



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY –THIRD SESSION

THE HANSARD

Monday, 2nd December 2019

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

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

PRAYERS

STATEMENTS

IMPASSABLE ROADS IN KAMBE-RIBE WARD

Hon. Mwayaa: Thank you Mr. Speaker, Sir. I am holding brief for hon. Shaban. The Statement is directed to the County Executive Committee Member (CECM) in charge of Roads, Transport, and Public Works through the Chairperson; Roads, Transport, and Public Works on impassable roads in Kambe-Ribe Ward:-

Whether, the County Executive Committee Member in charge of Roads, Transport, and Public Works is aware that the following roads in Kambe-Ribe ward are impassable;

1. Ngabena – Mianzini road.
2. Chauringo – Mango road.
3. Chauringo – Pendeza road.
4. Pangani – Maloma – Mto Mkulu road.
5. Chigangoni – Mbwaka – Pangani road.
6. Mbwaka –Cobra –Kwa Shashara road.
7. Makobeni Kibandani – Kwa Makashero road.
8. Bondora – Kwa Ngundo – Daniel Mwalimu road.

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If yes, what measures is the CECM taking to make sure that proper repair and maintenance of the said roads are done? Signed by hon. Dickson Shaban.

DEPLORABLE STATE OF MRAMBA – CHAURINGO ROAD

Again, there is another Statement which is directed to the County Executive Committee Member in charge of Roads, Transport, and Public Works through the Chairperson; Roads, Transport, and Public Works on the deplorable state of Mramba to Chauringo road:-

Whether, the County Executive Committee Member (CECM) in charge of Roads, Transport, and Public Works is aware that the culvert at Mramba near Charles Mngereza is in a bad state allowing water to overflow which has created a big pothole. The road has been rendered impassable especially by small vehicles.

If yes, what measures is the CECM taking to make sure that the culvert is unblocked and potholes sealed? Signed by hon. Dickson Shaban.

NON-OPERATIONAL HIGH MAST LIGHT AT CHAURINGO VILLAGE IN KAMBE-RIBE WARD

Again Mr. Speaker, the last Statement is directed to the County Executive Committee Member in charge of the Department of Roads, Transport and Public Works through the Chairperson; Roads, Transport, and Public Works on the high mast light at Chauringo village in Kambe Ribe Ward:-

Whether, the County Executive Committee Member (CECM) in charge of Roads, Transport and Public Works is aware that the high-mast light at Chauringo village in Kambe Ribe Ward has not been operational for the last six months.

If yes, what measures is the CECM taking to make sure that the said high-mast light is operational? Signed by hon. Dickson Shaban.

STALLED CONSTRUCTION OF MARIKANO DISPENSARY IN JILORE WARD

Hon. Chiriba: Thank you Mr. Speaker, Sir. I rise seeking a Statement from the County Executive Committee Member in Charge of the Department of Health Services through the Chairperson, Health Services. The Statement is about Marikano Dispensary:-

Whether, the County Executive Committee Member (CECM) in charge of the said Department is aware that Marikano Dispensary, a project amounting to Kshs27.5 million stalled for the last one year after the contractor left the site.

Whether, the County Executive Committee Member is further aware that the watchman has not been paid for that period of time? If yes; One, why has the project stalled and what measures is she putting in place to have the project completed? Two, why has the watchman not being paid his salary for the said period and what plans is the CECM taking to pay the watchman? Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Next, hon. Mwayaa do you have any instructions on the next Statement from hon. Shaban?

Hon. Mwayaa: I think they were three.

The Speaker (Hon. Kahindi): They are four; there is another one from the Department of Water. You have three?

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Hon. Mwayaa: Yes I have three.

WATER SHORTAGE IN KAMBE-RIBE WARD

The Speaker (Hon. Kahindi): Okay, we will defer this one to another sitting.

(Statement deferred)

Response sought by hon. Kenga. Is hon. Kenga present? He is not present. Hon. Peter (Ziro) is not present too. Hon. Pascal Thuva from the Department of Health? Hon. Kiraga you are the Chairperson, Health?

Hon. Kiraga: Mr. Speaker, I am standing in for the Chairperson.

The Speaker (Hon. Kahindi): Okay.

STAFF SHORTAGE AT KILIFI COUNTY HOSPITAL MORGUE

Hon. Kiraga: Thank you so much Mr. Speaker. On behalf of the Chairperson, Health Services Committee, may I read the following Response. This Response is about a Statement sought by hon. Pascal Jacob Thuva on the Kilifi County Hospital morgue:-

The Department of Health Services is aware of the concern of long waiting time for morgue services at night at Kilifi County Hospital. This has been occasioned by staff shortage at the unit. Upon receiving the complaint on the 29th of October 2019, the Department shared the same with the Medical Superintendent at Kilifi County Hospital and advised him to address the matter and give a feedback to the County Directors, Chief Officers and CECM for Health Services.

The Medical Superintendent presented this matter to the Hospital Management committee during morning briefs held on 4th November 2019 at the Medical Superintendent's office. (Minutes of the meeting enclosed)

He explained to the committee of the community's concerns on long waiting time for services at the mortuary during the night. Currently there is a staff on night duty at the mortuary hence operations are 24 hrs (duty Rota attached). The Department is in the process of expanding mortuary services including the recruitment of mortuary attendants. We shall endeavor to strengthen health service delivery in all areas and appreciate your continued support. Thank you so much Mr. Speaker.

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

Hon. Pascal: Thank you Mr. Speaker. Let me congratulate the Chair and the Department for taking the appropriate measures to ensure that this problem is sorted. The reason I sought this Statement is because on many occasions there has been a public outcry on how this morgue services have been provided at the main hospital for Kilifi, that is why on like three occasions I had to visit personally because I had lost a student and had to stay there for over five hours. So I brought this Statement and I think the Department has taken the appropriate measures and this is the way to go Mr. Speaker. Thank you very much.

BILL

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THE KILIFI COUNTY CITIZEN PARTICIPATION AND CIVIC EDUCATION BILL, 2019

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Hon. Mumba) took the Chair]

THE KILIFI COUNTY CITIZEN PARTICIPATION AND CIVIC EDUCATION BILL, 2019

The Temporary Chairperson (Hon. Mumba): Hon. Members, once again welcome to the Committee of the Whole House. As usual the rules are relaxed, and we are considering the Kilifi County Citizen Participation and Civic Education Bill, 2019. Welcome.

Clause 3

Hon. (Ms.) Scholastica: I beg to move:-

THAT, Clause 3 be amended by inserting the following Articles of the Constitution;

Articles 35, 61, 69, 118, 119, 196, and 184 of the Constitution.

(Question of the amendment proposed)

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

(Clause 3 as amended agreed to)

Clause 6 (3)

Hon. (Ms.) Scholastica: I beg to move:-

THAT, Clause 6 (3) be amended by inserting the following:

(g) A cluster representing the registered people living with disabilities.

(Question of the amendment proposed)

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

(Clause 6(3) as amended agreed to)

Clause 7 (1) (c)

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Hon. (Ms.) Scholastica: I beg to move;
THAT, Clause 7(1) (c) be amended by deleting the following word “degree” and replace it therefore with the word “diploma”.

(Question of the amendment proposed)

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

(Clause 7(1) as amended agreed to)

Clause 20 (4)

Hon. (Ms.) Scholastica: I beg to move:-
THAT, Clause 20 (4) be amended by inserting the following paragraph immediately after paragraph (d);
(e) Matters of planning and provision for civic education at all levels within the county and further rename sub clause 3 to sub clause 5.

(Question of the amendment proposed)

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

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

(Clause 20(4) as amended agreed to)

Clauses 23(A), 24, 25, 26, 27

Hon. (Ms.) Scholastica: I beg to move;
THAT, Clauses 23(A), 24, 25, 26, 27, be renumbered to Clauses 24, 25, 26, 27, 28 respectively.

(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)

(Clauses 23(A), 24, 25, 26 and 27 agreed to)

Part IV

Hon. (Ms.) Scholastica: I beg to move:-
THAT, Part IV be renamed Part V.

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(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)

(Part IV as amended agreed to)

Clauses 28,29,30,31,32,33,34 and 35

Hon. (Ms.) Scholastica: I beg to move:-

THAT, Clauses 28,29,30,31,32,33,34 and 35 be renumbered to Clauses 34, 35, 36, 37,38,39,40 and 41 respectively.

(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)

(Clauses 28,29,30,31,32,33,34 and 35 as amended agreed to)

Clauses 36, 37,38,39,40 and 41

Hon. (Ms.) Scholastica: I beg to move:-

THAT, Clause 36, 37,38,39,40 and 41 be renumbered to Clauses 42, 43,44,45,46 and 47 respectively.

(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)

(Clauses 36, 37,38,39,40 and 41 as amended agreed to)

Hon. (Ms.) Scholastica: I beg to move:-

THAT, the Bill be amended by inserting immediately after Clause 28 thereof a New Clause as follows:-

New Clause 29

County Civic Education Objectives;

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- 1) The County Directorate of Citizen's Participation and Civic Education shall perform such activities to provide civic education for the objectives as follows:
 - a) To enhance knowledge and understanding on the Constitution of Kenya 2010.
 - b) To promote Constitutionalism and up holding to the rule of Law.
 - c) To increase efficiency and effectiveness in implementation of Devolution.
 - d) To support the expansion of citizen participation in public affairs and political processes particularly for the marginalized groups and communities.
 - e) To enhance effectiveness and efficiency in advocacy and lobbying for the implementation of community projects to quality basic service delivery by the duty bearers.
 - f) To promote fulfillment of access to human rights and responsibilities according to County Government Act Section 137.
- 2) The County Directorate shall appoint an officer in charge with Civic Education within the directorate.

(Question of the New Clause 29(1) a, b, c, d, e, f and 2 proposed)

(New Clause 29 (1) a, b, c, d, e, f and 2 read the First Time)

(Question, that the New Clause 29 (1) a, b, c, d, e, f and 2 be read a second Time, proposed)

(Question, that the New Clause 29 (1) a, b, c, d, e, f and 2 be read a second Time, put and agreed to)

(The New Clause 29 (1) a, b, c, d, e, f and 2 was read a second Time)

(Question, that the New Clause 29 (1) a, b, c, d, e, f and 2 be added to the Bill, put and agreed to)

New Clause 30

Hon. (Ms.) Scholastica: I beg to move:-

THAT, the Bill be amended by inserting immediately after Clause 29 thereof a New Clause as follows:-

Civic Education Providers

- 1) The County Directorate of Citizen Participation and Civic Education shall provide guidance to the ward forum through the presiding of the ward administrators to facilitate the recruitment of the civic educators in the respective county wards.
- 2) The civic educators will then be put under an intensive training in accordance to the National Civic Education curriculum.
- 3) The civic educators shall perform such tasks of organizing and providing quality civic education as volunteers who will be facilitated with transport, airtime and stipends by the county government.

(Question of the New Clause 30 proposed)

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(New Clause 30 read the First Time)

(Question, that the New Clause 30 be read a second Time, proposed)

(Question, that the New Clause 30 be read a second Time, put and agreed to)

(The New Clause 30 was read a second Time)

(Question, that the New Clause 30 be added to the Bill, put and agreed to)

New Clause 31

Hon. (Ms.) Scholastica: I beg to move:-

THAT, the Bill be amended by inserting immediately after Clause 30 thereof a New Clause as follows:-

Qualifications of Civic Educators

The Civic educator's recruitment will be guided among the following factors:-

- a) Be a Kenyan Citizen.
- b) Be 18 years and above.
- c) Be of sound mind.
- d) Good communication skills.
- e) Experience in community mobilization, organizational and facilitation skills
- f) Should meet the requirements of Chapter Six of the Constitution of Kenya.
- g) Posses basic knowledge on the Constitution of Kenya.
- h) Should not be an official of any political party.
- i) None state actors.
- j) Certified civic education providers who are none state actors may conduct civic education in the County civic education guidelines.
- k) None state actors shall coordinate with the directorate at all times as they carry out civic education.

(Question of the New Clause 31 proposed)

(New Clause 31 read the First Time)

(Question, that the New Clause 31 be read a second Time, proposed)

(Question, that the New Clause 31 be read a second Time, put and agreed to)

(The New Clause 31 was read a second Time)

(Question, that the New Clause 31 be added to the Bill, put and agreed to)

New Clause 32

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Hon. (Ms.) Scholastica: I beg to move;

THAT, the Bill be amended by inserting immediately after Clause 31 thereof a New Clause as follows:-

Civic Education Provision Avenues

The Civic educators shall use the following avenues among other in providing civic education:-

- a) Organized groups such as youth, men, women and self help groups, sport clubs and groups of people living with disabilities among others.
- b) Community *barazas*.
- c) Churches and mosques.
- d) Public forums and,
- e) Traditional gatherings.

(Question of the New Clause 32 proposed)

(New Clause 32 read the First Time)

(Question, that the New Clause 32 be read a second Time, proposed)

(Question, that the New Clause 32 be read a second Time, put and agreed to)

(The New Clause 32 was read a second Time)

(Question, that the New Clause 32 be added to the Bill, put and agreed to)

New Clause 33

Hon. (Ms.) Scholastica: I beg to move:-

THAT, the Bill be amended by inserting immediately after Clause 31 thereof a New Clause 33 as follows:-

Reporting on Civic Education

The Directorate shall publish a quarterly report on:-

- a) Number of certified civic education providers available.
- b) Number of civic education secessions conducted by the civic educators.
- c) Number of citizens reached with civic education.
- d) Assessment of the impact of civic education conducted by the civic educators.

(Question of the New Clause 33 proposed)

(New Clause 33 read the First Time)

(Question, that the New Clause 33 be read a second Time, proposed)

(Question, that the New Clause 33 be read a second Time, put and agreed to)

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(The New Clause 33 was read a second Time)

(Question, that the New Clause 33 be added to the Bill, put and agreed to)

Clause 2

Hon. (Ms.) Scholastica: I beg to move:-

THAT, Clause 2 be amended by inserting the following definitions:-

“Citizen Participation” means the process and methods designed to consult, involve and inform the public or stakeholders in order to allow those who would potentially be affected by a decision, any policy, legislation, program and project to have input in the process.

“Civic Education” means the process of giving information to the citizens on Constitution and constitutionalism, human rights and responsibilities and how these rights can be accessed and exercised according to the County Government Act Section 137.

“Stakeholders” means a person or groups who have an interest on public issues or who are likely or indirectly affected by a public issue, decision or policy whether negatively or positively.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

Clause 1

Hon. (Ms.) Scholastica: I beg to move:-

THAT, Clause 1 be amended by inserting the operational Clause immediately after “2019” and shall come into force on the date of publication in the Kenyan Gazette.

(Question of the amendment proposed)

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

(Clause 1 as amended agreed to)

(Long Title agreed to)

(Short Title agreed to)

The Temporary Chairperson (Hon. Mumba): Thank you hon. Members. I now call the Mover.

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Hon. (Ms.) Scholastica: Hon. Chairperson, I beg to move that the Committee do report to the House its consideration on the Kilifi County Citizen Participation and Civic Education Bill, 2019 as it was approved thereof with amendments. Thank you.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

THE KILIFI COUNTY CITIZEN PARTICIPATION AND CIVIC EDUCATION BILL, 2019

Hon. Mumba: Hon. Speaker, I beg to Report the Committee of the Whole House has considered the Kilifi County Citizen Participation and Civic Education Bill, 2019 and approved the same with amendments. Thank you.

Hon. (Ms.) Scholastica: Hon. Speaker, I beg to move that the House do agreed with the Committee on the said Report. I call hon. Mramba to second.

(Hon. Mramba seconded)

(Question proposed)

Hon. Mramba: Thank you Mr. Speaker. I stand in support of the amendments as proposed by the Chairperson. This Bill is long overdue and we have been waiting for this Bill for quite some time. We have been doing things without proper guidelines and the people of Kilifi County have been lamenting that the County does not take their views seriously and here we are now, I beg that this House approves this Bill so that it can go a long way in the citizen participation and all projects, programmes and our budget in the county. Thank you. I beg to support.

(Question put and agreed to)

Hon. (Ms.) Scholastica: Hon. Speaker, I beg to move that the Kilifi County Citizen Participation and Civic Education Bill, 2019 be now read the Third Time.

(Hon. Mwambire seconded)

(Question Proposed)

Hon. Mwambire: Thank you Mr. Speaker, Sir, for giving me this opportunity to second this Motion...

The Speaker (Hon. Kahindi): Proceed.

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Hon. Mwambire: Kilifi Citizen Forum is document which has been long awaited by residents in Kilifi County and as it is envisaged in the Constitution...

(Hon. Mumba stood on a Point of Order)

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

Hon. Mumba: Mr. Speaker, I just want to get it right; the Kilifi Citizen Forum is not a document that is before this House, so kindly let it be...

The Speaker (Hon. Kahindi): It is a Bill.

Hon. Mumba: Yes but the name is not citizen forum.

The Speaker (Hon. Kahindi): This is a Participation and Civic Education Bill; get it right Member for the record.

Hon. Mwambire: Thank you very much Mr. Speaker and thank you hon. Thomas Mumba for correcting me but I had already cited that mistake. So, as it envisaged in the Kenyan Constitution that Citizens should be fully involved in terms of project implementation, I hereby support this Motion that the House passes it.

In the past, we have had a lot of engagements with our people in terms of development matters in different forums without a Bill. I want to thank my Chairperson and the whole Committee; I want to thank you hon. Speaker too for enabling the Committee to go through this Bill making those amendments passed by this House. I hereby support and urge my fellow hon. Members to fully support its passage. Thank you very much Mr. Speaker.

(Question put and agreed to)

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

The Speaker (Hon. Kahindi): Hon. Members the Bill having been read for the Third Time it is now ready to be forwarded to the Governor for his assent.

COMMUNICATION FROM THE CHAIR

HON. MEMBERS BRIEF INFORMAL MEETING

On my Communication today, the Budget Chairperson wishes to have a small *Kamukunji* (informal meeting) with the Members; so we remain behind for like five minutes and then we proceed.

ADJOURNMENT

In the absence of any other business in the Order Paper, I move to adjourn the House until tomorrow. Thank you very much.

The House rose at 3.06 p.m.

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