

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 26th October, 2015

The House met at the Temporary Chambers at the defunct Malindi Municipal Council, Malindi Town, 2.30 p.m.

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

PRAYERS

NOTICES OF MOTION

EMPLOYMENT OF ECD TEACHERS

Hon. Mramba: Thank you Mr. Speaker. I beg to move this Notice of Motion to this Assembly today, that reads as follows;

Aware that, the County Government of Kilifi employed 500 Early Childhood Education (ECD) Care givers recently. Further aware that, the minimum academic requirement for the said care givers was an O level certificate and an ECD professional certificate.

Aware that, majority of the ECD teachers who had been in practice for over 20 years were left out because they lacked O level certificates. This County Assembly urges the County Executive Committee (CEC) Member for Early Childhood Education to urgently liaise with the County Public Service Board (CPSB) to consider for employment as ECD care givers those who have been in practice for over 10 years but lack O level certificates provided that they have the over ten years ECD professional certificates. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Anybody to second?

(The Leader of Minority (Hon. Pascal) stood at his place to second)

Yes next, hon. (Ms.) Mbeyu please.

REVIEW OF STANDING ORDERS 185 AND 186

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. This is the review of Standing Orders 185 and 186 Chairperson, Assembly Rules and Procedure Committee.

Aware that, the Committee on Rules and Procedures is constituted under Standing Order 189. Aware that, the core mandate of the said Committee is to propose amendments to the Standing Orders as stated in Standing Order 189 (4).

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Aware that, Standing Order 185 states that:-

- (1) *There shall be a select Committee to be designated the Committee on Appointments to be appointed by the County Assembly, consisting the Speaker as a Chairperson, the Leader of the Majority Party, the Leader of the Minority party and not more than six other Members nominated by the County Assembly Business Committee, on the basis of proportional party Membership in the County Assembly taking into consideration the numerical strength of the Parties and interests of Independent Members.*
- (2) *The Committee on Appointments shall be appointed within seven days on Assembly of a new County Assembly and shall serve for a period of three years and that appointed thereafter shall serve for the remainder of the term of the County Assembly.*
- (3) *In the absence of the Speaker, the Committee shall elect a Member, from amongst its Members to chair the meeting.*
- (4) *The Committee on Appointments shall consider the approval by the County Assembly, appointments under Articles 179 (2) (Members of County Executive Committees).*

186. The quorum of the Committee on Appointments shall be one half of the Members of the Committee, but the Speaker shall not be counted for the purposes of quorum and shall not vote.

Noting that, the Committee has considered the provisions of Standing Order No. 185 in its entirety. The Committee on Assembly Rules and Procedures urges the County Assembly to consider and Adopt the following Amendments:-

1. That, Standing Order 185 be amended by:
 - Including the **Deputy Speaker** to the membership of the Committee in Standing Order 185 (1) and further increase the Committee membership from **Nine (9)** to **Thirteen (13)**.
 - Amending Standing Order 185 (3) where in the absence of the Speaker, the Committee shall elect a Member, from amongst its Members to chair the meeting to read “the Deputy Speaker shall chair the meeting in the absence of the Speaker”.
 - Introducing 185 (5) to read “the quorum of the Committee on Appointments shall be one half of the Members of the Committee. The ex officio chairperson shall not be counted for the purposes of quorum and shall not vote unless there is a tie. All other matters shall be decided by a majority vote of the Members present constituting a quorum.”
2. That, Standing Order 186 be deleted. Thank you Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Who is seconding?

(Hon. Foleni stood at his place to second)

Thank hon. Foleni for seconding. Yes next Order. Yes hon. Nixon Mramba.

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REQUEST FOR STATEMENT**SPECIAL AUDIT REPORT**

Hon. Mramba: Thank you Mr. Speaker. I wish to seek a Statement from the Leader of Majority (Hon. Mwingo) that reads as follows;

Whether the leader of Majority is aware that the County Assembly unanimously adopted the Report of the County Public Investments and Accounts Committee on 26th November, 2014...

(Hon. (Ms.) Mbeyu stood on a Point of Order)

The Deputy Speaker (Hon. Mwambire): Yes, there is a Point of Order from hon. (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Mr. Speaker, can the Member on the Floor tell us whether he is standing for hon. Teddy Mwambire or he is seeking this Statement as his own. Thank you.

Hon. Mramba: Mr. Speaker, I wish to represent Hon. Teddy Ngumbao Mwambire, Member of the County Assembly representing Sokoke Ward. Thank you.

Aware that, the County Assembly unanimously adopted the Report of the County Public Investments and Accounts Committee on 26th November, 2014 that recommends for a Special Audit on revenue collection.

Whether the Leader of Majority is aware that, the Assembly has not received the Report of the special audit.

If yes, has the County Government received the special Audit Report from the Kenya National Audit office and when will the Special Audit Report be brought to the County Assembly. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Yes, I think the Leader of Majority, Hon. Mwingo will have to handle that and bring a Response. The challenge is that we are going for a short recess after Wednesday's sitting. When we come back on 6th, the Leader of Majority should be in a position to give clear information. So, there is ample time to get that Response.

Next Order please. Hon. Members there being...

Hon. Kiraga: Point of Order Mr. Speaker, Sir.

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

STATEMENTS**CLARIFICATIONS ON LEVELS OF HOSPITALS AND CLOSURE OF GATE BETWEEN KEMRI AND KILIFI COUNTY HOSPITAL**

The Deputy Speaker (Hon. Mwambire): Yes, their responses? Sorry Members, I am told my copy was the first copy but it was amended. I received a note informing me about the responses but it was not clear. Okay, who is supposed to respond to that Statement?

Hon. Kiraga: Thank you Mr. Speaker. I rise to give a Response to one Statement which was issued in this House some time back and I am here to clarify the five levels of health services...

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(Hon. Mramba stood on a Point of Order)

The Deputy Speaker (Hon. Mwambire): Okay there is a Point of Order from hon. Mramba.

Hon. Mramba: Mr. Speaker, I think we need your guidance because the Member for Ganze who sought this Statement is not in the House today. Mr. Speaker, I think it is not fair to give a reply while the person who sought the Statement is absent.

Hon. Kiraga: Mr. Speaker, I think I was coming to that, I do not know what the hurry is for, with that Member?

(Laughter)

The Deputy Speaker (Hon. Mwambire): It is well noted hon. Kiraga. Let us hold until he is around even if it is tomorrow, I will give you time to respond to it.

(Statement deferred)

There is another Response from the Chairperson Environment and Natural Resources.

COUNTY EXECUTIVE INVOLVEMENT WITH GROUPS DEALING WITH FOREST CONSERVATION IN MAGARINI SUB- COUNTY

Hon. Chiriba: Thank you Mr. Speaker for this opportunity. I beg to give a Response to a Statement sought by hon. Kiraga. He wanted to know whether the County Executive is aware that there are some groups who are dealing with the protection and planting of Mangroves e.g. Angazia Forest and Wildlife Conservation (Ngomeni Sub-Location); Ondo Self-help Group (Fundisa Sub-location) Jambiani Marine and Forest Conservation (Fundisa- Gongoni Sub-location) and Faradays arm of Robinson Island and what the County Executive Committee Member is doing to help the mentioned groups in the execution in their everyday duties.

Mr. Speaker, this is the response to this Statement; The County Executive is aware that there are groups dealing with the protection and planting of mangrove seedling in efforts to conserve the mangrove ecosystem within their areas of jurisdiction stated by the hon. Member.

This is the explanation Mr. Speaker; The Mangrove forests are gazetted forests under the mandate of the National Government through the Kenya Forest Service (KFS). According to the Forest Act, 2005, Section 35 (1), required that every forest be managed in accordance with a management plan which covers both the forest and a radius of 5 km from the forest boundary with twin objectives of conserving the forest and improving the standard of living the adjacent community dwellers.

In Section 46 (1) the law allows members of the community to form a Community Forest Association (CFA) and register it with the registrar of Society. The CFA then applies to the Director KFS for co-management for particular forest implementation, implementing the management plan of that particular area. The Functions of SFA are spelt out in section 47 (1) and in 32 and the user rights. The groups mentioned are all from Magarini Sub County and have already formed the Magarini Mangrove CFA and registered with the registrar of forests.

The next step is to develop a management plan which requires funding to a level of about 2 to 3 million shillings. Thereafter, the plan will indicate the activities which are in tandem

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with the objectives of conserving the environment and improving the standards of living of the adjacent communities.

Therefore the groups are under Magarini Community Forest Association (CFA) and it is the only association in the County which has not developed its management plan. The County Executive has set aside two million shillings in the 2015/2016 financial year for the development of the plan.

The County Executive has also set aside Ksh 10 million for the implementation of some of the management plans for the CFA's in the County especially those under the County Government function. Thank you Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Yes, hon. Kiraga are you contented with the response?

Hon. Kiraga: Thank you Mr. Speaker. I have one question that I would like to ask the Chairperson of this relevant Committee. With the two million which was set aside in the 2015/2016 financial year for the development plan, is it the plan for this larger CBO (Community Based Organization) or how should I understand it?

Hon. Chiriba: Thank you hon. Kiraga. I have taken your concern and I will seek clarification. Thank you.

The Deputy Speaker (Hon. Mwambire): Any Member with any concerns about the Report? Yes hon. Stanley Kenga.

Hon. Kenga: Thank you very much Mr. Speaker. It is coming out clear that Magarini Community Forest Associations is the only association which has not developed its management plan. There may be challenges that the Association is facing in the development of the management plan and monies have been set aside and we are now in the second quarter of the financial year 2015/2016. Therefore as he seeks further clarifications on the issue that has been raised by the Member who sought the Statement, I would wish that we get highlights on the same because what basically the Statement sought is: what exactly is the County Executive Member in charge of this Department is doing to help?

Therefore they can only be utilized once the management plan is out and I think maybe this is the challenge. So we need to see what the CEC (County Executive Committee) Member is doing in helping the Association in coming up with the management plan. I see hon. Mramba seems to be raising his hand but I think he is in support of what I am saying. Thank you very much.

The Deputy Speaker (Hon. Mwambire): Okay, hon. Stanley Kenga, if I may have understood you, the groups mentioned are all from Magarini sub-county and have already formed the Magarini Mangrove CFA and registered with the registrar of Forest.

The next step is to develop the management plan which requires a funding to a level of about 2 to 3 million shillings. So I think that money is to develop the management plan. They have already considered the challenges that they have and that is why they have not formed according to how it reads otherwise he will seek more clarifications so that he can share with the House. Okay hon. (Ms.) Arafa.

Hon. (Ms.) Arafa: Thank you Mr. Speaker, Sir. I just want to add on the issues of Community Forest Association as per hon. Kiraga's Statement. There is no organization or association which can just come and fund the group directly. However, when the group forms a Community Forest Association, it's a leeway for this group to benefit more from these resources. One thing is, if the group has already formed a Community Forest Association then the next step is to come up with a Forest Management Plan and in the plan they have to come up with different activities not only buying the seedlings, but they will have an opportunity to come up

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with more likelihood income generating activities from these resources, this is according to the Forest Act, 2005.

So we should not just look at the community in getting support in buying these seedlings but they should also come up with other rights for community who live adjacent to that forest. They have more projects to benefit from that.

I know in Gongoni area there are a lot of challenges with the salt work but when they have the management plan and sign the management agreement with the director of Kenya Forest Services, they can now set up their activities. If it appears that in one of the areas the management agreement does not show that this place should not have maybe for example a salt pan, then there is no way they can come up with a salt pan in that area. The management plan is the only way to go and the only association which I know that has been helping groups to come up with the management plan is the Kenya Forest Services.

I want to tell hon. Kiraga, the Member for Gongoni that I know all this because there are community groups which I have been working with and they are in the process of coming up with the management plan. Thank you very much Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Hon. Mramba

Hon. Mramba: Mr. Speaker, first and foremost, I would like to congratulate hon. Kiraga for seeking this Statement and also to congratulate hon. Daniel Chiriba for coming with a Response. Nevertheless what is coming out clearly is that, a management plan is not the responsibility of the CEC Member.

Mr. Speaker, the development of the management plan solely lies with the groups themselves or they can seek guidance from their Member of the County Assembly. Otherwise, if they are not able...

(Hon. Kenga stood on a Point of Order)

The Deputy Speaker (Hon. Mwambire): There is a Point of Order from hon. Stanley Kenga.

Hon. Kenga: Mr. Speaker, I beg for your guidance on the same. The Member on the Floor is saying that in the issue of the management plan, the groups have to seek guidance from the Members. Mr. Speaker, you will realize that as Members, we are not experts in the issues of developing the management plan.

I believe we have the experts in the name of the CECs and their respective Departments. These are people who were employed by the County Government to serve the interests of the House. So he is misleading this House that the groups should now consult their Area Ward Representative who may not be experts. Hon. Albert Kiraga is a doctor in the medical faculty Mr. Speaker, not on issues of forests. Thank you.

(Laughter)

Hon. Mramba: Thank you Mr. Speaker and ... okay I meant well Mr. Speaker, because recently hon. (Ms.) Arafa and I hosted a delegation from Nairobi in Jilore where we launched the Charter for Jilore CFA. So this is to say, if the Members of the County Assembly are not able to develop a management plan for their groups they can come to Kakuyuni Ward or Jilore Ward, Mr. Speaker...

(Laughter)

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Since I understand hon. Kiraga is a doctor in quotes. If I say a doctor in quotes it means he is not a medical doctor by profession but he may be a witch doctor, Mr. Speaker.

(Laughter)

The Deputy Speaker (Hon. Mwambire): Okay hon. Members I think...

Hon. Kiraga: Point of Order Mr. Speaker, Sir!

The Deputy Speaker (Hon. Mwambire): No! I understand your concerns hon. Kiraga. However hon. Members, what you do when there is a Response to a Statement and you are not contented, you seek further clarification and more information from the Chairperson. In the event the Chairperson does not have more information to give or cannot elaborate further to what he has been given, then he can get more time to go and obtain additional information from the CEC Member.

I have given an opportunity to a few Members including hon. (Ms.) Arafa because we know hon. (Ms.) Arafa is an authority in that field, that's why I gave her time so that she could share what she knows. That was just to get some ventilation from the Members. Otherwise, when it comes to a Statement then Members should either accept the Response or seek further clarifications. I believe you understand. Yes hon. Kiraga do you have any concern?

Hon. Kiraga: Mr. Speaker...

(Hon. Kiraga remained seated while speaking)

The Deputy Speaker (Hon. Mwambire): But you are seated. Kindly stand then proceed.

Hon. Kiraga: I beg hon. Nixon Mramba to withdraw his final Statement you know...

The Deputy Speaker (Hon. Mwambire): I did not hear it properly, what was his last Statement all about?

Hon. Kiraga: His last Statement was a very bad Statement Mr. Speaker.

(Laughter)

The Deputy Speaker (Hon. Mwambire): What was his last Statement about hon. Kiraga?

Hon. Kiraga: Witchdoctor.

(Laughter)

I think you know the function and the responsibilities of a witch doctor which I am not a part of. Can he withdraw please Mr. Speaker?

(Laughter)

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga do you want clarification from him or a withdrawal?

Hon. Kenga: Point of Order Mr. Speaker!

The Deputy Speaker (Hon. Mwambire): Hon. Stanley Kenga, kindly hold on so that hon. Nixon Mramba can withdraw.

Hon. Mramba: Mr. Speaker, I beg to withdraw that Statement. Thank you.

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(Laughter)

The Deputy Speaker (Hon. Mwambire): Okay the Statement stands withdrawn. Hon. Kenga what is your Point of Order?

Hon. Kenga: It's a point of concern.

The Deputy Speaker (Hon. Mwambire): We don't have a point of concern in the Standing Orders. Which order particularly hon. Stanley Kenga?

Hon. Kenga: Mr. Speaker, I may not be very much conversant with the Standing Order but I just want to register my appreciations to the step that has been taken by hon. Mramba. You know the issues of witch doctors and you are an authority in that field and I know you have hosted them.

(Laughter)

The Deputy Speaker (Hon. Mwambire): Yes.

Hon. Kenga: Yes, Mr. Speaker, and when he said, he is a witchdoctor, I thought we were risking his life because when you call somebody a witch doctor, it is like you are calling people to go ahead and slaughter him. So thank you very much for having withdrawn your Statement hon. Mramba. He (Hon. Kiraga) is not a witch doctor.

The Deputy Speaker (Hon. Mwambire): Hon. Stanley Kenga, are you representing some of the witch doctors and witchcraft? This is just on a light touch, are you representing some of them? You mean when people move around your Ward they will not see a poster indicating that there is a *Mganga mashuhuri* (famous witch doctor) in Adu Ward? This is just on a light note still; do not respond to it because we have the Chairperson for Culture here. She is here and all the Members of Culture Committee are around maybe they will defend those issues. So let us not generate another debate about this. I think hon. Mramba has withdrawn and once a matter is withdrawn, we should not engage in it.

Hon. Emmanuel Kazungu Chai, I think your issues are clearly clarified now.

Hon. Chai: Thank you Mr. Speaker for giving me a chance at least to ventilate on the issue. As my Chairperson said he is going to get some clarification on the 2 million shillings. I was reading it as that the County Executive has set aside 2 million in the year 2015/2016 financial year on the development plan which means the Ksh 2 million is not for that group; it is for the development plan for all groups.

So this is what I was getting from this Statement. Instead of seeking further clarifications because I am very sure up here he has gone to the next step to explain that 'it is to develop a management plan which requires a level of about two to three million shillings,' so the 2 million should be for the development plan for groups.

The Deputy Speaker (Hon. Mwambire): Thank you very much hon. Emmanuel Kazungu Chai. I think what the Chairperson sought to clarify further was the Statement that had been raised by hon. Stanley Kenga. He was asking what will happen or what the ongoing plans are, now that the first quarter is already gone and we are now in the second quarter?

In his next Response, the Chairperson will inform Members when the County Government is intending to clear that issue. Since the money was already allocated and it was already budgeted for, the Committee has a right to inform hon. Kiraga when they are intending to implement that project. At the same time when the Committee is given its quarterly Report, they will update the Assembly how far they have reached on that matter as well.

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(Statement adjourned)

ADJOURNMENT

Honourable Members, let me apologize for what has happened earlier on. It happened that the Clerk's Office had developed two Order Papers and the Order Paper that had been served to me in the morning was different from the one that we are using. That is why I had gone ahead to seek further orders after I was about to adjourn the House. So it was not my fault, but let me apologies because it has already gone to the HANSARD.

There being no other Business hon. Members to transact at this moment, this House stands adjourned until tomorrow at 9.30 a.m. May God bless you. Thank you very much for your co-operation.

The House rose at 3.00 p.m.