day.
- b) Land size not less than 1.5 acres.
- c) Perimeter fence of chain link with lockable gate,
- d) adequate lighting both natural and artificial of at least 540 lux where meat is inspected and 220 lux in the work areas.
- e) Cold room facilities.
- f) Provisions (d) to (p) of Category C shall apply in Category B slaughter houses.

Category C- Large abattoirs; this is the highest category of abattoirs and shall have:-

- a) Land size not less than five acres (or 2.5 hectares).
- b) Throughput exceeding 40 bovine or camel, 200 goats /sheep or more than 120 beconers per day. The maximum throughput shall be given by the Director at the time of grading.
- c) Perimeter fence of stone or brick permanent wall with lockable gates.
- d) Sufficient pests and vermin control facilities.
- e) Offloading ramp for humane handling of all types of animals from vehicles of different levels.
- f) a facility where livestock transport vehicles can be cleaned and sanitized.
- g) Sufficient lighting both natural and artificial of at least 540 lux where meat is inspected and 220 in other work areas and an emergency slaughter facility,
- h) separate livestock entries for cattle, sheep and goats.

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- i) Slaughter process pulley on overhead rail system with all required equipment for the purpose.
- j) Equipment and tools should be non-corrosive.
- k) Separate area for bleeding and for dressing the carcasses with all appropriate equipment.
- l) Approved faying equipment including hide puller.
- m) Separate chillers for carcasses and red offal and another for rough offal.
- n) Cold Storage facility,
- o) detention room for retained carcasses, portions or organs.
- p) Separate changing rooms and toilets for persons working in the slaughterhouse dirty and clean areas.
- q) Sterilization facilities for all equipment and personnel.
- r) Food quality and safety analysis and conformity laboratory or linked to a public or private one approved by competent authority.
- s) Suitable manure shed.
- t) Sufficient incinerators or condemnation pits.
- u) Competent manager trained in Food hygiene or Meat technology or Environmental Health.
- v) Supervising Inspecting officer trained in meat grading, Environmental health or Meat technology.

(Question of the amendment proposed)

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

(Clause 3 as amended agreed to)

Clause 4

Hon. Sadi: Chairperson, Sir, I beg to move:-
THAT, Clause 4 to be renumbered to Clause 5

(Question of the amendment proposed)

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

(Clause 4 as amended agreed to)

Clause 5

Hon. Sadi: Chairperson, Sir, I beg to move:-
THAT, Clause 5 be renumbered to Clause 6.

(Question of the amendment proposed)

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

(Clause 5 as amended agreed to)

Clause 6

Hon. Sadi: Chairperson, Sir, I beg to move:-

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THAT, Clause 6 be renumbered to Clause 7 and further amend Sub Clause (1) (i) as follows: “(i) who is a small meat producer or slaughters meat in small quantities in ceremonies”

(Question of the amendment proposed)

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

(Clause 6 as amended agreed to)

Clause 7

Hon. Sadi: Chairperson, Sir, I beg to move:-

THAT, Clause 7 be renumbered to Clause 8.

(Question of the amendment proposed)

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

(Clause 7 as amended agreed to)

Clause 8

Hon. Sadi: Chairperson, Sir, I beg to move:-

THAT, Clause 8 be renumbered to Clause 9.

(Question of the amendment proposed)

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

(Clause 8 as amended agreed to)

Clause 9

Hon. Sadi: Chairperson, Sir, I beg to move:-

THAT, Clause 9 to be renumbered to Clause 10.

(Question of the amendment proposed)

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

(Clause 9 as amended agreed to)

Clause 10

Hon. Sadi: Chairperson, Sir, I beg to move:-

THAT, Clause 10 (b) be amended as follows “The Director shall, in writing, designate official veterinarians, meat inspectors and other officers in each Ward to carry out any function under this Act”

(Question of the amendment proposed)

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

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(Clause 10 as amended agreed to)

Clause 11

Hon. Sadi: Chairperson, Sir, I beg to move:-
THAT, Clause 11 be renumbered to Clause 12.

(Question of the amendment proposed)

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

(Clause 11 as amended agreed to)

Clause 12

Hon. Sadi: Chairperson, Sir, I beg to move:-
THAT, Clause 12 be amended as: “(2) For the purpose of this part, ‘processing establishment’ means any establishment in which any part of the carcass of an animal approved for human consumption is used for the preparation or manufacture for sale of products.”
(3) A person who contravenes sub section (1) commits an offence and upon conviction is liable to a fine not exceeding one million or to an imprisonment term not exceeding five years or both.

(Question of the amendment proposed)

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

(Clause 12 as amended agreed to)

Clause 13

Hon. Sadi: Chairperson, Sir, I beg to move:-
THAT, Clause 13 be renumbered to Clause 14.

(Question of the amendment proposed)

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

(Clause 13 as amended agreed to)

Clause 14

Hon. Sadi: Chairperson, Sir, I beg to move:-
THAT, Clause 14 to be renumbered to Clause 15.

(Question of the amendment proposed)

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

(Clause 14 as amended agreed to)

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Clause 15

Hon. Lali: I beg to move:-

THAT, Clause 15 be amended by renumbering Clause 15 to Clause 16 and that sub Clause (10) to be introduced as, "The director shall ensure that an approval from the National Environment Management Authority (NEMA) is obtained for an abattoir premise before the issuance of a license."

(Question of the amendment proposed)

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

(Clause 15 as amended agreed to)

Clause 16

Hon. Lali: I beg to move:-

THAT, Clause 16 be amended by renumbering Clause 16 to Clause 17 and be amended as follows: "Delete the word June and replace it therefore with the word January."

(Question of the amendment proposed)

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

(Clause 16 as amended agreed to)

Clause 17

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 17 be amended by renumbering Clause 17 to Clause 18.

(Question of the amendment proposed)

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

(Clause 17 as amended agreed to)

Clause 18

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 18 be amended by renumbering Clause 18 to Clause 19.

(Question of the amendment proposed)

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

(Clause 18 as amended agreed to)

Clause 19

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 19 be amended by renumbering Clause 19 to Clause 20.

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(Question of the amendment proposed)

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

(Clause 19 as amended agreed to)

Clause 20

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 20 be amended by renumbering Clause 20 to Clause 21.

(Question of the amendment proposed)

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

(Clause 20 as amended agreed to)

Clause 21

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 21 be amended by renumbering Clause 21 to Clause 22.

(Question of the amendment proposed)

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

(Clause 21 as amended agreed to)

Clause 22

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 22 be amended by renumbering Clause 22 to Clause 23 and further amend sub Clause (1) by inserting the word “portable” in between the words “clean” and “water” to read as follows; “Every approved abattoir must have a reliable clean potable water supply.”

(Question of the amendment proposed)

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

(Clause 22 as amended agreed to)

Clause 23

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 23 be amended by renumbering Clause 23 to Clause 24.

(Question of the amendment proposed)

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

(Clause 23 as amended agreed to)

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Clause 24

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 24 be amended by renumbering Clause 24 to Clause 25 and amend sub Clause (c) by adding the term “captive bolt pistol” to read as follows: “Captive bolt pistol equipment for holding, cutting, scrapping and hoisting of carcasses or their parts.”

(Question of the amendment proposed)

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

(Question, that words to be added be added, put and agreed to)

(Clause 24 as amended agreed to)

Clause 25

Hon. Lali: Thank you, Chairperson, I beg to move:-

THAT, Clause 25 be amended by renumbering Clause 25 to Clause 26.

(Question of the amendment proposed)

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

(Clause 25 as amended agreed to)

Clause 26

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 26 be amended by renumbering Clause 26 to Clause 27 and further amend sub Clause (2) by inserting the following words 0° C; “in the case of treating of carcasses, the temperature can fall up to -10° C”

(Question of the amendment proposed)

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

(Clause 26 as amended agreed to)

Clause 27

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 27 be amended by renumbering Clause 27 to Clause 28.

(Question of the amendment proposed)

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

(Clause 27 as amended agreed to)

Clause 28

Hon. Lali: Thank you, Chairperson. I beg to move:-

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THAT, Clause 28 be amended by renumbering Clause 28 to Clause 29 and further amend it by deleting the words, “daily after the operations” and be replaced with the words “immediately after the inspection of a carcass and before any carcass is inspected” to read as follows; “An approved abattoir shall be provided with a sterilizer in which water can be boiled at a temperature of 100°C and in which knives and other tools coming into contact with carcasses can be sterilized immediately after the inspection of a carcass and before any other carcass is inspected by placing them in the said sterilizer for at least 10 minutes.”

(Question of the amendment proposed)

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

(Clause 28 as amended agreed to)

Clause 29

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 29 be amended by renumbering Clause 29 to Clause 30.

(Question of the amendment proposed)

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

(Clause 29 as amended agreed to)

Clause 30

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 30 be amended by renumbering Clause 30 to Clause 31.

(Question of the amendment proposed)

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

(Clause 30 as amended agreed to)

Clause 31

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 31 be amended by renumbering Clause 31 to Clause 32 and further amend it by including gumboots and gloves to read as follows; “White clean overalls, gumboots, gloves and hats or other suitable head coverings shall be made available for all staff at the beginning of every working day.”

(Question of the amendment proposed)

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

(Question, that words to be added be added, put and agreed to)

(Clause 31 as amended agreed to)

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Clause 32

Hon. Lali: Thank you, Chairperson. I beg to move:-
THAT, Clause 32 be amended by renumbering Clause 32 to Clause 33.

(Question of the amendment proposed)

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

(Clause 32 as amended agreed to)

Clause 33

Hon. Lali: Thank you, Chairperson. I beg to move:-
THAT, Clause 33 be amended by renumbering Clause 33 to Clause 34.

(Question of the amendment proposed)

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

(Clause 33 as amended agreed to)

Clause 34

Hon. Lali: Thank you, Chairperson. I beg to move:-
THAT, Clause 34 be amended by renumbering Clause 34 to Clause 35 and amended further by deleting it and replacing it as follows; “ There shall be separate abattoirs for the slaughter of pigs and no other animal shall be slaughtered in such abattoirs.”

(Question of the amendment proposed)

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

(Clause 34 as amended agreed to)

Clause 35

Hon. Lali: Thank you, Chairperson. I beg to move:-
THAT, Clause 35 be amended by renumbering Clause 35 to Clause 36.

(Question of the amendment proposed)

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

(Clause 35 as amended agreed to)

Clause 36

Hon. Lali: Thank you, Chairperson. I beg to move:-
THAT, Clause 36 be amended by renumbering Clause 36 to Clause 37 and that in sub Clause (1), the term “Meat inspector” be deleted and replaced with the term “Veterinary

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Officer” therefore the sub Clause shall read; “Every animal intended for slaughter shall be inspected before slaughter by a Veterinary Officer.”

Sub Clause (3), the term, “meat inspector” shall be deleted and replaced with the words “Veterinary Officer” to read as “Any animal suspected by a Veterinary Officer to be suffering from any contagious diseases shall be removed from the premises of an abattoir and returned at the expense of the owner of the animal to its place of origin pending further examination by the Veterinary Officer. Slaughter and destruction of such an animal may take place at its place of origin depending upon the decision of the Veterinary Officer.”

Sub Clause (4), the term “meat inspector” shall be deleted and replaced with the words “Veterinary Officer” to read as; “The responsibility of removal of the animal from the abattoir shall rest with the owner of the animal who shall be allowed a period of up to 12hrs in which to effect such removal. In the event of failure to remove the animal within this period the Veterinary Officer may order the removal of the animal at the owner’s expense for its immediate destruction.”

Sub Clause (5), the term “Meat Inspector” shall be deleted and replaced with the words “Veterinary Officer” to read as; “An animal suspected by a Veterinary Officer to be suffering from any contagious disease and is removed from the premise of the abattoir and treated as directed by the Veterinary Officer, such animal may be allowed in the abattoir upon satisfaction by the Veterinary Officer that the animal is healthy.”

Sub Article (6), be introduced in the Bill as follows “the Veterinary Officer shall demand vaccination and isolation for specified period of time for other animals which have come into contact with infected animal and in consultation with the Director, the Veterinary Officer may order for closure of an abattoir where contagious disease has been detected.”

(Question of the amendment proposed)

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

(Question, that words to be added be added, put and agreed to)

(Clause 36 as amended agreed to)

Clause 37

Hon. Lali: Thank you, Chairperson. I beg to move:-

THAT, Clause 37 be amended by renumbering Clause 37 to Clause 38.

(Question of the amendment proposed)

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

(Clause 37 as amended agreed to)

Clause 38

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Hon. Lali: Thank you, Chairperson. I beg to move:-
THAT, Clause 38 be amended by renumbering Clause 38 to Clause 39.

(Question of the amendment proposed)

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

(Clause 38 as amended agreed to)

Clause 39

Hon. Lali: Thank you, Chairperson. I beg to move:-
THAT, Clause 39 be amended by renumbering Clause 39 to Clause 40 and be amended further as follows; Renumber the Clause as sub Clause (1) of Clause 40 and introduce sub Clause (2) as; “Destruction of unfit meat shall be done before an officer and a certificate shall be issued to the owner or the agent of the owner of the abattoir and the owner of the meat which has been declared unfit.”

(Question of the amendment proposed)

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

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

(Clause 39 as amended agreed to)

Clause 40

Hon. Lali: Thank you, Chairperson. I beg to move:-
THAT, Clause 40 be amended by renumbering Clause 40 to Clause 41.

(Question of the amendment proposed)

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

(Clause 40 as amended agreed to)

Clause 41

Hon. Sadi: Chairperson, I beg to move:-
THAT, Clause 41(2) be amended by deleting the word “three (3)” and replace it with the word “six (6)”.
THAT, Clause 41(3) be amended by deleting the words, “Principal Veterinary Officer” and replace it with the word “Director”.

(Question of the amendment proposed)

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

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

(Clause 41 as amended agreed to)

(Clause 42,43,44,45,46,47,48 & 49 agreed to)

Clause 50

Hon. Sadi: Chairperson, I beg to move:-
THAT, Clause 50 of the Bill be removed.

(Question of the amendment proposed)

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

(Clause 50 deleted)

(Clause 51 & 52 agreed to)

Part II, III, IV, V, VI

Hon. Sadi: Chairperson, Sir. I beg to move:-

- a) THAT, renumber Part II to be Part III.
- b) Renumber Part III to be Part IV.
- c) Renumber Part IV to be Part V.
- d) Renumber Part V to be Part VI.

(Question of the amendment proposed)

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

(Part II, III, IV, V, VI as amended agreed to)

(Memorandum of Objects and Reasons agreed to)

Clause 2

Hon. Sadi: Chairperson, I beg to move:-

THAT, Clause 2 should be amended as follows: "Approved abattoir - means an abattoir in respect of which a certificate of approval has been issued by the County Director of Veterinary Services following an application made to the director under section 8 of this Act"

"Director" means the County Director of Veterinary Services."

"Meat inspector" means any person appointed to inspect meat or products of animal origin by the County Public Service Board as recommended by the County Director of Veterinary Services under the provisions of section 3 of this Act;"

"Visceration Area means the area where removal of internal organs of animals slaughtered is done."

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Long Title agreed to)

Short Title

Hon. Sadi: Chairperson, I beg to move:-

THAT, Clause 1 be deleted and replaced as follows: “This act may be cited as the Kilifi County Abattoirs Bill, 2016 and shall come into operation upon publication in the Kilifi County Gazette.”

(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)

(Short Title as amended agreed to)

Hon. Sadi: Chairperson, I beg to move that the Committee do report to the House its consideration of the Kilifi County Abattoirs Bill, 2016 and its approval thereof with amendments. Thank you.

The Chairperson (Hon. Mwambire): I will put the question that the Committee do report to the House its consideration of the Kilifi County Abattoirs Bill 2016, Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Hon. Mwambire): Thank you very much hon. Members, we have come to the end of the second Bill. So let us move on.

(The House Resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE KILIFI COUNTY COOPERATIVE SOCIETIES BILL, 2016

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

Hon. Mwambire: Thank you very much, Mr. Speaker, Sir. I beg to report that the Committee of the whole House has considered the Kilifi County Cooperative Societies Assembly Bill No. 27, 2016 and approved the same with amendments. Thank you.

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The Speaker (Hon. Kahindi): Yes hon. (Dr.) Chitibwi.

Hon. (Dr.) Chitibwi: Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report. I call upon hon. Foleni to second.

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been moved by the Chairperson for Planning. I now propose the question that the House do agree on the said Report. Hon. Foleni press your mic.

Hon. Foleni: Thank you, hon. Speaker. I want to concur with the said Report and say that the said Cooperative Bill will provide loans to the people of Kilifi and also enhance registration of the various cooperatives that we have in our County. It will also bring about good governance and management of cooperative societies within the County. I beg to support.

The Speaker (Hon. Kahindi): Hon. Members, a Motion to adopt the Report has been moved. The same has been deliberated. I now put the question.

(Question put and agreed to)

Hon. (Dr.) Chitibwi: Thank you, Mr. Speaker, Sir. I wish to thank Members of this hon. Assembly for approving and passing this Bill. The responsibility given to us as a County are quite heavy. For a long time we have been...

The Speaker (Hon. Kahindi): Hon. Members, we are moving to the third reading. Hon. (Dr.) Chitibwi approach the Clerk's desk please for consultation.

(Hon. (Dr.) Chitibwi consulted with the Clerk-at-the-Table)

Hon. (Dr.) Chitibwi: I beg to move to move that the Kilifi County Cooperative Societies Bill Assembly Bill No. 27 be read a third time. I call hon. Foleni to second. Thank you.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion has been moved by hon. (Dr.) Chitibwi that the Bill be read for the third time. I now propose that the same is ready for debate. Hon. Foleni.

Hon. Foleni: Thank you Mr. Speaker. I also wish to support the said Bill and I urge my fellow Members to do the same.

The Speaker (Hon. Kahindi): Thank you hon. Members. A Motion has been moved for the Third Reading of the Bill. I now put the question.

(Question put and agreed to)

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

The Speaker (Hon. Kahindi): Thank you. Hon. Members, that Bill having been read for the third time. I think it is ready for ascent by the Governor. Next Bill? Hon. Mwambire.

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THE KILIFI COUNTY ABATTOIRS BILL, 2016

Hon. Mwambire: Hon. Speaker, Sir, I beg to report that the Committee of the whole House has considered the Kilifi County Abattoirs Bill 2016 and approved the same with amendments.

The Speaker (Hon. Kahindi): Hon. Lali Sadi.

Hon. Sadi: Thank you Mr. Speaker, Sir. I beg to move that the House do agree with the Committee in the said Report. I call upon hon. Muhambi to second.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion has been moved by hon. Sadi to have the Committee adopt the said Report. I now propose that the same is ready for debate. Hon. Muhambi.

Hon. Muhambi: Asante sana Mheshimiwa Spika kwa kunipatia hii nafasi. Nami nimesimama kuunga mkono sheria hii. Kwa kweli hii sheria imesimamia mambo ya mifugo ili mifugo wakichinjwa kuwe na ukaguzi ambao utafanywa kwa zile nyama kabla hazijauzwa. Itakuwa ni vizuri nyama ziwe zitafanyiwa ukaguzi kwa sababu utaona kuna masoko mengine yanauza nyama ambazo si nzuri kwa matumizi wa binadamu. Wakati mwingine mifugo inapobebwa kupelekwa kwa vichinjio, inabebwa kwa hali nyingine ambayo si nzuri na inafanya wanaumia hata kabla wafike kwa vichinjio wanakuwa hawajiwezi.

Bw. Spika Mswada huu ukipita nafasi nyingi za kazi zitapatikana kwa sababu kutakuwa na vichinjio vya serikali na vichinjio vya watu binafsi. Hii itakuwa imeweza kupatikana kwa nafasi nyingi za kazi. Kwa hivyo, Bw. Spika nimesimama kuunga mkono. Asante.

(Question proposed)

(Question put and agreed to)

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

Hon. Lali: Thank you Mr. Speaker, Sir. I beg to move that The Kilifi County Abattoirs Bill, 2016 be now read the third time. I call upon hon. (Ms.) Asha Chiku Wanje to second.

(Hon. (Ms.) Chiku seconded)

(Question proposed)

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. I rise to support the Kilifi County Abattoirs Bill, 2016. I think it is a good idea for us to have an Act for the Abattoirs in this county. Abattoirs in this county have been running without any policies and this county is situated in a very strategic place for meat export. We could export meat from Kilifi County to different parts of the world like United Arab Emirates, Congo, and Seychelles and so on. This county is also a disease free place; we do not have foot and mouth diseases so we qualify for

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export of meat in other countries. In view of the above, modern abattoirs with modern cold facilities to process especially halal meat.

In this Act Mr. Speaker, we also have regulations for having separate abattoirs for processing meat; that means we are going to have different abattoirs far from the others which were carrying other slaughters for animals like pigs. It would have looked in export market. We did not have regulation for the waste management from the abattoirs like Mombasa slaughter house which was dumping their wastes in small streams. They were committing a crime by polluting those rivers because we did not have any policy. So I kindly urge my fellow Members to support this Act so that we can put everything in place and take this county a step higher on the export of meat. Thank you Sir.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion to have the Bill be read for the third time has been deliberated.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

The Speaker (Hon. Kahindi): Thank you. Hon. Members, the Bill has now been read the third time and the same is ready for submission to the Governor for his ascent.

ADJOURNMENT

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

The House rose at 5.10 p.m.