

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 26th September, 2016

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

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

PRAYERS

PAPER LAID

ANNUAL DEVELOPMENT PLAN FOR THE FINANCIAL YEAR 2017/2018

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker, Sir. Today being Monday, 26th September, 2016, I beg to lay on the Table of this House, the Annual Development Plan for the Financial Year 2017/2018. Thank you.

The Temporary Speaker (Hon. Kenga): Thank you very much the Leader of Majority. The Annual Development Plan has already been tabled before the Assembly and is now committed to the Budget and Appropriations Committee, County Assembly of Kilifi. The Chairperson and the Members should now take it upon themselves to proceed. Next Order, yes proceed hon. Mwingo.

STATEMENT

**ORDER OF BUSINESS FOR THE WEEK STARTING MONDAY, 26TH TO FRIDAY, 30TH
SEPTEMBER, 2016**

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker, Sir. May I take this opportunity to read the programme of this County Assembly Business for the week commencing Monday, September 26th, 2016.

On 26th September, 2016 Monday at 2.00 p.m.: tabling of the Annual Development Plan for the financial year 2017/2018... sorry done. We have a Motion for Adoption of the Report of the Committee on Water and Sanitation Services on investigation of the Benesi water pan project laid on the Table of this House on Monday, 22nd August, 2016.

On Tuesday 9.00 a.m. that will be 27th September, 2016 we have the Kilifi County Abattoirs Bill, 2016 First Reading and The Kilifi County Livestock Sale Yards Bill, 2016 First Reading.

On Tuesday 2:30 p.m. that will be 27th September, 2016 we have the Kilifi County Investment and Social Development Bill, 2016 First Reading followed by the Kilifi Planning Bill, 2016 First Reading.

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

On Wednesday 2:30 p.m. that will be 28th September, 2016 we have the tabling of the memoranda from the Governor on refusal to assent to the following Bills: The Kilifi Betting, Gaming and Lotteries Bill, 2016; The Kilifi County Child Care Facilities Bill, 2016, The Kilifi County Early Childhood Education Bill, 2016; The Kilifi County Public Entertainment and Amenities Bill, 2016; and The Kilifi County Anti-pornography Bill, 2016. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Kenga): Thank you very much Leader of Majority. Yes proceed Chairperson for Water and Sanitation Services Committee.

MOTION

ADOPTION OF THE REPORT ON INVESTIGATION ON BENESI WATER PAN PROJECT

Hon. Hassan: Thank you Mr. Speaker, Sir, for giving me this chance to move the motion to adopt the Report of the Committee on Water and Sanitation Services concerning the investigation on Benesi Water Pan Project laid on the table of this House on Monday, 22nd August, 2016. I kindly call upon hon. Kiraga to second. Thank you.

Hon. Kiraga: Thank you Mr. Speaker. Unfortunately I am not a Member of the Water Committee. Thank you.

The Temporary Speaker (Hon. Kenga): Yes hon. Chairperson, the Member you have appointed to second surprisingly is not a Member of the Water and Sanitation Committee. I do not know whether there are Members who are present and are willing to second?

Hon. Hassan: It is okay, thank you. I am just alone, can I second it?

(Laughter)

The Temporary Speaker (Hon. Kenga): No you cannot. Hon. Chairperson, you cannot propose and second.

Hon. Hassan: Maybe through your guidance, I ask the Leader of Majority to second.

The Temporary Speaker (Hon. Kenga): Leader of Majority... Yes, I am seeing there is an intervention from hon. Nzaro.

Hon. Nzaro: Thank you Mr. Speaker. I think the Motion as seconded by the Member for Gongoni is quite in order because any Member can second a Motion on the Floor of the House.

The Temporary Speaker (Hon. Kenga): Thank you very much hon. Nzaro. Hon. Albert Kiraga did not second the Motion. He rose to acknowledge that he is not a Member of the Water and Sanitation Committee and therefore he might not be in a position to even make contributions regarding the same issue. Therefore, the Member has withdrawn his opportunity to second. Leader of Majority there is a request by the Chairperson, I do not know whether you are ready to second or?

The Leader of Majority (Hon. Mwingo): Mr. Speaker unfortunately I am not a Member of that Committee and as up to now I cannot second because I do not have any information concerning this Motion.

The Temporary Speaker (Hon. Kenga): Thank you very much. The Leader of Majority is also not in a position to second the Motion. The idea is we are not saying that seconding this Motion that is tabled before this House is only for those who are Members of the Water and Sanitation Committee. What we are saying is any hon. Members who is willing and is able to

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

make contributions is allowed to second the Motion. It seems the Committee is not ready. I do not know...

Hon. Hassan: Sorry Mr. Speaker, Sir, the Committee is very ready. I do not know what is happening for them not to be here; I do not think it is a big deal. If possible Mr. Speaker, Sir, we can just defer this Motion. Thank you.

The Temporary Speaker (Hon. Kenga): Thank you very much hon. Chairperson. Procedurally we cannot proceed with the business especially when it is about a Motion until we get somebody to second the same. Now, in the absence ...

Hon. Hassan: May I take this opportunity to ask hon. Nzaro to second?

(Hon. Nzaro stood at his place to second)

The Temporary Speaker (Hon. Kenga): Initially there was a request from hon. Nzaro and I am seeing he has withdrawn his request. We need to proceed to the next order given that nobody... Please hon. Nzaro are you ready to proceed as the seconder of this Motion?

Hon. Nzaro: Thank you Mr. Speaker. I...

The Temporary Speaker (Hon. Kenga): You must communicate if you are seconding so that we are in a position to propose the question for Members to be able to contribute and maybe we are going to start with you after agreeing that you are ready to second the Motion.

Hon. Nzaro: I am ready to proceed Mr. Speaker that is why I have seconded.

The Temporary Speaker (Hon. Kenga): Thank you very much. Having gotten a seconder, I now propose the question that this hon. House adopts the Report of the Committee on Water and Sanitation Services on investigation on Benesi water pan project laid on the Table of this honourable House on Monday, 22nd August, 2016. Therefore hon. Nzaro please proceed to make your contribution.

(Question proposed)

Hon. Nzaro: Thank you Mr. Speaker. As I rise to second the adoption of this Motion, I just want to raise a very...

The Temporary Speaker (Hon. Kenga): There is an intervention from hon. Chai.

Hon. Chai: Thank you very much Mr. Speaker for granting me this opportunity to at least intervene on the matter. It will not be in order to second the adoption of this Report in the absence of the hon. Member who brought this issue before us. The first time when the Report was brought he was not satisfied with it so I do not think it will be in order for us to adopt the Report if the Member is not present.

The Temporary Speaker (Hon. Kenga): I want to believe that this Report is not a document for an individual Member but a document of the County Assembly of Kilifi. This is not a response to a Statement that was sought, it is a Motion brought to the House therefore we are very much in order to proceed. Hon. Nzaro proceed.

Hon. Nzaro: Thank you Mr. Speaker as I second the adoption of this Report, I also want Members to look at page 15 of the Report where there is deliberation on the cost control of these projects...

The Temporary Speaker (Hon. Kenga): There is an intervention from hon. Gambo.

Hon. Gambo: I do not understand the hon. Member who is seconding this Motion. I understand the first seconder has refused to second the Motion, then the one who brought the

Motion rose again and asked the Motion to be deferred and you asked someone to second the Motion of deferment but now I can see the hon. Member is supporting the adoption of the Report. So please let me understand what Motion we are discussing.

The Temporary Speaker (Hon. Kenga): Thank you very much hon. Gambo but you are out of Order. The Chairperson was of the idea that if nobody was willing and ready to second then he was about to ask for deferment but before we went to that step, somebody agreed to second so we are very much in order. Proceed hon. Nzaro.

Hon. Nzaro: Before I support, I would like to move a Motion of adjournment on debate on this Report under Standing Order 50 (b) so that Members can have ample time to discuss the Report. I am saying this because it is very unfortunate that some of the Members of the Assembly are not ready even to second the debate on this Report. Noting that some of the Members do not have the Report at hand, I think it will be quite in order if we defer it so that we have ample time to go through it.

The Temporary Speaker (Hon. Kenga): Hon. Nzaro, I had given you an opportunity to make contribution regarding the Motion that is before us. If at all there is need for us to defer the Motion then somebody must intervene and let the Speaker be aware that there is need for intervention otherwise the permission that was granted to you was for you to make contribution. I am seeing there is an intervention from hon. (Dr.) Chitibwi.

Hon. (Dr.) Chitibwi: Thank you very much hon. Speaker. I wonder if it is in order that we debate a document that is not in front of us. This Report was here and a lot was clarifications were sought, so what are we debating? Maybe we need your guidance.

The Temporary Speaker (Hon. Kenga): Hon. Members, if you look at the Order Paper on Order No. 8 which is about this Motion, it is clearly outlined that this Report was laid on the Table of this House on the 22nd August, 2016 and therefore this was made available before Members went for recess. It is expected that you all have the Report with you because it was laid before this Assembly and placed in the pigeon holes for Members. That is the communication that we are getting. Along the same line, if you feel that we need to defer this then let us do it as per the procedures of the Standing Orders. We cannot just rise and say...

(The Temporary Speaker consulted with the Clerk-at-the-Table)

I can see there is an intervention from hon. Kiraga, please proceed.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 50 (b)

Hon. Kiraga: Thank you Mr. Speaker. I would wish to move a Motion of Adjournment under Standing Order 50 (b). Thank you

The Temporary Speaker (Hon. Kenga): Okay, thank you very much. Hon. Members, hon. Kiraga has risen under Standing Order 50 (b). For us to be able to move ahead to debate this Motion, we need a seconder.

(Hon. Chiriba stood at his place to second)

(Question proposed)

Hon. Chiriba: Thank you Mr. Speaker for giving me this opportunity to rise and second the Motion of Adjournment as brought by hon. Kiraga. Before I make my contribution, Mr. Speaker, allow me to welcome back Members from the long recess. By reading the mood of the House, it is a clear indication that Members need more time to ventilate on the same Report after the long recess. As we may be in agreement of the fact that the Report was circulated to us, some of us have had very many issues in our wards and it is evident that some issues may be long overdue. So, Mr. Speaker, I seek your indulgence that this hon. House may agree with the Adjournment Motion so that Members can have more time to ventilate on the same.

The Temporary Speaker (Hon. Kenga): Thank you very much. Yes, (Dr.) Chitibwi.

Hon. (Dr.) Chitibwi: Thank you very much Mr. Speaker. I support the adjournment of this Motion considering that we have to debate something that is rather serious concerning the wards and projects. Initially when this Report was brought, there were very many questions which as Members we were asking for clarification. We are not sure whether those ones have been taken care of in that Report or not. So, I think it is in order that we adjourn and receive the Report so as to have enough time to go through it before we can effectively debate. Thank you very much.

The Temporary Speaker (Hon. Kenga): Thank you very much (Dr.) Chitibwi. Yes, hon. Nzaka proceed.

Hon. Nzaka: Thank you Mr. Speaker, Sir, for giving me this chance. I rise to support the adjournment of this Motion. First, I do agree that this Motion was brought to the House on Monday, 22nd August, 2016 and the Member from that ward, that is hon. Kombo refused this document because there were some emerging issues which were raised at that time. As the House, we asked the Committee on Water to go to that area so that they can do their oversight role and we have not seen their Report. So, it is very wise Mr. Speaker, Sir that we see the amendments that the Committee on Water made as per the Report.

Secondly, the Members of the Committee on Water are not present and it is wise for the Members to give us light before we contribute. I am a Member neighbouring Ruruma Ward where there is the water pan but it is better for the Committee to give us light so that we can pass or reject this Motion. Water is life and this is an issue which has affected most of the people not only in Ruruma Ward but even in my Ward because we are neighbours. We should pass a Motion which will assist our people. So...

The Temporary Speaker (Hon. Kenga): There is an intervention from hon. Kiraga.

Hon. Kiraga: Thank you Mr. Speaker. I have heard the Member on the Floor saying that in the House the Members of the Water Committee are absent. Can we get some clarification because I believe the Chairperson is around? Can he have another language to effect the same? Thank you.

The Temporary Speaker (Hon. Kenga): Yes, hon. Nzaka please proceed.

Hon. Nzaka: Thank you Mr. Speaker, Sir. I think...

The Temporary Speaker (Hon. Kenga): Can you insert your card? Okay, please proceed.

Hon. Nzaka: Thank you Mr. Speaker, Sir for the intervention raised by hon. Kiraga. At first, there was a problem with seconding of this Motion. That is why it has raised an alarm to me that there are some Members of the Committee on Water who are not present in this House.

Mr. Speaker, Sir. If you will allow me, I will continue with my contribution that ...

The Temporary Speaker (Hon. Kenga): Please wind up. You have already eaten much of your time.

Hon. Nzaka: Thank you Mr. Speaker, Sir. I have said that water is life and this issue concerning water is very sensitive. So, let the hon. Member from that particular area, hon. Naphtali Kombo, come so that we can digest each and every thing. Thank you Mr. Speaker, Sir.

The Temporary Speaker (Hon. Kenga): Thank you very much. As long as we are in a position and we have that opportunity to make our contribution. What must come to us is, when the response was given out various issues were raised by hon. Members of this Assembly and that is why the Speaker ordered that the Committee on Water investigates so that a Report is brought before this Assembly. This Report is supposed to address the concerns that Members had raised during the time of the response. Therefore, as we make our contributions, let us be guided that this Report is addressing the issues and concerns that were raised by Members.

Again, though the Member of the Ward from where Benesi water project is located is not present, we are saying this is a Report of the County Assembly of Kilifi and his absence cannot hinder the discussion of the Report. Given the various issues that we have as Members and looking at the mood of the Assembly, I think I should call upon hon. Albert Kiraga to make his final submission so that I can put the question so that we can proceed or defer the debate then we proceed. So hon. Kiraga please.

Hon. Kiraga: Thank you so much Mr. Speaker. First and foremost, looking at the mood of the House, the Members are not privy to the debate this Motion and we are debating a very important aspect of life of which we need the contribution of almost every Member in this House. Secondly Mr. Speaker, unfortunately I have the Report with me and I have gone through the Report and a very important aspect which was one of the core issues raised by the hon. Member...

The Temporary Speaker (Hon. Kenga): Yes, hon. Hassan, what is your point of intervention?

Hon. Hassan: Thank you Mr. Speaker, Sir. I do not think that we are here “by the mood...” Maybe the hon. Member can clarify that to me. Thank you.

The Temporary Speaker (Hon. Kenga): Okay, hon. Albert Kiraga please proceed.

Hon. Kiraga: Mr. Speaker, the aspect I was talking about is the cost aspect. It was alleged that this water pan is incomplete and the work which is still pending is still a lot and the amount which was paid is almost 80%. So I have just gone through this Report thinking the Committee could have ventured into the aspect of the cost but there was none. So I believe if we adjourn the debate of this Motion we are also going to give time to the Committee to re-visit the aspect of cost. Thank you very much.

The Temporary Speaker (Hon. Kenga): Thank you very much hon. Albert Kiraga Hare, the Mover of the Motion for adjournment. I now have considered the Motion by hon. Albert Kiraga Hare.

(Question, that the Debate be now adjourned, put and agreed to)

(Debate adjourned)

ADJOURNMENT

There being no any other business in the Order Paper, the House stands adjourned until tomorrow morning at 9.00 a.m. Thank you.

The House rose at 3.04 p.m.